

West Yorkshire Combined Authority Members' Code of Conduct

This Code applies to **members**¹ and **voting co-opted members**² (including any voting private sector representatives) of the Combined Authority, in all aspects of your public life³.

The Combined Authority expects you to follow this Code when:-

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

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

Part One – Principles of Conduct

You must have regard to, and act in accordance with, the following principles:

1. Selflessness

You should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person, organisation or group or any other third party.

2. Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned. You should not behave improperly and should avoid the appearance of such behaviour.

3. Objectivity

¹ And substitute members of the Combined Authority, appointed under Schedule 1 paragraph 1(4) and (7).

² A voting co-opted member of the Combined Authority is a person who is not a member of the Combined Authority, but who is:

- a member of any committee or sub-committee of the Combined Authority, or
- a member of, and represents the authority on, any joint committee or joint sub-committee of the Combined Authority and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

The Code also applies to any substitute of a voting co-opted member.

³ Any reference to a member in the Code or its appendices should be taken to include any member of the Combined Authority, their substitute member or voting co-opted member of the Combined Authority and any substitute of a voting co-opted member.

You must make decisions (including making appointments and approving the awarding of contracts):

- based on the information before you,
- having regard to any professional advice provided,
- in accordance with your view of the public interest, and
- on merit.

4. **Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office⁴.

You should not undertake any action which would bring the Combined Authority, your position, or the position of members generally, into disrepute⁵.

5. **Openness**

You must be as open as possible about your actions and those of the Combined Authority, and should be prepared to give reasons for those actions.

6. **Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example. You should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the Combined Authority's statutory officers and its other officers.⁶ You should comply with any protocol adopted by the Combined Authority from time to time on Member/Officer Relations.

Part Two – General Obligations

7. You must treat others with respect. You must not:-

- a) do anything which may cause the Combined Authority to breach any duty relating to equality,

⁴ Including any formal standards investigation.

⁵ For example, you should not make trivial or malicious, vexatious, politically motivated or tit-for-tat allegations.

⁶ As a member, you may express yourself robustly in representing your, or any constituents' views, although where a member engages in a sustained or systematic challenge of an officer which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this Code. However an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the Code.

- b) bully or harass any person⁷,
- c) intimidate or attempt to intimidate any person who is or is likely to be:
- a complainant,
 - a witness, or
 - otherwise involved

in any investigation or proceedings in relation to an allegation that a member has failed to comply with this Code, nor

- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Combined Authority.

8. You must not:-

- a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
- (i) you have the consent of a person authorised to give it,
- (ii) you are required by law to do so,
- (iii) 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

⁷ Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. "Harassment is defined in the Equality Act 2010 as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". A member should not be considered to be bullying or harassing simply by making persistent enquiries or requests for information, nor by saying something that the individual concerned simply dislikes or with which they strongly disagree. Examples of bullying include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

- (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.

nor

- b) prevent another person from gaining access to information to which that person is entitled by law.

9. You must have regard to the Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.
10. You must have regard to any relevant advice provided by any officer of the Combined Authority, including:
 - the Chief Finance Officer, and
 - the Monitoring Officer.
11. Members must give reasons for all decisions in accordance with any statutory requirements and any additional requirements of the Combined Authority.

Part Three – Registering Interests

12. 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 web-site.
13. 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.

Disclosable Pecuniary Interests

14. A pecuniary interest is any interest of a description set out in the second column of **Annex 1** to this Code⁸.
15. A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:-
 - a) it is an interest of yours, or
 - b) it is an interest of any other relevant person, these being:-
 - (i) your spouse or civil partner,
 - (ii) a person with whom you live as husband and wife, or
 - (iii) a person with whom you live as if you were civil partners,

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

⁸ Annex 1 sets out the descriptions of pecuniary interests specified in regulations made by the Secretary of State (SI 2012/1464).

16. You must notify the Monitoring Officer of:-
- a) any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority⁹ and
 - b) any changes to your disclosable pecuniary interests within 28 days of:-
 - the change occurring, or
 - you becoming aware of the change.

Gifts and Hospitality¹⁰

17. You must notify the Monitoring Officer within 28 days of any offer, acceptance or receipt of a **gift or hospitality**
- with an estimated value of **over £50**, and
 - offered or given to you in your role as a member.

Applications for any loan or grant

18. 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 to the LEP or the Combined Authority for any loan or grant in which you may have a conflict of interest.

Sensitive Interests

19. If you have an interest (whether or not a disclosable pecuniary 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, to 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 inspection.¹¹

Part 4 – Disclosing Interests at Meetings

20. If you are present at a meeting¹² of the Combined Authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting:
- a) Unless you have a relevant dispensation¹³ you may not

⁹ If you are re-appointed to the Combined Authority, you are required to notify the Monitoring Officer of any new disclosable pecuniary interests within 28 days of being re-appointed.

¹⁰ See further **Annex 2**

¹¹ The register may state that you have an interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

¹² Including any committee, sub-committee, joint committee or joint sub-committee of the Combined Authority.

¹³ See paragraph 24 of the Code.

- participate, or participate further, in any discussion of the matter at the meeting, or
 - participate in any vote, or further vote, taken on the matter at the meeting.
- b) If the interest is not entered in the Combined Authority's register, you must disclose the interest to the meeting (unless the interest is a sensitive interest¹⁴). If the interest is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

Disclosing Significant Interests

21. If you are present at a meeting¹⁵ of the Combined Authority, and you are aware that you have any significant interest (other than a disclosable pecuniary interest) in a matter to be considered, or being considered, at the meeting, you:-

- may disclose the interest to the meeting, and
- must consider whether to continue participating in the matter¹⁶.

