

Standards and Interests

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Caroline Allen

Head of Legal & Governance Services

Introduction

Focus on the **Combined Authority's Members' Code of Conduct**:

- Standards of conduct
- Gifts and hospitality
- Interests and how and when to declare them
- Failure to comply with the Code – this could be a criminal offence

Also

- Conflicts of Interest Policy and Protocols
- Bias and pre-determination

Who MUST as a matter of law comply with the Members' Code?

Yes

- ✓ Combined Authority Members
- ✓ including the Mayor
- ✓ a **voting Co-optee** on a Combined Authority committee or sub-committee

No

- ✗ a **non-voting Co-optee** or an **advisory representative** on a Combined Authority committee or sub-committee ... **however** ... for the purposes of transparency and integrity, the Authority expects **all** members to comply with the principles of the Code

When do I have to follow the Code?

- ✓ conducting work of the Combined Authority
- ✓ representing the Combined Authority on any external organisation
- ✓ acting in your official capacity for the Combined Authority
- ✓ giving the impression that you are acting in your official capacity
- ✓ using social media
- ✗ private and personal life
- ✗ political activities (e.g. canvassing)

Standards of Conduct

These are the **minimum standards** of conduct expected of you. If your conduct falls short of these standards, any complaint made against you is likely to be upheld.

Respect

- ✓ treat others with respect
- ✓ respect officers and representatives of other organisations, and the roles they play

Bullying, harassment and discrimination

- ✓ promote equalities and do not discriminate unlawfully against any person
- ✗ do not bully or harass

Impartiality of officers

- ✗ do not compromise or attempt to compromise the impartiality of officers

Standards of Conduct

Confidentiality and access to information

- ✗ do not share confidential information, except where:
 - ✓ you have consent or other limited exemptions apply
- ✗ do not use knowledge gained from your role as a member for the advancement of yourself, family, friends, business etc.

Disrepute

- ✓ avoid situations where your honesty and integrity could be questioned
- ✗ do not bring the Combined Authority into disrepute

Use of position

- ✓ serve in the public interest
- ✗ do not improperly confer an advantage or disadvantage

Use of Combined Authority's resources or facilities

- ✓ ensure resources are not misused by you or others
- ✗ do not use resources for political purposes

Protecting your reputation and the reputation of the Combined Authority

The Code **requires voting members** to register matters under 2 separate categories:

1. **Gifts and hospitality** you receive in your role as a member of the Combined Authority
2. Certain types of **interests**

Although **private sector non-voting co-optees** are not legally required to comply with the Code, **the Combined Authority does still require you to complete a register of interests** to ensure transparency and accountability of actions.

Co-opted advisory members (as ‘ex-officio’ appointments) are not legally required to comply with the Code and **the Authority encourages you** to declare any interests that you think the Authority should be aware of.

Gifts and Hospitality – General Principles

Annex 5 to the Code requires any offer of a gift or hospitality to be registered within 28 days of receipt / offer if:

- i. It has an estimated value of £50 or more, **and**
 - ii. offered or received in your role as a Combined Authority Member or voting Co-optee
- You may ask the Monitoring Officer to record *any value* gift or hospitality.
- General principles -
 - don't seek or solicit gifts or hospitality
 - accepted gifts or hospitality should benefit the Combined Authority
 - bribery is a criminal offence

Interests

You are **required** to both **register** and **declare** your “**interests**”.

This provides **transparency** around **potential conflicts** of interest and **protects you** by allowing you to demonstrate openness and a willingness to be held accountable. The register is a public document (exception for sensitive interests)

There are 3 categories of interest:-

- Disclosable Pecuniary (DPI)
- Other Registerable (ORI)
- Non-registerable Significant Personal (NSPIs)

It is a **criminal offence** not to register your DPIs. You have **28 days** from appointment to do so. DPIs **must** also be declared when they come up in a meeting. **Failure** knowingly to declare a DPI is also a **criminal offence**.

It is **not** a criminal offence not to register ORIs but may be a **breach** of the Members' Code of Conduct.

Disclosable Pecuniary Interest (DPI)

an interest of **yours**

Or

an interest you are aware of, held by a '**relevant person**', that is:

- a) your spouse or civil partner
- b) a person with whom you are living as husband and wife
- c) a person with whom you are living as if you are civil partners

And

Relates to your or their:-

- employment, office, trade, profession or vocation – *(including any position for which you receive a member's allowance)*
- Sponsorship *(including any payment or financial benefit from a trade union),*
- Contracts *(includes current contracts between you your partner and the CA),*
- Land - *(this includes your home address)*
- Licences, Corporate Tenancies and Securities

Other Registerable Interests (ORI)

- any body of which **you** are a member or in a position of general control or management and to which you are nominated or appointed by the Combined Authority

OR

- any body of which **you** are a member or in a position of general control or management:
 - exercising functions of a public nature, or
 - which exercises charitable purposes, or
 - whose principal purposes includes the influence of public opinion or policy (e.g. political party or trade union).

