



Assessment Sub (Standards) Committee

Date: FRIDAY, 31 JULY 2020
Time: 11.00 am
Venue: VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

Members: Vivienne Littlechild
Alderman & Sheriff Professor Michael Mainelli
Jeremy Simons
Elizabeth Walters (Co-optee)

Independent Person: Anju Sanehi

Enquiries: Gemma Stokley
gemma.stokley@cityoflondon.gov.uk

Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:
<https://youtu.be/gTsGA8iMaO8>

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **ELECTION OF CHAIRMAN**
For Decision
4. **SUB-COMMITTEE TERMS OF REFERENCE**
For Information
(Pages 1 - 2)
5. **MEMBERS' CODE OF CONDUCT (IN FORCE AT THE TIME THE COMPLAINTS WERE RECEIVED)**
For Information
(Pages 3 - 10)
6. **GUIDANCE TO MEMBERS - MEMBERS' CODE OF CONDUCT**
For Information
(Pages 11 - 18)
7. **COMPLAINTS PROCEDURE**
For Information
(Pages 19 - 50)
8. **PROTOCOL ON MEMBER/OFFICER RELATIONS**
For Information
(Pages 51 - 56)
9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**
10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
11. **EXCLUSION OF THE PUBLIC**
MOTION – That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

For Decision

12. **ALLEGED BREACH OF THE MEMBERS CODE OF CONDUCT (03/20)**
Report of the Comptroller & City Solicitor (Monitoring Officer).

For Decision
(Pages 57 - 78)

13. **ALLEGED BREACH OF THE MEMBERS CODE OF CONDUCT (04/20)**
Report of the Comptroller & City Solicitor (Monitoring Officer).

For Decision
(Pages 79 - 96)

14. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE SUB-COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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Assessment Sub Committee

- a) The Assessment Sub-Committee is established to receive and assess allegations that a Member or Co-opted Member of the City has failed, or may have failed, to comply with the Code of Conduct.
- b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-
 - (i) refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
 - (ii) direct the Monitoring Officer to arrange training, conciliation or other appropriate alternative steps; or
 - (iii) decide that no action should be taken in respect of the allegation.
- c) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.
- d) The quorum shall consist of any three elected Members.
- e) The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.

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CODE OF CONDUCT FOR MEMBERS IN RESPECT OF THE CITY OF LONDON CORPORATION'S LOCAL AUTHORITY, POLICE AUTHORITY AND NON-LOCAL AUTHORITY FUNCTIONS

1. You are a member of the City of London Corporation ("the Corporation") or a member of a committee of the Corporation (in this Code collectively referred to as a "Member") and hence you shall have regard to the Seven Principles of Public Life –

- a) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest.
- b) **INTEGRITY:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

NB - This Principle applies only to conduct by a Member in their capacity as a Member which may foreseeably lead to the Member being subjected to inappropriate influence in the performance of their duties. It does not apply to contracts of employment, service or other formal and informal business relationships entered into by Members in their private capacities and which are dealt with by the rules on disclosable pecuniary and non-pecuniary interests.

- c) **OBJECTIVITY:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d) **ACCOUNTABILITY:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e) **OPENNESS:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f) **HONESTY:** Holders of public office should be truthful.
- g) **LEADERSHIP:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. As a Member your conduct shall in particular address the Seven Principles of Public Life by:
- a) Championing the public interest, taking into account the needs of your constituents, including those that did not vote for you, and the community as a whole.
 - b) Dealing with representations or enquiries from residents, City voters, members of our communities and visitors fairly, appropriately and impartially.
 - c) Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Corporation or the good governance of the Corporation in a proper manner.
 - d) Exercising independent judgement and not compromising your position by allowing individuals or organisations to improperly influence you in the performance of your official duties by means of any financial or other obligations.
 - e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 - f) Being accountable for your decisions and co-operating when scrutinised internally and externally, including by constituents.
 - g) Contributing to making the Corporation's decision-making processes as open and transparent as possible to enable constituents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account, and not seeking to prevent any person from obtaining information that they are entitled to by law.
 - h) Restricting access to information when the wider public interest or the law requires it, and not disclosing confidential information, unless you are entitled to by law – refer to the Monitoring Officer if you are unsure.
 - i) Behaving in accordance with all of the Corporation's legal obligations, alongside any requirements contained within the Corporation's policies, protocols or procedures, including on the use of the Corporation's resources.
 - j) Ensuring that, when using or authorising the use by others of the resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - k) Valuing your colleagues and officers of the Corporation and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance.
 - l) Always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside, and not bullying,

harassing (including sexually harassing), intimidating or attempting to intimidate any person.

- m) Not doing anything which could reasonably be regarded as bringing your office or authority into disrepute.
- n) Upholding the Corporation's obligations under the Equality Act 2010 by promoting equality, and not discriminating unlawfully against any person on the grounds of race, gender, disability, religion or belief, sexual orientation or age.
- o) Registering and declaring any private interests, both pecuniary and non-pecuniary, that relate to your public duties in a manner conforming with the procedures set out below.
- p) Providing leadership through behaving in accordance with these principles when championing the interests of constituents with other organisations as well as within the Corporation.

Registering and declaring pecuniary and non-pecuniary interests

- 3. You must, within 28 days of taking office as a Member, notify the Town Clerk (on behalf of the Corporation's Monitoring Officer) of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners, together with any non-pecuniary interests of yours described in paragraph 7 below and thereafter maintain an up to date register of any such interests.
- 4. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Appendix 1) currently define disclosable pecuniary interests under the following categories:
 - a) Employment, office, trade, profession or vocation
 - b) Sponsorship
 - c) Contracts
 - d) Land
 - e) Licences
 - f) Corporate tenancies
 - g) Securities
- 5. Where you believe you have a sensitive interest¹, you should apply to the Monitoring Officer (via the Town Clerk) for exemption from the requirement that details of the interest be published and made available for inspection.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

6. In addition, you must, within 28 days of taking office as a Member, and thereafter on an ongoing basis, notify the Corporation's Monitoring Officer (via the Town Clerk) of any other pecuniary or non-pecuniary interest which you consider should be included on your Members' Declaration form if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life.
7. In any event you are required to disclose your membership of any:
 - (a) Management board or similar organ of any charity or body directed to a charitable purpose (e.g. a trustee or director) but excluding any charity or other such body administered by the Corporation
 - (b) Club or Society active in the City of London or which relates to any functions of the Corporation
 - (c) Fraternal or Sororal Societies
 - (d) Livery Company, City Company without Livery, Guild or Company seeking Livery
 - (e) Political Party
 - (f) Organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Corporation or which may have an impact on its services or stakeholders
 - (g) Professional Association
 - (h) Trade Association
 - (i) Trade Union
 - (j) Management board or similar organ of any organisation not falling within paragraph 3 or sub-paragraphs (a)-(i) above.
8. You must also notify the Corporation's Monitoring Officer (via the Town Clerk) of any gift or hospitality received by you as a Member with a value of £100 or more, or multiple gifts and/or instances of hospitality with a cumulative value of £200 or more when received from a single donor within a rolling twelve month period. Such notification must be made within 28 days of receipt, or within 28 days of reaching the cumulative threshold, as appropriate.
9. Special provision shall be made for the Lord Mayor and other holders of special offices in relation to the registration of gifts and hospitality to be set out in Guidance to be issued by the Standards Committee.
10. Entries shall be retained in the register of gifts and hospitality for three years – older entries will be removed.
11. If an interest has not been entered onto the Corporation's register, then the Member must disclose the interest to any meeting of the Corporation at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'¹.
12. Following any disclosure of an interest not on the Corporation's register or the subject of pending notification², you must notify the Monitoring Officer (via the Town Clerk) of the interest within 28 days beginning with the date of disclosure.

² This is where an interest has been notified to the Monitoring Officer but has not yet been entered on the register.

13. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

14. Your participation in any item of business:

- a) in which you have any other interest; or
- b) that affects a donor from whom you have received any gift or hospitality;

that is registered, or ought to be registered as set out above, will need to be considered by you on a case by case basis. You will only be expected to exclude yourself from speaking or voting in exceptional circumstances, for example where there is a real danger of bias.

