

Part 5

5.1 - Members' Code of Conduct

This Code applies to Combined Authority Members and voting Co-opted Members (together referred to as Members), in all aspects of public life.

The Combined Authority expects Members to follow this Code when:

- conducting the work of the Combined Authority,
- representing the Combined Authority on any external organisation, and
- otherwise acting in their official capacity.

The Code does not apply to purely private and personal life.

1. General Principles of Conduct

- 1.1 Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, Members and Combined Authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles - see further Annex 1.
- 1.2 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty,
 - I act lawfully,
 - I treat all persons fairly and with respect, and
 - I lead by example and act in a way that secures public confidence in my role as a Member.
- 1.3 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community,
 - I do not improperly seek to confer an advantage or disadvantage on any person,
 - I avoid conflicts of interest,
 - I exercise reasonable care and diligence, and
 - I ensure that public resources are used prudently in accordance with the Combined Authority's requirements and in the public interest.

2. Application of the Code of Conduct

- 2.1 This Code of Conduct applies to you as soon as you are appointed as a Member. It continues to apply to you until you cease to be a Member.
- 2.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:
- you misuse your position as a Member,
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

- 2.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings,
 - at online or telephone meetings,
 - in written communication,
 - in verbal communication,
 - in non-verbal communication,
 - in electronic and social media communication, posts, statements and comments.
- 2.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting in your official capacity.
- 2.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

3. Standards of Conduct

- 3.1 This section sets out your obligations, which are the minimum standards of conduct required of you. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 3.2 Guidance is included (in the footnotes) to help explain the reasons for the obligations and how they should be followed.

Respect

- 3.3 As a Member:
- I treat other Members and members of the public with respect.
 - I treat Combined Authority officers and representatives of partner organisations with respect and respect the role they play.

Bullying, Harassment and Discrimination

- 3.4 As a Member:
- I do not bully any person.
 - I do not harass any person.
 - I promote equalities and do not discriminate unlawfully against any person.

Impartiality of Officers

- 3.5 As a Member:
- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined Authority.

Confidentiality and Access to Information

3.6 As a Member:

- I do not disclose information:
 - (a) given to me in confidence by anyone,
 - (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - (i) I have received the consent of a person authorised to give it,
 - (ii) I am required by law to do so,
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - reasonable and in the public interest, and
 - made in good faith and in compliance with the reasonable requirements of the Combined Authority, and
 - I have consulted the Monitoring Officer prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.

Disrepute

3.7 As a Member:

- I do not bring my role or the Combined Authority into disrepute. *Use of Position*

3.8 As a Member:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Use of Combined Authority Resources and Facilities

3.9 As a Member:

- I do not misuse Combined Authority resources.
- I will, when using the resources of the Combined Authority, or authorising their use by others:
 - (a) act in accordance with the Combined Authority's requirements, and

- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined Authority or of the office to which I have been elected or appointed.

Complying with the Code of Conduct

3.10 As a Member:

- I undertake Code of Conduct training provided by the Combined Authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Interests

3.11 As a Member:

- I register and disclose my interests in accordance with Annex 2.
- I comply with any Conflicts of Interest Policy or Protocol agreed by the Combined Authority
- I disclose significant interests in accordance with this Code.

4. Gifts and Hospitality

4.1 As a Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Combined Authority or from persons who may apply to the Combined Authority for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
- I follow the Combined Authority's Gifts and Hospitality Policy.

Annex 1 - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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.

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.

Honesty

Holders of public office should be truthful.

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.

Annex 2 - Interests

1. Registering Interests

1.1 The Monitoring Officer maintains a register of interests of Members, in accordance with statutory requirements. The register is:

- available for inspection at the Combined Authority's offices, and
- published on the Combined Authority's website.

1.2 You must notify the Monitoring Officer of pecuniary and other interests as set out below. The Monitoring Officer will enter them into the register of interests.

2. Disclosable Pecuniary Interests

2.1 A pecuniary interest is any interest of a description set out in the second column of Table 1 below.

2.2 A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:

- it is an interest of yours, or
- it is an interest of any other relevant person, these being:
 - your spouse or civil partner,
 - a person with whom you live as husband and wife, or
 - a person with whom you live as if you were civil partners,

and you are aware that the other person has the interest.

2.3 You must notify the Monitoring Officer of:

- any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority and
- any changes to your disclosable pecuniary interests within 28 days of:
 - the change occurring, or
 - you becoming aware of the change.

3. Other Registerable Interests

3.1 You should also register details of your other registerable interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

3.2 Where you have another registerable interest in any business of the Combined Authority and you have made a decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

4. Non-Registerable Significant Personal Interest

- 4.1 If you believe that you have an interest which you believe that the public, your fellow members or employees should know about, you may have a **non-registerable significant personal interest**.

5. Applications for Any Loan or Grant

- 5.1 You should comply with the Combined Authority's Conflicts of Interest Protocol, including any requirement to notify the Monitoring Officer about, and avoid personal involvement with, any application for any loan or grant in which you may have a conflict of interest.

6. Sensitive Interests

- 6.1 If you have an interest (whether or not a disclosable pecuniary interest or other registerable interest) which is entered in the register and which is such that you and the Monitoring Officer consider that disclosing the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, details of the interest must not be included in:

- any published version of the register, nor
- any copy of the register that is made available for public inspection²¹.