E.g. other councils, public health bodies and council-owned companies exercising public functions

Non-registerable Significant Personal Interests (NSPIs)

- These interests do not have to be included in the register of interests but must be **disclosed** where a matter arises at a meeting which affects the finances or wellbeing of you, a relative or close associate.
- Where a matter **directly relates** to that interest or **affects that interest to a greater extent** than it affects the majority of inhabitants you must also **not participate** in the business of that matter.

E.g. if your son is a tenant of a retail premise at a bus station owned by the Authority and the committee you are on is considering redevelopment plans for the station – you must declare this and not take part in any discussion or vote on the matter.

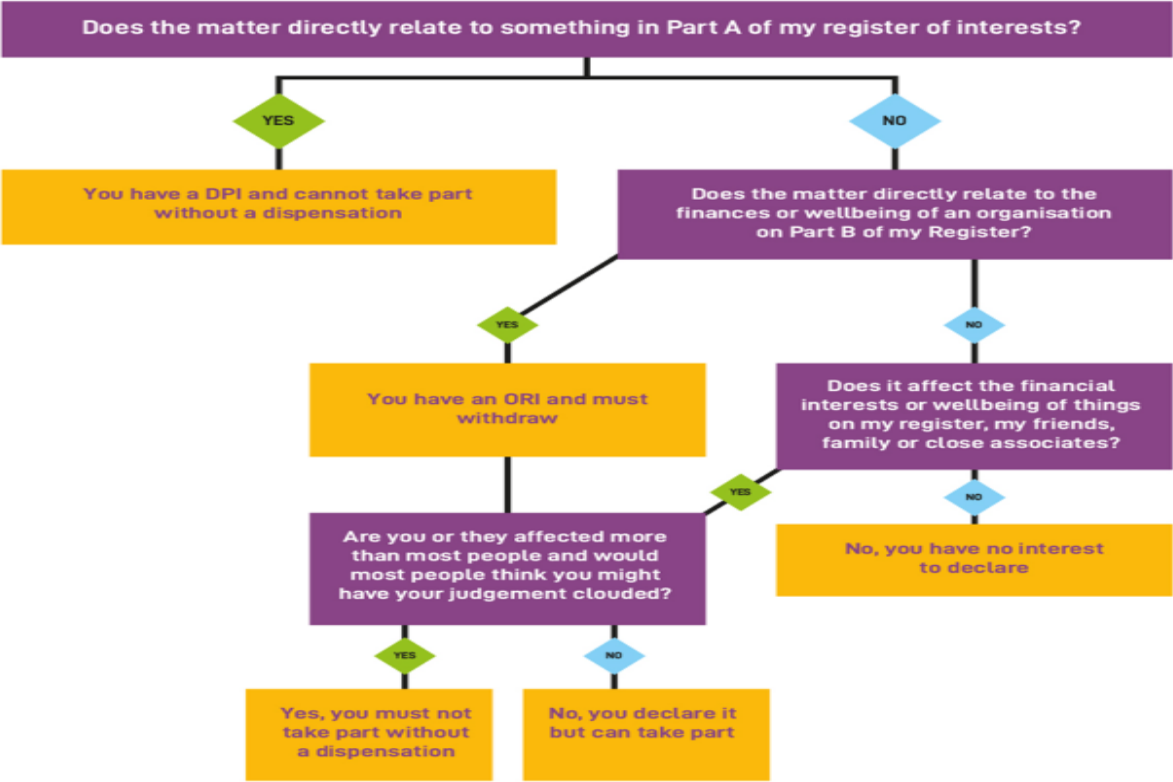
Disclosing Interests at a Meeting

At a formal meeting of the Combined Authority, if a matter which **directly relates to or affects** your interests arises, unless you have a dispensation:

	DPI	ORI	NSPI
Disclose the interest	✓	✓	✓
Participate – discussion or voting	X	X	Apply test
Remain in the room	X	Members Discretion	Members Discretion

If you haven't already entered the interest in the register, you must disclose the interest to the meeting.