15. If in doubt about any of the above matters you are encouraged to seek advice from the Town Clerk or the Corporation's Monitoring Officer.

STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

<i>Made</i>	- - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>		<i>8th June 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011⁽³⁾, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of [a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union];

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000⁽⁴⁾ and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

2.The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

⁽³⁾ 2011 c.20.

⁽⁴⁾ 2000 c. 8.

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992⁽⁵⁾.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

⁽⁵⁾ 1992 c. 52.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Approved by the Court of Common Council on 8 March 2018.



Guidance to Members – Members’ Code of Conduct

General

1. This Guidance is supplemental to the City of London Corporation’s Code of Conduct for Members (“the Code”). As in the Code, any reference to a “Member” includes both a member of the Corporation and a member of a committee of the Corporation.
2. It is not possible to cover every scenario or eventuality in this Guidance, which is intended as an aid for Members. It is not meant to be construed in an overly forensic or legalistic fashion. Rather, Members should consider how their actions might be perceived by the general public. In interpreting this Guidance and the Code, Members should at all times have regard to the Seven Principles of Public Life – selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. Further advice on the requirements of the Code can be obtained from the Corporation’s Monitoring Officer (the Comptroller & City Solicitor) or the Committee and Member Services Team.

Register of Member Interests

3. All information provided on a Member Declaration Form will be published and made available for inspection – the only exception is where specific information is deemed to be sensitive, as set out in the Code.
4. A Member’s register of interests will be published via the respective Member’s page on the Corporation’s website. The register includes sections on disclosable pecuniary interests, non-pecuniary interests and gifts and hospitality.
5. The Code sets out the relevant timescales for registering interests. One requirement is to notify the Monitoring Officer (via the Town Clerk) of any disclosable pecuniary interest, and specified non-pecuniary interests, within 28 days of taking office as a Member. Accordingly, a Member Declaration Form will be sent to Members following election or appointment.
6. Where a Member has been re-elected or re-appointed, the requirements of the Code are satisfied if the register is updated – it is not necessary to register interests that have previously been notified to the Town Clerk.
7. The Code also states that a Member must maintain an up to date register of interests and Members are encouraged to regularly review their register entries. In addition, Members will be contacted individually once a year to review and where necessary update their register of interests and will also be reminded of the arrangements in respect of requests for dispensations.

8. Where you wish to register any interest, please use the Declaration Form provided (where appropriate) or contact the Committee and Member Services Team via email at declarations@cityoflondon.gov.uk or telephone: 020 7332 1407 or 020 7332 1409.

Disclosable Pecuniary Interests

9. The Code requires Members to register their disclosable pecuniary interests, as defined by regulations made by the Secretary of State – the current regulations are included in Appendix 1 of the Code.
10. It is essential that Members follow the rules on disclosable pecuniary interests because failure to do so may result in prosecution, a fine and/or disqualification as a member for up to 5 years. Investigations and sanctions regarding breaches of this aspect of the Code will be a matter for the Director of Public Prosecutions.

Declaring interests in Securities

What are Securities?

11. For these purposes “securities” means “shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and any other securities of any description other than money deposited with a building society” (Regulation 1 of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

What Securities must be registered?

12. Members must register any beneficial interest in securities where:-
- (a) The body, to the member’s knowledge has a place of business or land within the City of London’s area; and
- (b) either-
- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body (whichever is the lower); or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

What is a “beneficial interest”?

13. A beneficial interest arises where there is a right to the economic benefit of the securities i.e. a right to the income from the securities or a share of it and a right to the proceeds of sale or part of the proceeds.

What degree of knowledge is required?

14. A Member will be taken to have knowledge of the necessary facts if:-
- They have actual knowledge; or
 - They wilfully shut their eyes to the obvious; or
 - They wilfully and recklessly fail to make such inquiries as an honest and reasonable man would make; or

They have knowledge of circumstances which would indicate the facts to an honest or reasonable man; or
They have knowledge of circumstances which would put an honest and reasonable man on enquiry.

Thus genuine and reasonable ignorance of the facts is required if the obligation to register a disclosable pecuniary interest is to be avoided.

15. There is no general obligation to undertake extensive enquiries and thus a Member with significant holdings in, say, a unit trust is unlikely to be required to ascertain the value of the beneficial interest in each company within the trust and whether they have a place of business in the City provided that this is not apparent from the material routinely supplied to unit trust holders.

What is a “reasonable excuse”?

16. There is no statutory definition and whether a “reasonable excuse” for failure to register a disclosable pecuniary interest exists will depend on all the circumstances of the case. The Court will consider the actions of a Member from the perspective of a prudent person exercising reasonable foresight and due diligence having proper regard to their responsibilities.

Non-pecuniary interests

17. Members are also required to register specific non-pecuniary interests as set out in the Code. Some illustrative examples of the types of organisations and bodies intended to be included in particular categories in paragraph 7 of the Code are set out below:

- Fraternal or Sororal Societies would include Freemasonry and the Royal Antediluvian Order of Buffaloes;
- Club or Society active in the City of London would include a Ward Club;
- Club or Society which relates to any functions of the Corporation would include the Heath & Hampstead Society.

18. This does not do away with the general obligation, in accordance with the Nolan Principles and the general duties set out in the Code, that Members are also required to notify the Town Clerk of any other interest that warrants disclosure.

Gifts and hospitality

19. Members must also notify the Corporation’s Monitoring Officer (via the Town Clerk) of any gift or hospitality received that, when valued in accordance with this Guidance, meets or exceeds the relevant thresholds set out in the Code (being £100, or a cumulative value of £200 within a twelve month period). Hospitality can be defined as any food, drink, accommodation or entertainment freely provided or heavily discounted.

20. Please contact the Committee and Member Services Team within 28 days of receipt of any disclosable gift or hospitality specifying the following details:

- description of the gift or hospitality (i.e. tickets to a theatre performance);
- the date it was received;

- from whom the gift or hospitality was received (where the person who invites a Member to an event is not the person paying for the event, the identities of both persons (or organisations, etc.) must be specified if known).

21. It is acknowledged that special arrangements are required in relation to gifts and hospitality provided to the Lord Mayor and Sheriffs, and these arrangements are set out in Appendix 1.

Gifts and hospitality that do not need to be disclosed

22. The following do not need to be disclosed:

- gifts and hospitality provided by the Corporation, including committee dinners or lunches associated with committee visits and hospitality offered by the Corporation at external events such as MIPIM;
- tickets to events at the Barbican Centre or Guildhall School of Music and Drama, where the Chairman, Managing Director or Principal (i.e. the Corporation) is the host – but this does not include invitations from external organisations e.g. the London Symphony Orchestra, or the Royal Shakespeare Company;
- any invitation from Her Majesty The Queen.

23. In addition, a Member only has to disclose gifts or hospitality received by virtue of being a Member – this will not normally include gifts or hospitality received from friends or family. Members should apply common sense when they consider how receipt of a gift or hospitality might be interpreted. For example, if the Member is a member of the Planning and Transportation Committee, and a birthday present arrives from an applicant just before a planning application is due to be considered, then the Member should think about how this would be interpreted by a reasonable member of the public. If in doubt, the Member should disclose the interest.

24. Members do not need to disclose gifts and hospitality that do not reach the relevant thresholds.

How should Members assess the value of gifts and hospitality received?

25. Members should assess all of the hospitality on offer at any event attended, whether it is accepted or not. This approach is in the interests of transparency, certainty and accountability; and avoids Members being drawn into a debate about exactly what they ate or drank on a particular occasion. Members should consider how much a person could reasonably expect to pay to attend an equivalent function or event run on a commercial basis. Likewise, in relation to gifts, Members should consider how much a person could reasonably expect to pay for an equivalent item on a retail basis. Where a Member is in any doubt as to value, the prudent course is to err on the side of caution and register the gift or hospitality in question.