7. Disclosing Interests

- 7.1 If you are present at a meeting of the Combined Authority, or are acting alone on behalf of the Combined Authority, and you are aware that you have an interest:
- If your interest is a **Disclosable Pecuniary Interest**, if you do not have a relevant dispensation you may not:
 - participate, or participate further, in any discussion of or vote on the matter at the meeting, or
 - remain in the room during the discussion or vote on the matter at a meeting, or
 - determine the matter if taking a decision alone.
 - If your interest relates to an **Other Registerable Interest** (as set out in Table 2), you:
 - do not have to disclose the nature of any 'sensitive interest',
 - must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure if the interest is not the subject of a pending notification,
 - at a meeting:
 - must disclose the interest,

- may speak on the matter only if members of the public are also allowed to speak at the meeting,
 - must not vote on the matter,
 - should decide whether to remain in the room or withdraw during consideration of the matter.
- If you have a Non-registerable Significant Personal Interest (that is an interest which is neither a disclosable pecuniary interest or any other registerable interest) but something that you think should be known when the matter is considered you may:
 - disclose the interest, and
 - consider whether to continue participating in or determining the matter,
 - wish to leave the room during consideration of the matter.

8. Dispositions

- 8.1 The Combined Authority may lift the restrictions under Paragraph 11 of this Annex by granting a dispensation in accordance with **Annex 4**.

Table 1: Disclosable Pecuniary Interests

Subject	Description of Disclosable Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Combined Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union.</p>
Contracts	<p>Any contract which is made between you or a relevant person (or a body in which you or a relevant person has a beneficial interest) and the Combined Authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Combined Authority
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Combined Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority, and</p> <p>(b) the tenant is a body in which you or the relevant person have a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Combined Authority, and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or</p> <p>(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.</p>

Table 2: Other Registerable Interests

You have an **Other Registerable Interest** where it relates to or is likely to affect:

1. Any body of which you are in general control or management and to which you are nominated or appointed by the Combined Authority.
2. Any body:
 - exercising functions of a public nature, or
 - directed to charitable purposes, or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Annex 3 - Summary of Criminal Offences and Sanctions**1. Offences**

1.1 A person commits an offence if, without reasonable excuse, the person:

(a) fails to:

- register any disclosable pecuniary interest, or
- disclose a disclosable pecuniary interest not entered on the register, or

(b) participates in any discussion or vote, where they have a disclosable pecuniary interest.

1.2 A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register, the person provides information that is false or misleading and the person:

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.

2. Sanctions

2.1 A person who is guilty of such offence may be fined up to £5000.

2.2 A court may also disqualify the person for up to five years for being or becoming (by election or otherwise) a Member or co-opted Member of the Combined Authority or any other relevant authority.

Annex 4 - Dispensations

1. Requests

- 1.1 The Combined Authority will consider any requests for a dispensation.
- 1.2 Any request for a dispensation must be made in writing to the Monitoring Officer.
- 1.3 A request will not be granted unless it is made **not less than 10 clear days** before the date of the meeting to which the request relates, except where the Monitoring Officer considers that there are exceptional circumstances.

2. Period

- 2.1 A dispensation must specify the period for which a dispensation has effect, which must not exceed four years.

3. Criteria

- 3.1 The Combined Authority may grant you a dispensation only if, having regard to all relevant circumstances, it considers that:
 - without the dispensation, the number of Members prohibited from participating in any particular business would be so great a proportion of the Combined Authority⁴¹ as to **impede the transaction of the business**,
 - without the dispensation, the **representation of different political groups** on the Combined Authority would be so upset as to alter the likely outcome of any vote on the matter,
 - the dispensation is in the **interests of persons living in the Combined Authority's area**, or
 - it is **otherwise appropriate** to grant a dispensation.
- 3.2 In determining whether to grant dispensation requests, the Combined Authority may consider:
 - whether the nature of the Member's interest is such that to allow the Member to participate would not damage public confidence in the conduct of the Combined Authority's business,
 - whether the interest is common to the Member and a significant proportion of the general public,
 - whether the participation of the Member in the business that the interest relates to is justified by a Member's particular role or expertise, and
 - whether the interest is trivial or remote.

Annex 5 - Gifts and Hospitality Policy

In order to protect your position and the reputation of the Combined Authority, you should **exercise caution** in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

The presumption should always be **not to accept** significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

For the purpose of determining whether any gift or hospitality has a value of over £50, if the exact value is unknown, you should always err on the side of caution. When deciding whether to register any gift below the £50 threshold, you should take into account the **cumulative total** of any gifts received from any single source over the previous 12 months.

You should:

- register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt,
- register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept,
- never actively seek or solicit any gift or hospitality,
- discourage third parties from offering any gift or hospitality to you,
- treat expenses offered to you by any third party as a gift,
- only accept a gift or hospitality from any third party in accordance with these principles, and where acceptance is of some benefit to the Combined Authority,
- where the hospitality is extended to the office holder rather than the individual, eg the Mayor or a Chair of a committee the register entry should make it clear that such gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to a charity or as a raffle prize for example.

You should not accept a gift or offer of hospitality which is any of the following:

- an **inducement or reward** for anything that you do as a Member - this is likely to constitute a criminal offence, from any donor seeking (or which may seek) a decision from (or business with) the Combined Authority,
- in any circumstances which may give rise to a **perceived or actual conflict of interest** or undue influence,

- for any third party including any relative or friend of yours, except where the Monitoring Officer has confirmed in advance that that acceptance is unlikely to be perceived as giving rise to a conflict of interest,
- lavish or over-generous, nor
- where offers from the same donor are **over-frequent**.
- a gift of cash (or items of specific monetary value such as vouchers).