Interests Flowchart



Dispensations

- Allow **CA members and local authority voting co-optees** to participate and vote, in matters where you have an interest but are only available in specified circumstances
- applications for a dispensation must be:
 - i. in writing
 - ii. to the Monitoring Officer
 - iii. for a specified time period
 - iv. at least 10 clear days before the meeting, unless in exceptional circumstances
- those with “dual hatted” membership of local authorities should apply for a dispensation to participate in matters relating to their “home” authority or nominating body.
- NB the dispensation DOES NOT cover wider interests e.g. employment

Enforcing the Code

Two types of complaint:

1. a **local complaint** - alleged breach of the principles of conduct and general
2. a **potential criminal offence** - alleged breach of rules regarding Disclosable Pecuniary Interests

It is a criminal offence if (without reasonable excuse) you:-

- fail to register or declare a DPI in the appropriate timescale
- participate in a discussion or vote with a DPI (unless you have a dispensation)
- knowingly provide information that is false or misleading in relation to your DPIs, or are reckless as to whether the information is true and not misleading

Conflicts of Interests Policy

- applies to **voting and non-voting Members** and their substitutes
- provides an overview of how conflicts of interest are managed throughout all decision-making processes by reference to procedures in place including requirements to register and declare interests
- highlights additional requirements:
 - prohibiting canvassing for appointments
 - requiring disclosure of relationships between Members and Officers, or candidates for employment
- requires the Conflicts of Interest Protocol to be followed

Conflicts of Interests Policy - AEB

- Applies to decision-makers, consultees, and those otherwise involved in decisions in relation to Adult Education
- It must be followed throughout the decision making process
- Supplements the Code of Conduct and the Procedure for Considering Complaints
- The Policy does not place any additional requirements to register interests not already covered by the Code of Conduct

Conflicts of Interests Protocol – Loans or grants to businesses

- supplements the Code of Conduct
- applies to any local authority or private sector representative who is
 - ✓ one of the 11 Combined Authority Members
 - ✓ a **voting** and **non-voting** Co-optee on a Combined Authority Committee or Sub-committee
 - ✓ a LEP Board member

Also to **substitutes** of these members.

Conflicts of Interests Protocol - Purpose

- The protocol sets out the process to be followed where applications from businesses for loans or grants are made and where there is a connection between that business and a member
- The process demonstrates that applications from businesses for loans and grants are dealt with in an impartial, fair and transparent way including where such decisions are taken by officers outside of formal meetings
- The process requires additional scrutiny of any application where a potential conflict of interest arises.
- Where you may be perceived as having a conflict of interest in an application:
 - ✗ don't participate or vote in any decision-making
 - ✗ don't seek to improperly influence the outcome

Conflicts of Interests Protocol

If you have registered any **business** as an interest on your register:

- ✓ notify that business of your involvement with the Combined Authority
- ✓ ask them to declare your involvement if they apply for a grant
- ✓ ask them to notify you if they make an application.

Notify the Monitoring officer if:

- you apply for a loan or grant
- a business in which you have an interest applies for a loan or grant
- you are aware that any other interest arises which may be perceived as giving rise to a conflict of interest for example, an application from a friend or family member, or if you are a relative of an officer
- **Avoid** personal involvement with the application, so far as reasonably practicable
- declare your involvement on the application form
- don't discuss it verbally with any officer
- communicate only in writing once the application has been submitted

Bias and Pre-determination

The Code provisions on **declarations of interest** are about ensuring that you do not take decisions where you or those close to you stand to lose or gain improperly.

Even for non-voting members, the same principles apply - as there is the opportunity to influence the discussion and outcome on a matter through debate.

There is also a separate concept in law dealing with **bias** and **pre-determination** which exists to ensure that decisions are taken solely in the public interest rather than to further private interests. A decision can be challenged on the grounds of bias or predetermination.

Bias

Bias - when a decision-maker's outside connections make it appear that there is a real danger of bias.

- Whilst declaring interests will to some extent deal with the issue of bias, there will still be areas where a formal declaration is not required under the Code. *E.g. prior involvement in a matter or a connection with someone affected by a decision*
- if you think that non-DPIs may give rise to the appearance of bias, declare that you have an interest in the matter, and leave the room
- there is no requirement to identify the exact nature of the interest arising, but best to indicate what it is, in general terms at least
- ask the Governance Services Officer to minute that you have left the room for the item

Pre-determination

- You are entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. i.e. you must be able to demonstrate through what you say and how you act that you come to the meeting with an open mind.
- always take decisions in a reasoned way on all the relevant facts at the right time
- have regard to all material considerations
- be prepared to change your mind

Golden Rules to Promote Standards

- ✓ keep your register up to date
- ✓ follow the general principles
- ✓ err on the side of caution
- ✓ ask for advice or guidance

Advice and Guidance

Written guidance on:

- registering pecuniary interests
- the Conflicts of Interest Protocol

Ask

- Caroline Allen – Monitoring Officer
- Angie Shearon – Governance Services Manager and Deputy Monitoring Officer
- Rebecca Brookes – Corporate Service Lead and Deputy Monitoring Officer
- Governance Services Officer for your meeting

Any Questions?

The Monitoring Officer and Deputy Monitoring Officer are able to discuss any questions you may have in relation to interests and the Code of Conduct.