26. Some examples of gifts and hospitality that are unlikely to reach the individual threshold are as follows:

- drinks receptions (where only drinks and canapés are served);
- standard commemorative gifts including pin badges, published materials, ties, paper weights, plaques.

27. Some examples of gifts and hospitality that are likely to reach the individual threshold are as follows:
- overseas trips or overnight accommodation;
 - formal luncheons or evening dinner events;
 - bespoke gifts that have been sourced/ made specifically for the Member (e.g. an engraved crystal vase, or a gold picture frame with a signed limited edition print);
 - hospitality packages including lunch or dinner and tickets to a sporting or cultural event.
28. Gifts and hospitality received by friends and family of a Member, by virtue of the latter being a Member, should also be treated as having been received by the Member and registered accordingly.

Additional caution

29. Caution should be exercised where the offer of any gift or hospitality is over and above what could reasonably be viewed as ancillary to the business being conducted, or is wholly unrelated to the business being conducted.
30. Particular caution should also be exercised by Members involved in determining regulatory matters (licensing, planning) and making decisions that affect the financial position of others.
31. Where a Member has reservations about accepting a gift, but is concerned that a refusal to accept the gift might cause offence, one available course of action would be to pass the gift on to the Corporation, rather than retaining it personally.
32. Members also need to be mindful of where their private activities might cross over with or be perceived to cross over with their activities as a Member.
33. Interests under the Code may also give rise to obligations in a Member's other capacities e.g. to an employer, or a charity for which one works in a personal capacity, and Members are advised to independently verify the requirements of such bodies.

Declaring interests at meetings

34. Where a Member has registered their pecuniary and non-pecuniary interests in accordance with the Code, there is no requirement to additionally declare the existence of such an interest at a meeting of the Corporation at which that interest is engaged. However, in the interests of transparency it is good practice to do so.

Confidential information

35. A Member must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
- they have the consent of a person authorised to give it;
 - they are required by law to do so;
 - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- the disclosure is –
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

36. A Member should seek advice from the Monitoring Officer if they are unsure about the applicability of the above exceptions.

Relationship between the Code and the Protocol on Member/Officer Relations

37. Non-compliance with the Protocol on Member/Officer Relations (“the Protocol”) does not in itself amount to a breach of the Code. However, the purpose of the Protocol is to provide a guide to working relationships between Members and Officers, and therefore the Protocol may be referred to when interpreting the provisions of the Code in such circumstances.

38. The Protocol includes a dispute procedure where an Officer is dissatisfied with a Member’s conduct or behaviour. This does not preclude an Officer from making a complaint to the Monitoring Officer if they believe that there has been a breach of the Code. Likewise, if a matter is raised with a Chief Officer or the Town Clerk under the Protocol, they may choose to refer the matter to the Monitoring Officer for assessment as a breach of the Code in appropriate circumstances.

39. Where a written complaint is made alleging that a Member has breached the Code, that complaint shall be dealt with in accordance with the arrangements that the Corporation has in place under the Localism Act 2011, notwithstanding any possible alternative action under the Protocol in relation to the conduct or behaviour in question.

Further information

For further information regarding the Members’ Code of Conduct, please contact:

Michael Cogher (Comptroller & City Solicitor)
Tel: 020 7332 3699
Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee and Member Services Manager)
Tel: 020 7332 1409
Email: lorraine.brook@cityoflondon.gov.uk

Appendix 1 to Guidance to Members – Members’ Code of Conduct

Gifts and hospitality – Lord Mayor

The same financial thresholds for the registration of gifts and hospitality apply to the Lord Mayor as to other Members. However, due to the sheer number of events attended, the details of gifts and hospitality received will be presented on a quarterly basis. This will be via a log maintained on the Lord Mayor’s webpages by staff at Mansion House, with a link from the Lord Mayor’s “Member’s” web page during their term of office.

The log will include disclosable gifts and hospitality received by the Lady Mayoress or Lord Mayor’s Consort, as well as gifts and hospitality received by a Lord Mayor Locum Tenens or Sheriff in the place of and on behalf of the Lord Mayor.

There are rare instances where the disclosure of a specific item of hospitality or related gift into the public domain may give rise to diplomatic, commercial or political sensitivities. In such cases that item will not appear on the public register but the relevant details will be notified to the Standards Committee.

It is acknowledged that failure to register gifts, on the basis that they do not meet the relevant value threshold, may cause offence in some cases. Therefore, in the same way that any Member can choose to register gifts with a lesser value, it has been agreed that the Lord Mayor will register all gifts received. For the same reason, in no case will the description of a gift include an approximate value.

Although the Lord Mayor can expect to receive many gifts during his or her year in office as a matter of courtesy, the large majority of those gifts are not retained by the Lord Mayor personally. Whilst the Standards Committee considers that it is important that it receives details of those gifts that are retained, it is acknowledged that this information may again give rise to diplomatic, commercial or political sensitivities and the relevant details will not therefore be released into the public domain.

Gifts and hospitality – Sheriffs

The arrangements for the registration of gifts and hospitality by the Sheriffs will as far as possible mirror the arrangements for the Lord Mayor. The Sheriffs, be they Aldermanic or non-Aldermanic, are subject to the Code and will have an individual register of interests. The details of gifts and hospitality received by the Sheriffs in that capacity will also be presented on a quarterly basis but via a log maintained by Old Bailey staff and published on the Corporate Governance webpages. Again, there will be a link from the “Member’s” web page of both Sheriffs during their term of office.

As set out above, disclosable gifts and hospitality received by a Sheriff in the place of and on behalf of the Lord Mayor will be recorded in the log maintained by staff at Mansion House and not the log maintained by staff at the Old Bailey.

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Approved by the Court of Common Council on 8 March 2018 and in force from 19 July 2018.



HOW COMPLAINTS SUBMITTED TO THE CITY OF LONDON CORPORATION RELATING TO THE MEMBER CODE OF CONDUCT WILL BE DEALT WITH

INTRODUCTION

1. The Localism Act 2011 requires the City of London Corporation to have in place arrangements under which written allegations of a breach of the member code of conduct can be investigated and decisions on those allegations taken. These arrangements apply to both elected members and co-opted members and this handbook sets out to explain the arrangements in more detail.
2. The Localism Act 2011 only applies to the City of London Corporation in its capacity as a local authority or police authority. However the City of London Corporation has chosen to apply the member code of conduct and these arrangements to all of its functions.

DEFINITIONS

3. In this handbook:-

“the Corporation” means the City of London Corporation;

“member” means an elected member or co-opted member of the Corporation (unless specified);

“complaint” means a written allegation of a breach of the member code of conduct;

“complainant” means a person who has made a complaint;

“subject member” means a member who is the subject of a complaint;

“the Aldermanic Chairmen” means the Chairman of the General Purposes Committee of Aldermen and the Chairman of the Privileges Committee of Aldermen.

PEOPLE INVOLVED IN THE COMPLAINTS PROCESS

MONITORING OFFICER

4. The Corporation’s Monitoring Officer is the Comptroller & City Solicitor. The Monitoring Officer has a statutory duty under section 5 of the Local Government and Housing Act 1989 to report any contravention, or likely contravention, of any enactment or rule of law, and certain types of maladministration or failure, by the Corporation, its members or officers. The Monitoring Officer also has responsibility under the Localism Act 2011 for maintaining the register of interests for members, and has traditionally had a wider role in relation to member conduct.

STANDARDS COMMITTEE

5. The Corporation’s Standards Committee will consist of 12 elected Aldermen and Common Councilmen of the Corporation, together with 4 non-voting co-opted members appointed under the Local Government Act 1972.