Complaints alleging a failure to comply with the Code

22. All complaints alleging a failure to comply with this Code will be considered under a procedure agreed by the Combined Authority.

Criminal Offences In Relation To Disclosable Pecuniary Interests

23. Failing to comply with requirements for registration and disclosure of Disclosable Pecuniary Interests may be a **criminal offence** under S34 Localism Act 2011. **Annex 3** of this Code summarises offences and sanctions under that section.

Dispensations

24. The Combined Authority¹⁷ may lift the restrictions under Paragraph 20(a) of this Code by granting a dispensation in accordance with **Annex 4**.

¹⁴ You are not required to disclose a sensitive interest, but must disclose that you have a disclosable pecuniary interest in the matter.

¹⁵ Including any committee, sub-committee, joint committee or joint sub-committee of the Combined Authority.

¹⁶ For example, **when considering applications for funding you should disclose any a close connection to:**

- any person (whether a family member or friend), or
- any outside body

who is a potential direct recipient or beneficiary of Combined Authority or Leeds City Region (LCR) funding.

¹⁷ or any committee or officer to whom this function may be delegated by the Combined Authority.

Subject	Description of 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 period¹⁸ 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.¹⁹</p>
Contracts	<p>Any contract which is made between you or a relevant person²⁰ (or a body in which you or a relevant person has a beneficial interest²¹) 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 ²² which is within the area of the Combined Authority.
Licences	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>

¹⁸ The relevant period means the period of 12 months ending with the day on which you notify the Monitoring Officer under paragraph 16a) and paragraph 20b) of the Code.

¹⁹ Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

²⁰ As defined in paragraph 15b) of the Code.

²¹ “body in which the relevant person has a beneficial interest” means:

- a firm in which you or a relevant person is a partner or
- a body corporate of which you or a relevant person is a director, or in the securities of which you or a relevant person has a beneficial interest. “Director” includes a member of the committee of management of an industrial and provident society; “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 other securities of any description, other than money deposited with a building society.

²² 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.

(b) the tenant is a body in which you or the relevant person²³ have a beneficial interest²⁴.

Securities

Any beneficial interest in securities²⁵ of a body where:-

(a) that body (to your knowledge) has a place of business or land in the area of the Combined 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.

²³ See footnote 20 above.

²⁴ See footnote 21 above.

²⁵ See footnote 21 above.

1. Registering gifts and hospitality

- a. The Combined Authority's Monitoring Officer maintains registers of interests of members, including declarations of gifts and hospitality. The gifts and hospitality register is:
 - available for inspection at the Combined Authority's offices; and
 - published on the Combined Authority's web-site
- b. You must register any gifts and hospitality as required by paragraph 17 of this Code.
- c. Registering offers of gifts and hospitality, whether declined or accepted, demonstrates the Combined Authority's commitment to openness and transparency and help to protect the Combined Authority's reputation. Where practicable, you may, therefore, ask the Monitoring Officer to record any gifts or hospitality below the £50 threshold which are offered to you.²⁶

2. General principles

- a. You should never actively seek or solicit any gift or hospitality.
- b. You should discourage third parties from offering any gift or hospitality to you.
- c. You should 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.**
- d. You must **never 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 seek²⁷) a decision from (or business with) the LEP or the Combined Authority,
 - in any circumstances which may give rise to a perceived or actual conflict of interest²⁸ or undue influence,
 - for any third party including any relative or friend of yours, except where the Head of Legal and Governance Services has confirmed in advance

²⁶ 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.

²⁷ For these purposes, you should not accept any gift or hospitality where it is reasonably foreseeable that a donor may seek a decision from or business with the LEP or the Combined Authority within the next 6 months.

²⁸ A conflict of interest is a set of circumstances which creates a risk that an individual's ability to apply judgement or act in a role is or could be impaired or unduly influenced by a secondary interest of that individual or of another person.

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.

e. Any **expenses** offered to you by any third party should be treated as a gift, in accordance with the requirements of the Code and this Annex.

f. You should **never** accept any gifts of cash (or items of specific monetary value such as vouchers).

3. Advice and Guidance

a. If in doubt about whether to accept any gift or hospitality, you should ask the Monitoring Officer for advice. If in doubt, err on the side of caution and decline the gift or hospitality.

b. You should have regard to any advice or guidance issued by the Monitoring Officer in respect of gifts and hospitality.

Summary of Criminal Offences and Sanctions²⁹

Offences

1. A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to:-
 - register any disclosable pecuniary interest³⁰, or
 - disclose a disclosable pecuniary interest not entered on the register³¹, or
 - (b) participates in any discussion or vote, where they have a disclosable pecuniary interest.³²
2. A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register³³, 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.

Sanctions

3. A person who is guilty of such offence may be fined up to £5000.
4. 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.

²⁹ S34 Localism Act 2011.

³⁰ Under S30(1) or S31(3) or (7) Localism Act 2011.

³¹ Under S31(2) Localism Act 2011.

³² In contravention of S31(4) Localism Act 2011.

³³ Under S30(1) or 31(2), (3) or (7) Localism Act 2011.

Dispensations

Requests

1. The Combined Authority³⁴ will consider any requests for a dispensation.
2. Any request for a dispensation must be made in writing to the Monitoring Officer.
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.

Period

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

Criteria

5. The Combined Authority may grant you a dispensation only if having regard to all relevant circumstances the Combined Authority 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 Authority³⁵ 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.
6. 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

³⁴ Or any committee or officer to whom this function may be delegated by the Combined Authority.

³⁵ Or body transacting the business.

- whether the interest is trivial or remote.