

West Yorkshire Combined Authority

Members' Code of Conduct

This Code applies to **members¹** and **voting co-opted members²** (including any voting private sector representatives) of the Authority, in all aspects of your public life³.

The Authority expects you to follow this Code when:-

- conducting the work of the Authority
- representing the 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**

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

- based on the information before you;

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

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

- a member of any committee or sub-committee of the Authority, or
- a member of, and represents the authority on, any joint committee or joint sub-committee of the Authority

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

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

- 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 office.

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

5. **Openness**

You must be as open as possible about your actions and those of the 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 Authority's statutory officers and its other officers.⁴ You should comply with any protocol adopted by the 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 Authority to breach any duty relating to equality;
 - b) bully any person;
 - c) intimidate or attempt to intimidate any person who is or is likely to be:
 - a complainant,
 - a witness, or

⁴ 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.

- 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 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
- (iv) the disclosure is reasonable and in the public interest **and** made in good faith and in compliance with the reasonable requirements of the 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 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 Authority.

Part Three – Registering Interests

12. The Monitoring Officer maintains a register of interests of members. The register is:-
- available for inspection at the Authority's offices; and
 - published on the Authority's web-site.
13. You must notify the Monitoring Officer of pecuniary and other interests as set out in paragraphs 14-17 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 Code⁵.
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.
16. You must notify the Monitoring Officer of:-
- a) any disclosable pecuniary interests you have within 28 days of your appointment to the Authority⁶ and
 - b) any changes to your disclosable pecuniary interests within 28 days of:-
 - the change occurring, or
 - you becoming aware of the change.

⁵ Annex 1 sets out the descriptions of pecuniary interests specified in regulations made by the Secretary of State (SI 2012/1464).

⁶ If you are re-appointed to the Authority, you are only required to notify the Monitoring Officer of any new disclosable pecuniary interests within 28 days of being re-appointed.

Other Interests⁷

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 £50⁸ and
- offered⁹ or given to you in your role as a member.

Sensitive Interests

18. 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.^{10 11}

Part 4 – Disclosing Interests at Meetings

19. If you are present at a meeting¹² of the 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

- 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.

⁷ The Monitoring Officer will remove these interests from the register two calendar years after they were added.

⁸ This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

⁹ These interests must be registered, whether or not accepted.

¹⁰ The register may state that you have an interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

¹¹ See further footnote 10 in relation to disclosing such an interest in a meeting.

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

¹³ See paragraph 23 of the Code.

- b) If the interest is not entered in the 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

20. If you are present at a meeting¹⁵ of the 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 matter.

Complaints Alleging A Failure To Comply With The Code

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

Criminal Offences In Relation To Disclosable Pecuniary Interests

22. Failing to comply with requirements for registration and disclosure of Disclosable Pecuniary Interests may be a **criminal offence** under S34 Localism Act 2011. Annex 2 of this Code summarises offences and sanctions under that section.

Dispensations

23. The Authority¹⁶ may lift the restrictions under Paragraph 19(a) of this Code by granting a dispensation in accordance with Annex 3.

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 Authority.

¹⁶ or any committee or officer to whom this function may be delegated by the Authority.

Annex 1

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 Authority) made or provided within the relevant period¹⁷ 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.¹⁸</p>
Contracts	<p>Any contract which is made between you or a relevant person¹⁹ (or a body in which you or a relevant person has a beneficial interest²⁰) and the 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 ²¹ which is within the area of the Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge):-</p> <p>(a) the landlord is the Authority; and</p>

¹⁷ 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 19b) of the Code.

¹⁸ Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

¹⁹ As defined in paragraph 15b) of the Code.

²⁰ "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.

²¹ 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 person²² have a beneficial interest²³.

Securities

Any beneficial interest in securities²⁴ of a body where:-

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

²² See footnote 18.

²³ See footnote 19.

²⁴ "Securities" as defined in footnote 20.

Summary of Criminal Offences and Sanctions²⁵

Offences

1. A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to:-
 - register any disclosable pecuniary interest²⁶
 - disclose a disclosable pecuniary interest not entered on the register²⁷ or
 - (b) participates in any discussion or vote, where they have a disclosable pecuniary interest.²⁸
2. A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register²⁹, 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 Authority or any other relevant authority.

²⁵ S34 Localism Act 2011.

²⁶ Under S30(1) or S31(3) or (7) Localism Act 2011.

²⁷ Under S31(2) Localism Act 2011.

²⁸ In contravention of S31(4) Localism Act 2011.

²⁹ Under section 30(1) or 31(2), (3) or (7) Localism Act 2011.

Annex 3

Dispensations

Requests

1. The Authority³⁰ 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 Authority may grant you a dispensation only if having regard to all relevant circumstances the 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 Authority³¹ as to **impede the transaction of the business**;
 - without the dispensation, the **representation of different political groups** on the 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 Authority's area** or
 - it is **otherwise appropriate** to grant a dispensation.
6. In determining whether to grant dispensation requests, the 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 Authority's business;
 - whether the interest is common to the member and a significant proportion of the general public;

³⁰ Or any committee or officer to whom this function may be delegated by the Authority.

³¹ Or body transacting the business.

- whether the participation of the member in the business that the interest relates to is justified by a member's particular role or expertise;
- whether the interest is trivial or remote.