INDEPENDENT PERSONS

6. The Corporation must appoint at least one Independent Person under the Localism Act 2011 whose views:
 - (i) must be sought, and taken into account, by the Corporation before it makes its decision on an allegation that it has decided to investigate;
 - (ii) may be sought by the Corporation in relation to an allegation in other circumstances;
 - (iii) may be sought by a member against whom an allegation has been made.
7. The Corporation has decided to seek the views of an Independent Person at every stage of the consideration of a complaint. A subject member may also seek the views of an Independent Person at every stage of the complaints process. Further details are provided in the relevant sections of this procedure. To avoid any issues of fairness and confidentiality arising from this dual role, the Corporation aims to have three Independent Persons in post at any one time.
8. Independent Persons must not have been a member, co-opted member or officer of the Corporation in the last five years, nor be a relative or close friend of a member, co-opted member or officer. In addition, in order to preserve their independence and remain at arms length from the Standard Committee, the Corporation's Independent Persons do not attend meetings of the Standards Committee other than hearings, where they have a statutory role, and meetings at which their role is under discussion to which they are invited to contribute on matters relating to that role. Upon request, they are supplied with the agendas, minutes and other documents of the Standards Committee to enable them to remain abreast of discussions and decisions about the code of conduct and conduct matters generally. They are also invited to attend a six monthly briefing with the Chairman and Deputy Chairman of the Standards Committee and the Monitoring Officer.

CHIEF COMMONER & ALDERMANIC CHAIRMEN

9. The Chief Commoner is a Common Councilman who has made a distinguished contribution to the Corporation over a number of years. A new Chief Commoner is elected by the Court of Common Council in October each year. The Aldermanic Chairmen are elected by the Aldermen from amongst their number who have passed the Chair (i.e. served as Lord Mayor). The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Aldermanic Chairmen perform a similar function in relation to Aldermen.

STANDARDS APPEAL COMMITTEE

10. The Corporation's Standards Appeal Committee will consist of 12 members comprising elected Aldermen and Common Councilmen of the Corporation, who are not members of the Standards Committee.

CONFLICTS OF INTEREST

11. Individuals should not participate in the consideration of a complaint where there is a real risk of bias, or the perception of bias, or if they have, or might be reasonably perceived to have, a conflict of interests – for example, if they are personally involved, or if a family member or close associate is involved. A close associate is someone that a reasonable member of the public might think they would be prepared to favour or disadvantage because of their connection with them. It may be a friend, a colleague, a business associate or someone that they know through general social contacts. A conflict would not arise from mere acquaintance, or the sort of relationship that usually exists between members and/or officers of the Corporation.
12. If the Monitoring Officer has a conflict of interests then he shall delegate his functions in relation to that particular complaint to another officer of the Corporation. If another individual involved in the consideration of complaints has a conflict of interests in relation to a particular matter, this will generally be dealt with through selection and the committee arrangements at the relevant stage of the process.

TRAINING

13. The Corporation provides training for all individuals involved in the consideration of complaints and appeals to ensure that they are dealt with appropriately and consistently. The Corporation also provides training for all members to help them to comply with the code of conduct.

INFORMAL RESOLUTION OF DISPUTES

14. An allegation that a member has breached the code of conduct may not necessarily be made in writing, for example it may be a concern raised with the Monitoring Officer orally. In such cases, the Monitoring Officer should ask the person making the allegation whether they want to formally put the matter in writing. If they do not, the Monitoring Officer may consider options for the informal resolution of the matter.
15. This could involve a meeting with the Chief Commoner or one of the Aldermanic Chairmen. Their intervention has in the past been a very effective mechanism for resolving problems between members. Equally, there is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Aldermanic Chairmen directly for assistance with the reconciliation of disputes. These arrangements generally fall outside the scope of this handbook.¹
16. The Chief Commoner and the Aldermanic Chairmen have a discretion to share with the Standards Committee information which they consider necessary in promoting and maintaining high standards of conduct by members. The Standards Committee may also ask them whether there is any such information

¹ Although as agreed by the Chief Commoner and the Aldermanic Chairmen we would expect them to respond to such approaches in a timely manner (normally within 21 days) setting out what action, if any, they intend to take to attempt to resolve matters.

to be shared, although the Standards Committee does not have a formal role of monitoring the pastoral activities of the Chief Commoner and the Aldermanic Chairmen.

17. Where the Chief Commoner or one of the Aldermanic Chairmen receive allegations of criminality, racial abuse or sexual harassment relating to a member, they shall be under an obligation to pass such matters to the Standards Committee for assessment. In other cases where the matter relates to a potential breach of the code of conduct, informal resolution by the Chief Commoner or one of the Aldermanic Chairmen will require the consensus of all parties, as the matter could be referred to the Standards Committee as a complaint at any time – including by the Chief Commoner or the Aldermanic Chairman concerned. If a matter in which the Chief Commoner or one of the Aldermanic Chairmen is involved is subsequently referred to the Standards Committee as a complaint, he or she should cease to take any action in relation to the matter. Similarly, a member who is aggrieved by any course of action proposed by the Chief Commoner or one of the Aldermanic Chairmen in relation to a potential breach of the code of conduct may refer the matter to the Standards Committee for formal consideration.

COMPLAINTS

MAKING A COMPLAINT

18. The Corporation's complaints process is publicised on the complaints and corporate governance pages of our website and explains where code of conduct complaints should be sent to. This is to ensure that members of the public are aware of the responsibility for handling code of conduct complaints and what the process entails.
19. A copy of the complaint form is included at Appendix 1 to this handbook and can be accessed via the Corporation's website. Alternatively, a complaints form can be requested from Lorraine Brook, Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Formal complaints must be submitted in writing although this includes fax and electronic submissions.
20. The form covers the following matters:-
 - (i) Complainant's name, address and contact details;
 - (ii) Complainant's status i.e. fellow member, member of the public or officer;
 - (iii) Who the complaint is about;
 - (iv) Details of the alleged misconduct including, where possible, the paragraphs of the code of conduct that have been breached, dates, witness details and other supporting information;
 - (v) A warning that the complainant's identity and a copy of the complaint will normally be disclosed to the subject member, unless there are exceptional circumstances.

21. Once a complaint is received at the Corporation, and the complaint specifies or appears to specify that it is in relation to the code of conduct, then it will be passed to the Assessment Sub-Committee of the Standards Committee for initial assessment. A complainant may, at any stage, withdraw their complaint with the consent of the Monitoring Officer, acting in consultation with the Chairman of the Standards Committee. If at this stage (or a later stage) it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.

CONFIDENTIALITY

22. In the interests of fairness and natural justice, the Corporation believes that members who are complained about generally have a right to know who the complainant is and to be provided with a copy of the complaint. We are unlikely to withhold a complainant's identity or any details of their complaint unless there are exceptional circumstances, for example if the complainant has reasonable grounds for believing that they will be at risk of physical or other harm or detriment if their identity is disclosed – but this list is not exhaustive.
23. Requests for confidentiality or for suppression of complaint details should be included in the complaint form and will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of the complaint. Where it is not appropriate to give the subject member a full copy of the complaint, the Assessment Sub-Committee will consider whether it is possible to give them a summary, or a redacted version of the complaint.
24. The Assessment Sub-Committee will confirm its decision to the complainant. If the request for confidentiality is not granted, the complainant will usually be allowed the option of withdrawing their complaint. However, it is important that in certain exceptional circumstances, where the matter complained about is very serious, the Corporation can proceed with an investigation or other action and disclose a complainant's name even if they have expressly asked us not to.
25. Where there is a reasonable suspicion that informing the subject member of a complaint may lead to an attempt to interfere with evidence or intimidate witnesses the Assessment Sub-Committee has the discretion to defer notification to enable a proper investigation to take place.
26. Where issues around confidentiality do arise, the procedures as set out in this handbook shall be modified accordingly.

ACKNOWLEDGING RECEIPT OF A COMPLAINT

27. The Monitoring Officer will acknowledge receipt of a complaint within 10 working days. The Monitoring Officer will provide the subject member with a copy of the complaint within the same timescale. The letter to the subject member will make it clear that they may seek the views of an Independent Person at the initial assessment stage, should they wish (see below).

INITIAL ASSESSMENT OF COMPLAINTS

RESPONSIBILITY

28. The Standards Committee will receive and assess allegations that a member of the Corporation has failed, or may have failed, to comply with the code of conduct. However, in order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee will conduct hearings through an Assessment Sub-Committee. The Standards Committee and its Assessment Sub-Committee are subject to the Corporation's standing orders in the normal way.
29. The Assessment Sub-Committee will consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member. The selection of the Assessment Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Committee. The quorum will be three voting members. The Assessment Sub-Committee will take into account the views of an Independent Person.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

30. The views of an Independent Person may be sought by the subject member at the assessment stage. A subject member exercising this right will be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the assessment of the complaint.

PUBLIC ACCESS TO MEETINGS AND PAPERS

31. Meetings of the Assessment Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Assessment Sub-Committee may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.
32. Meetings of the Assessment Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Assessment Sub-Committee on its website.

PRE-ASSESSMENT REPORTS AND ENQUIRIES

33. The Monitoring Officer may contact a complainant for clarification of their complaint if he is unable to understand the document submitted. The Monitoring Officer may also invite the subject member to provide initial written comments on the complaint before it is submitted to the Assessment Sub-Committee.
34. The Monitoring Officer may decide to obtain further information to assist the Assessment Sub-Committee with its decision – this may include:-
- (i) Obtaining a copy of a declaration of acceptance of office form;
 - (ii) Minutes of meetings;
 - (iii) A copy of a member's entry in the Register of Interests;
 - (iv) Information from Companies House or the Land Registry;
 - (v) Other relevant and readily obtainable documents.
35. Caution should be exercised in order to ensure that pre-assessment enquiries are not carried out in such a way as to amount to an investigation e.g. they should not extend to interviewing the parties or a potential witness.

ASSESSMENT OF COMPLAINTS

36. The Assessment Sub-Committee should firstly satisfy itself that the complaint meets the following tests:-
- (i) It is a complaint against one or more named members of the Corporation;
 - (ii) The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;
 - (iii) The complaint, if proven, would be a breach of the code of conduct under which the member was operating at the time of the alleged misconduct;
 - (iv) The complaint is about something that happened or came to light within the last three months, or is connected to alleged misconduct within the last three months, unless there are reasonable grounds for the complaint not having been made within that time period.
37. If the complaint fails one or more of these tests, it cannot be investigated as a breach of the code and the complainant must be informed that no further action will be taken in respect of the complaint.

ASSESSMENT CRITERIA

38. The Corporation has developed criteria for the Assessment Sub-Committee to use when assessing new complaints and deciding what action, if any, to take. These

criteria should ensure fairness for both the complainant and the subject member. Assessing all new complaints by established criteria will also protect the Assessment Sub-Committee from accusations of bias.

39. In drawing up assessment criteria, the Corporation has borne in mind the importance of ensuring complainants are confident that complaints are taken seriously and dealt with appropriately, whilst appreciating that a decision to investigate a complaint or to take other action will cost both public money and the officers' and members' time – an important consideration where the matter is relatively minor.
40. The following questions constitute the current assessment criteria:-
- (i) Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation?
 - (ii) Has the complaint already been the subject of an investigation or other action relating to the code of conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
 - (iii) Is the complaint insufficiently serious to warrant further action?
 - (iv) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat? In relation to politically motivated or tit-for-tat complaints, the Assessment Sub-Committee must decide whether the allegation is genuine and serious despite the motivation, or whether in fact it is reasonable to assume that it is not the expression in good faith of a genuine concern.

INITIAL ASSESSMENT DECISIONS

41. The Assessment Sub-Committee will make an initial assessment of each complaint received and will then do one of the following:-
- (i) arrange a formal investigation of the complaint; or
 - (ii) arrange training, conciliation or other appropriate alternative steps; or
 - (iii) decide that no action should be taken in respect of the complaint.
42. The suitability of “other action” is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way of resolving less serious matters. Examples of alternatives to investigation are:-
- (i) Arranging for the subject member to attend a training course;
 - (ii) Arranging for the subject member and complainant to engage in a process of conciliation;

- (iii) Instituting changes to a procedure of the Corporation if this has given rise to the complaint.
43. It may be useful for the Assessment Sub-Committee to seek written confirmation from all involved parties that they will co-operate with the process of other action proposed. In this case, a letter should be written to the parties outlining what is being proposed, why it is being proposed, why they should co-operate and what the Assessment Sub-Committee is hoping to achieve.
44. The Assessment Sub-Committee will normally complete its initial assessment of an allegation within 30 working days. The decision reached by the Assessment Sub-Committee and the reasons for it should adhere to the assessment criteria previously agreed.

PUBLICATION OF INITIAL ASSESSMENT DECISIONS

45. After the Assessment Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome within 10 working days. The decision letter will include:-
- (i) The main points of the matter considered;
 - (ii) The decision reached;
 - (iii) Clear and concise reasons for the decision on whether to proceed (including whether any of the assessment criteria were engaged); and
 - (iv) Clear and concise reasons for the decision on how to proceed (if appropriate).
46. Meetings of the Assessment Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-
- (i) a copy of the agenda for the meeting;
 - (ii) a copy of any report considered in public session;
 - (iii) the minutes of the proceedings held in public session;
 - (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from

the date of the meeting. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

47. The outcome will also be reported to the next meeting of the Standards Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. If the Assessment Sub-Committee has determined the matter without the need for an investigation then it will decide whether a formal announcement is called for as to its findings and any action taken. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.
48. Where the Assessment Sub-Committee finds that a subject member has not breached the code of conduct there will be a presumption against a formal announcement being made. However, the Assessment Sub-Committee will have regard to all of the circumstances of the case including:
 - (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.
49. Where the Assessment Sub-Committee refers the complaint for a formal investigation, any decision as to whether a formal announcement is called for will pass to the Hearing Sub-Committee, once the complaint has been determined.

INVESTIGATIONS

RESPONSIBILITY

50. Where the Assessment Sub-Committee has decided that an allegation should be formally investigated, an individual other than the Monitoring Officer will be responsible for that investigation ("the Investigating Officer"). The Monitoring Officer will appoint the Investigating Officer, in consultation with the Chairman of the Standards Committee. The Investigating Officer may be another officer from the Comptroller & City Solicitor's Department, or another Chief Officer of the Corporation. Where appropriate the Investigating Officer may be assisted by an external investigator. The Monitoring Officer will write to the complainant and the subject member to advise them of the person who will be responsible for conducting the investigation.

PROCEDURE

51. Investigations will be conducted in accordance with the relevant protocol, which is included at Appendix 3 to this handbook.
52. There are many factors that can affect the time it takes to complete an investigation. However investigations must be carried out, and a report on the investigation completed, within three months of the original complaint being assessed, unless there are exceptional circumstances. In the report, the Investigating Officer will conclude whether there is a case to answer i.e. whether there is or is not evidence of a breach of the code of conduct. The report will include all of the relevant evidence that the Investigating Officer has relied upon in coming to this conclusion. The hearing will normally be held within three months of receipt of the report.

HEARINGS

RESPONSIBILITY

53. The Standards Committee will hear and determine any allegation that a member has failed, or may have failed, to comply with the code of conduct. However, in order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee will conduct hearings through a Hearing Sub-Committee. The Standards Committee and its Hearing Sub-Committee are subject to the Corporation's standing orders in the normal way.
54. The Hearing Sub-Committee will consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member. Members should not be selected to sit on the Hearing Sub-Committee if they were selected to sit on the Assessment Sub-Committee in relation to the same complaint. The selection of the Hearing Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Committee. The quorum will be three voting members. The Hearing Sub-Committee will take into account the views of an Independent Person; preferably one who was not involved at the assessment stage.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

55. The views of an Independent Person may also be sought by the subject member at the hearing stage. A subject member exercising this right will again be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the hearing of the complaint.

PUBLIC ACCESS TO MEETINGS AND PAPERS

56. Meetings of the Hearing Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Hearing Sub-Committee may by resolution

exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.

57. Meetings of the Hearing Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Hearing Sub-Committee on its website.

PRE-HEARING PROCESS

58. A pre-hearing process shall be used to identify the issues, including areas of disputed fact, and to decide what (if any) witnesses are required to attend the hearing, unless all parties consider this unnecessary. A copy of the pre-hearing checklist is included at Appendix 4 to this handbook.

HEARING PROCEDURE

59. Both the complainant and the subject member may be legally represented and they, or their representatives, will be allowed to question witnesses, subject to the Chairman's discretion to manage the hearing in a fair and efficient manner. A copy of the hearing procedure is included at Appendix 5 to this handbook.
60. The burden of proof rests on the complainant, however the Hearing Sub-Committee will operate on an inquisitorial basis. The question whether there has been a breach of the code of conduct must be answered on the balance of probabilities.

FINDINGS

61. Following the hearing, the Hearing Sub-Committee will make one of the following findings:-
- (i) that the subject member has not failed to comply with the code of conduct;
 - (ii) that the subject member has failed to comply with the code of conduct but that no action needs to be taken in respect of the matters considered at the hearing;
 - (iii) that the subject member has failed to comply with the code of conduct and that a sanction should be imposed.
62. If the Hearing Sub-Committee makes a finding under sub-paragraph (iii) above, it may impose any one of or any combination of sanctions that are available, as set

out below. Where the subject member has failed to attend training provided by the Corporation in relation to the code of conduct this may be considered as an aggravating feature and held against the subject member when considering the imposition of any sanction or sanctions.

SANCTIONS

63. If the Hearing Sub-Committee finds that a subject member has failed to follow the code of conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- (i) censure of that member;
- (ii) withdrawal of Corporation hospitality for an appropriate period;
- (iii) recommending removal of that member from a particular committee or committees (including sub-committees);
- (iv) the Hearing Sub-Committee may also consider the suitability of other action.

CENSURE

64. Censure means a formal expression of severe disapproval, and is distinct from a simple finding that there has been a breach of the code of conduct.

WITHDRAWAL OF CORPORATION HOSPITALITY

65. Corporation hospitality includes committee lunches and dinners, drinks receptions, state banquets, etc. This sanction will normally only be considered where relevant to the nature of the complaint.

REMOVAL FROM COMMITTEE

66. The option of removal from a particular committee or committees includes sub-committees. The Hearing Sub-Committee will make a recommendation to the relevant appointing body in each case. This sanction will only be considered where proportionate and relevant to the nature of the complaint.

OTHER ACTION

67. The Hearing Sub-Committee has no power to impose any alternative sanctions, although the willingness of a member to co-operate in the matters listed below may have a bearing on any sanction that is imposed:-

- (i) that the member submits a written apology in a form specified by the Hearing Sub-Committee;
- (ii) that the member undertakes such training as the Hearing Sub-Committee specifies;

- (iii) that the member participates in such conciliation as the Hearing Sub-Committee specifies.

PUBLICATION OF DECISIONS FOLLOWING A HEARING

68. After the Hearing Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome within 10 working days. The decision letter will include:-

- (i) The main points of the matter considered;
- (ii) The decision reached;
- (iii) Clear and concise reasons for the decision in relation to breach; and
- (iv) Clear and concise reasons for the decision in relation to sanction (if appropriate).

69. Meetings of the Hearing Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-

- (i) a copy of the agenda for the meeting;
- (ii) a copy of any report considered in public session;
- (iii) the minutes of the proceedings held in public session;
- (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from the date of the meeting. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

70. The outcome will also be reported to the next meeting of the Standards Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. The Hearing Sub-Committee will decide whether a formal announcement is called for as to its findings and any sanctions imposed. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.

71. In the absence of a finding that a subject member has breached the code of conduct there will be a presumption against a formal announcement being made. Where the Hearing Sub-Committee finds that a subject member has breached the code of conduct, there will be a presumption in favour of a formal announcement being made. However, the Hearing Sub-Committee will have regard to all of the circumstances of the case including:
- (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.
72. Any formal announcement will be delayed until the appeal time limit expires and no appeal is received. If an appeal is received, any decision as to whether a formal announcement is called for will pass to the Standards Appeal Committee, once the appeal has been determined.

APPEALS

RESPONSIBILITY

73. The Standards Appeal Committee will determine any appeal from a complainant or subject member from a decision of the Hearing Sub-Committee. In order to carry out its functions efficiently and effectively, and, further, to avoid any conflicts of interest, the Standards Appeal Committee will conduct appeals through an Appeal Sub-Committee. The Standards Appeal Committee and its Appeal Sub-Committee are subject to the Corporation's standing orders in the normal way.
74. The Appeal Sub-Committee will consist of three members of the Standards Appeal Committee. The selection of the Appeal Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Appeal Committee. The quorum will be three members. The Appeal Sub-Committee will take into account the views of an Independent Person; preferably one who was not involved at the assessment or hearing stage.

MAKING AN APPEAL

75. If a subject member is aggrieved by a decision of the Hearing Sub-Committee they are entitled to appeal to the Appeal Sub-Committee. This may relate either to a finding that there has been a breach of the code of conduct and/or in relation to any sanction imposed. A complainant is also entitled to appeal to the Appeal Sub-Committee if aggrieved by a finding that there has not been a breach of the code

of conduct. Written notice of intention to appeal must be received by the Monitoring Officer within 14 days from the date that the appellant received the decision letter of the Hearing Sub-Committee. Full written details of the reasons for the appeal must then be received by the Monitoring Officer within a further 14 days.

RESPONDING TO AN APPEAL

76. The Monitoring Officer will forward the full written details of any appeal to the respondent and invite them to submit their own written comments in response to the Appeal Sub-Committee. Any written response must be received by the Monitoring Officer within 14 days from the date that the respondent received the full written details of the appeal.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

77. The views of an Independent Person may also be sought by the subject member at the appeal stage. A subject member exercising this right will again be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the determination of the appeal.

PUBLIC ACCESS TO MEETINGS AND PAPERS

78. Meetings of the Appeal Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Appeal Sub-Committee may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.
79. Meetings of the Appeal Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Appeal Sub-Committee on its website.

APPEAL PROCEDURE

80. The Appeal Sub-Committee may adopt such procedure as it considers appropriate having regard to the nature of the case. The Appeal Sub-Committee will normally make its decision on any appeal on the papers and will not hold a hearing *de novo* (a completely new hearing) of the whole matter. However, the Appeal Sub-Committee may decide to hear further oral evidence in a particular case if it deems this necessary. If the Appeal Sub-Committee does decide to hear further oral

evidence then the procedure will as far as possible follow the hearing procedure included at Appendix 5 to this handbook with any necessary modifications.

FINDINGS

81. Having due regard to the decision of the Hearing Sub-Committee, the Appeal Sub-Committee may substitute any alternative decision that it considers appropriate, providing it is a decision that the Hearing Sub-Committee had the power to make. The Appeal Sub-Committee may also remit a matter back to the Hearing Sub-Committee to be re-heard if it deems it appropriate to do so. The Appeal Sub-Committee will normally complete its review of the decision within 30 working days following receipt of the full written details of the appeal. There is no further right of appeal against a decision of the Appeal Sub-Committee.

PUBLICATION OF APPEAL DECISIONS

82. After the Appeal Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome. The decision letter will include:-

- (i) The main points of the matter considered on appeal;
- (ii) The decision reached;
- (iii) Clear and concise reasons for the decision in relation to breach (if appropriate); and
- (iv) Clear and concise reasons for the decision in relation to sanction (if appropriate).

83. Meetings of the Appeal Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-

- (i) a copy of the agenda for the meeting;
- (ii) a copy of any report considered in public session;
- (iii) the minutes of the proceedings held in public session;
- (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from the date of the meeting. However, the Corporation is not required to disclose to

the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

84. The outcome will also be reported to the next meeting of the Standards Committee and the Standards Appeal Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. The Appeal Sub-Committee will decide whether a formal announcement is called for as to its findings and any sanctions imposed. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.
85. In the absence of a finding that a subject member has breached the code of conduct there will be a presumption against a formal announcement being made. Where the Appeal Sub-Committee finds that a subject member has breached the code of conduct, there will be a presumption in favour of a formal announcement being made. However, the Appeal Sub-Committee will have regard to all of the circumstances of the case including:
 - (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.



COMPLAINT FORM

YOUR DETAILS

1. Please provide us with your name and contact details:

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:-

- The Member that you are complaining about;
- The Monitoring Officer of the City of London Corporation.

We will normally tell them your name and give them full details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted Member of the City of London Corporation
- ☐ An employee of the City of London Corporation
- ☐ Other (please specify.....)

MAKING YOUR COMPLAINT

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct:

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- If possible, please be specific about which paragraphs of the Code of Conduct you believe have been breached.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

ONLY COMPLETE THIS NEXT SECTION IF YOU ARE REQUESTING THAT
YOUR IDENTITY IS KEPT CONFIDENTIAL

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have the right to be provided with a copy of the complaint. We are unlikely to withhold your identity or any details of your complaint unless you have reasonable grounds for believing that you will be at risk of physical or other harm or detriment if your identity is disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not be automatically granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with the details of why you believe we should withhold your name and/or details of your complaint. Continue on a separate sheet if there is not enough space on this form:

6. ADDITIONAL HELP

Complaints must be submitted in writing (this includes fax and electronic submissions). However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

7. CONTACT DETAILS

If you have any queries regarding the completion of this form, or to submit your completed form by fax or email, please use the following contact details:

Michael Cogher (Comptroller & City Solicitor)
Tel: 020 7332 3699
Fax: 020 7332 1992
Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee & Member Services Manager)
Tel: 020 7332 1409
Fax: 020 7796 2621
Email: lorraine.brook@cityoflondon.gov.uk

Paper forms should be sent to either of the above recipients at the following address:

PO Box 270
Guildhall
London
EC2P 2EJ

Privacy Statement

We will only use the information you give us for the purpose of dealing with your complaint. This may involve sharing your personal information with the member you are complaining about and with members, officers and other individuals involved in the complaints process. We will look after personal information securely and we will follow the data protection legislation. We will not give personal information about you or any personal information you may provide on other people to anyone else or another organisation unless we are entitled to by law. The lawful basis to collect the information in this form is that it is necessary for compliance with a legal obligation under the Localism Act 2011 and also necessary for the performance of a task carried out in the public interest. Some of the information that may be collected in this form may be classified as special category personal data. This is processed for reasons of substantial public interest as set out in the legislation. To process this type of information we have an appropriate policy document that sets out how this information will be handled. The City of London Corporation's Data Protection Officer is the Comptroller and City Solicitor who can be contacted at information.officer@cityoflondon.gov.uk. You should refer to the Privacy Notice at www.cityoflondon.gov.uk/privacy for further information relating to the processing of personal data.

EXEMPT (NON-PUBLIC) INFORMATION

THE DESCRIPTIONS OF EXEMPT INFORMATION

The descriptions of exempt information under Part VA and Schedule 12A to the Local Government Act 1972 are as follows:-

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Where, in the opinion of the proper officer, the consideration of a complaint at a meeting is likely not to be open to the public, in order to prevent the disclosure of exempt information, any related papers will be treated as non-public pending a formal decision on the matter. This is in accordance with section 100B(2) of the Local Government Act 1972 and so as to avoid pre-judging the matter.

THE PUBLIC INTEREST TEST

However, the types of information set out above are only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If the public interest is equal on both sides, then the information must be disclosed – in this sense there is an assumption in favour of disclosure.

The Corporation must consider the balance of the public interest in each individual case, and therefore it is not possible to have a blanket ruling as to whether information relating to a complaint will be exempt or not.

There is no statutory definition of what constitutes the ‘public interest’. The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society, and there are often arguments to be made on both sides. A non-exhaustive list of relevant factors to be considered are set out below:-

GENERAL PUBLIC INTEREST IN TRANSPARENCY

There is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process.

SPECIFIC PUBLIC INTEREST IN THE COMPLAINT

As well as the general public interest in transparency, which is always an argument for disclosure, there may also be a legitimate public interest in knowing the details of a particular complaint. For example, if the complaint relates to the misappropriation of public funds, or it is alleged that the subject member’s conduct has impacted on public services.

DETERRENT EFFECT

If members know – because the Corporation’s policy is to publish in an appropriate case – that improper conduct, if it comes to light, will be exposed to the glare of public scrutiny then this, in and of itself, can act as a deterrent to misconduct in the first place.

OF INTEREST TO THE PUBLIC

The public interest is not necessarily the same as what interests the public. The fact that a subject member’s actions are being discussed, for example in the media, does not automatically mean that there is a public interest in disclosing the information.

THE VIEWS OF THE PARTIES

The public interest test is concerned only with public interests, not private interests. However, the complainant and the subject member may be invited to make representations regarding the public interest in a particular case. For example, if neither has any concerns about information relating to the complaint being disclosed then it is unlikely that the exemption would be maintained.

INFORMATION ALREADY IN THE PUBLIC DOMAIN

If a complaint relates to the conduct of the subject member at a public meeting, then it is unlikely to be treated as exempt because knowledge of the incident is already in the public domain. However if, for example, the conduct may have been caused by an underlying medical condition, then it is likely that this would be exempt information.

PRESENTING A 'FULL PICTURE'

Similarly, there may be cases where allegations have been thoroughly aired, for example in the press and on social media; the coverage may have been partisan and not always accurate. It may be in the public interest to make the full facts known to the public, rather than having snippets referred to and innuendos drawn from those snippets.

EVIDENCE OF WRONGDOING

It is not in the public interest for baseless accusations against members of the Corporation to be publicised. Therefore in order for information regarding a complaint to be disclosed, the suspicion of wrongdoing must normally amount to more than a mere allegation; there should be a plausible basis for the suspicion, even if it is not actually proven at that stage. It is not wrong or unfair in principle to publish allegations, as opposed to ultimate findings, but we will take into account the nature and depth of any investigations undertaken, and the strength of the case against the subject member.

Consequently, it is less likely that information regarding a complaint will be disclosed at the initial assessment stage, particularly where it has been decided that no action should be taken. It is more likely that information will be disclosed if a subsequent investigation reveals a serious case to answer. It is more likely still that information will be disclosed if, after full consideration of all of the evidence at a hearing, or after any appeal, a subject member is found to have breached the code of conduct and a sanction is imposed.

INVESTIGATIONS PROTOCOL

Meeting with complainant

The Investigating Officer will interview the complainant to explore the complaint and identify supporting evidence and/or witnesses.

Meeting with subject member

The Investigating Officer will interview the subject member to explore the complaint and identify supporting evidence and/or witnesses.

The subject member shall have the right to be accompanied by a person of their choice. This may be a lawyer although the process will be an interview with the subject member rather than a hearing involving advocacy.

Interviewing witnesses

All requests for interviews will be made in writing and will include a summary of the matters that the Investigating Officer wishes to ask the witness about.

Recording of interviews

All interviews will either be recorded, or a full written transcript taken, and the interviewee will be provided with a copy.

Preparation of statements

The Investigating Officer may assist the parties and witnesses in the preparation of statements if they so wish, or they may choose to prepare their own statements.

Confidentiality

All interview records, witness statements and other materials produced in the course of the investigation will only be used and disclosed in accordance with the procedures set out in this handbook.

Retention of records

All interview records, witness statements and other materials produced in the course of the investigation will be retained by the Monitoring Officer for six years following the determination of the complaint and then destroyed.

Provision of draft report

At least 14 days prior to submitting a final report to the Hearing Sub-Committee on whether there is or is not evidence of a breach of the code of conduct the Investigating Officer will provide a copy of his/her draft report to the parties for comment. The draft

report will include all of the material gathered during the investigation that the Investigating Officer is intending to present to the Hearing Sub-Committee.

PRE-HEARING CHECKLIST

Should the pre-hearing (and hearing) be held in public session?

Are the parties to be legally represented or accompanied, and if so by whom?

When and where is the hearing scheduled to start?

When is the hearing expected to end?

If a public hearing, can the room accommodate the number of people expected?

Are any special facilities required?

What are the issues to be determined at the hearing?

Which facts are agreed and which are in dispute?

What, if any, of the written evidence is agreed or not in issue?

Do either of the parties wish to introduce additional evidence that is not included in the Investigating Officer's report?

Which witnesses are to be called, by whom and in relation to what issue?

What is the extent of the cross-examination of each witness that is proposed?

Does the Chairman wish to limit the time for questioning?

What order should the witnesses be called in and when should they attend?

Are there any representations in relation to the hearing procedure?

HEARING SUB-COMMITTEE – HEARING PROCEDURE

1. The Sub-Committee will open in public session. It is a matter for the Sub-Committee to determine whether it moves into confidential session with the press and public excluded, in accordance with the provisions of Part VA and Schedule 12A of the Local Government Act 1972. The views of the complainant and the subject member will be sought, if these have not already been received at the pre-hearing review.
2. The Chairman introduces the members of the Sub-Committee and others present, and explains the purpose of the hearing, the procedure to be followed and the nature of the meeting.
3. The complainant and the subject member may be legally represented if they wish, or accompanied by some other person, but will be expected to give evidence and answer any questions put to them personally.
4. The complainant and the subject member (and anyone representing or accompanying them) are invited to be present throughout the hearing; other witnesses will enter to give evidence and then withdraw.
5. The Investigating Officer presents his report (N.B. the Investigating Officer is not acting as 'prosecutor' or 'defence'). The Investigating Officer will then answer questions (if any) from the complainant, the subject member, the Independent Person and the Sub-Committee (in that order).
6. The complainant and then the subject member will be invited to make an opening statement which should be no more than ten minutes long.
7. The Chairman calls witnesses in the order agreed at the pre-hearing review, or otherwise in the order that their statements appear in the papers. The statements will be taken as read rather than read out. Witnesses will be asked to confirm that their statements are true.
8. Immediately after confirming the contents of their statement each witness will be invited to answer questions (if any) from the complainant, the subject member, the Independent Person and the Sub-Committee (in that order).
9. The Chairman has a discretion to manage the hearing in a fair and efficient manner and may therefore refuse to allow certain questions, or limit the time for questioning, in appropriate circumstances.
10. The views of the Independent Person in relation to the complaint will then be heard. The Independent Person will be invited to answer questions (if any) from the complainant, the subject member and the Sub-Committee (in that order).
11. There will then be an opportunity for the complainant and the subject member (in that order) to make any closing comments if they so wish. Again, these should be no more than ten minutes long.

12. The Investigating Officer, the complainant, the subject member, the Independent Person and any other persons present then withdraw to allow the Sub-Committee to consider the evidence and representations with the committee clerk and legal adviser and to take legal advice where necessary.
13. The Investigating Officer, the complainant, the subject member, the Independent Person and any other persons present are then invited to return and the Sub-Committee announces its decision as to whether there has been a breach of the Code of Conduct.
14. If the Sub-Committee considers that there has been a breach of the Code it may invite any representations from the complainant and the subject member (in that order) on the appropriate sanction (censure of the member; withdrawal of Corporation hospitality for an appropriate period; or removal of the member from a particular committee or committees). The Sub-Committee will also seek the views of the Independent Person on the question of sanction. The Sub-Committee may ask the parties to withdraw again to allow it to consider the appropriate sanction, then invite them to return to hear the Sub-Committee's decision as to any appropriate sanction.
15. The Sub-Committee will endeavour to conclude the hearing in one day but, in exceptional circumstances, may at any stage adjourn the hearing to a different day. This may be necessary, for example, where one of the parties makes a request to introduce additional evidence at the hearing, and more time is needed to consider this. An adjournment may also be necessary where the Sub-Committee, having heard all of the evidence, requires more time to come to a decision.
16. The decision, together with the reasons for that decision, will be confirmed to the parties in writing following the hearing.
17. This procedure may be varied by the Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.

Updated by the Court of Common Council on 25 April 2019.

PROTOCOL ON MEMBER / OFFICER RELATIONS

1. Introduction

- (1) The purpose of the Protocol, which was approved by the Court of Common Council on 13 April 2006, is to provide a guide to working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any statutory requirements governing such relationships. The Protocol applies whether such relationships are in the context of the City's role as a local authority, police authority, port health authority or in any of its other roles.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with the Chief Commoner and the Aldermanic Chairmen and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers.

2. Principles Underlying Member / Officer Relations

- (1) Good administration and effective decision-making are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of respective roles and responsibilities. These relationships, and the trust which underpins them, should not be abused or compromised.
- (2) Whilst it is acceptable for Members, particularly Committee Chairmen as part of their leadership role, to offer guidance to Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority. It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

- (1) Members are subject to:-
 - (a) the Corporation's Code of Conduct; and,
 - (b) Standing Orders of the Court of Common Council.
- (2) Members have four main areas of responsibility:-
 - (a) determining the policy and strategic direction of the Corporation
 - (b) monitoring and reviewing the performance of the Corporation in implementing that policy and delivering services
 - (c) representing the Corporation externally
 - (d) representing their constituents and stakeholders

- (3) It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services.
- (4) Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect the Officers' responsibility to provide impartial advice, guidance and information.
- (5) The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council and the properly constituted committees and sub-committees. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation.
- (6) Whilst individual Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairmen (and Deputy Chairmen) before certain delegated powers are exercised.
- (7) Leading Members i.e. the Lord Mayor, the Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Arrangements for media interviews and the issue of press releases will be made through or in agreement with the Public Relations Office.
- (8) Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokesmen for the Corporation.

4. Role of Officers

- (1) Officers are subject to:
 - (a) the Corporation's Code of Conduct;
 - (b) Standing Orders of the Court of Common Council;
 - (c) Financial Regulations; and,
 - (d) other instructions and professional guidelines relevant to their duties.
- (2) The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- (3) Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and must not act in any way to undermine that right.

- (4) Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

5. Expectations

- (1) Members have a right to expect from Officers:-
- (a) commitment to the Corporation as a whole
 - (b) a working partnership
 - (c) an understanding of, and support for, respective roles, workloads and pressures
 - (d) timely response to enquiries and complaints and the efficient execution of decisions
 - (e) impartial, professional advice and guidance
 - (f) regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
 - (g) respect, dignity and courtesy
 - (h) integrity, mutual support and appropriate confidentiality
 - (i) not to have personal issues raised with them outside the agreed procedures
 - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - (l) compliance at all times with the relevant Code of Conduct
 - (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues
- (2) Officers have a right to expect from Members:-
- (a) a working partnership
 - (b) an understanding of, and support for, respective roles, workloads and pressures
 - (c) leadership and policy direction
 - (d) respect, dignity and courtesy
 - (e) integrity, mutual support and appropriate confidentiality
 - (f) not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ie. they should not engage junior officers in discussions and requests more properly directed at senior officers
 - (g) that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
 - (h) compliance at all times with the relevant Code of Conduct
 - (i) Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

6. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

7. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, fax, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used, Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

8. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- (1) personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (2) the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- (3) relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

9. Reports

- (1) Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- (2) Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

10. Members' Access to Documents and Information

- (1) Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- (2) Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- (3) Standing Order No. 42 sets out the detail on Members' access to documents.

- (4) If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

11. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and the Independent Members of the Standards Committee are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

12. Dispute Procedures

- (1) The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be possible.
- (2) Procedure for Members:-
 - (a) If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer.
 - (b) If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)
 - (c) If the matter cannot be resolved informally, it may be necessary to resort to the Corporation's Disciplinary Procedure.
- (3) Procedure for Officers:-
 - (a) If an Officer is dissatisfied with the conduct or behaviour of a Member, they are encouraged to raise the matter with the appropriate Chief Officer or the Town Clerk with a view to seeking to resolve their concerns informally if possible. This may result in the matter being referred to the Chief Commoner or one of the Aldermanic Chairmen where appropriate.
 - (b) An Officer also has the same right as any other person under the Localism Act 2011 to make a complaint to the Standards Committee where they consider that there has been a breach of the Members' Code of Conduct.

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