

# Leeds City Region Local Enterprise Partnership (LCR LEP)

## LCR LEP Board Members' Code of Conduct

This Code applies to any **LCR LEP Board member**<sup>1</sup> (including a private sector or local authority representative) in all aspects of your role as a LCR LEP Board member.

The LCR LEP Board expects you to follow this Code when:

- attending LCR LEP Board meetings,
- representing the LCR LEP Board on any external organisation, and
- otherwise acting in your capacity as a LCR LEP Board member.

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

### Part One – Principles of Conduct

You must have regard to, act in accordance with, promote and support 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, nor act to gain financial or other material benefits for yourself, your family, a friend or close associate.

#### 2. **Honesty and integrity**

A conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest.

You should not place yourself in situations where your honesty and integrity may be questioned, including any situation where a conflict of interest may arise, or be perceived as arising. You should not behave improperly and should avoid the appearance of such behaviour. You must not place yourself under a financial or other obligation to outside individuals or organisations that might be reasonably regarded as influencing you in the performance of your official duties.

Part Three of this Code sets out requirements in relation to registering and disclosing interests when taking formal decisions at LCR LEP Board meetings. However, you should also take all reasonable steps to avoid any potential conflict of interest, or the

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<sup>1</sup> For local authority LCR LEP Board members, any reference to a LCR LEP Board member includes a substitute appointed in accordance with the LCR LEP Board Procedure Rules.

perception of such conflict, arising **outside** any formal LCR LEP Board meeting when you carry out any activity in your capacity as a LCR LEP Board member.

### 3. **Objectivity**

As a LCR LEP Board member you must make decisions (including making appointments, awarding contracts or recommending individuals for rewards or benefits) objectively. You should take into account the impact of any decision on the LCR and the LCR economy as a whole, not just the specific local authority area or sector which you represent.<sup>2</sup> You must make decisions:

- based on the information and evidence before you;
- after considering all options put forward;
- having regard to any professional advice provided;
- in accordance with your view of the public interest;
- which are proportionate (that is, the action is proportionate to the desired outcome); 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 role. You must co-operate fully and honestly with any scrutiny appropriate to your office.

You should not undertake any action which would bring the LCR LEP Board, West Yorkshire Combined Authority (WYCA), your position, or the position of LCR LEP Board members generally, into disrepute.

### 5. **Openness**

You must be as open as possible about your decisions and actions and those of the LCR LEP Board, and should be prepared to give reasons for those decisions and 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.

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<sup>2</sup> Local authority representatives on the LCR LEP Board are not precluded under the Code from participating in or voting for any decision which may appear to benefit their authority. Nor are private sector representatives precluded from participating or voting on any decision which may appear to benefit their sector. However, this is subject to the specific provisions in paragraph 19, and the principles of conduct and general obligations.

You must have due regard to the impartiality and integrity of WYCA's statutory officers and other officers, and also that of any officer representing any other local authority in relation to LCR LEP Board business.<sup>3</sup>

## Part Two – General Obligations

7. You must treat others with respect and courtesy. You must not:
- a) do anything which may cause the LCR LEP Board or WYCA to breach any duty relating to equality, or contribute to any failure to comply with the LCR LEP's diversity policy;
  - b) bully any person;
  - c) intimidate or attempt to intimidate any person who is or is likely to be:
    - a complainant,
    - a witness, or
    - otherwise involvedin any investigation or proceedings in relation to an allegation that a LCR LEP Board 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 LCR LEP or WYCA .
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, or
    - (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,nor
  - b) prevent another person from gaining access to information to which that person is entitled by law.

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<sup>3</sup> As a LEP Board member, you may express yourself robustly, but 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.

9. You must, when using or authorising the use by others of the resources of the LCR LEP, ensure that such resources are not used improperly for political or personal purposes (including party political purposes.)
10. You must have regard to any relevant advice provided by any WYCA officer, including:
  - the Chief Finance Officer<sup>4</sup> and
  - the Monitoring Officer<sup>5</sup>.

### Part Three – Registering Interests

11. WYCA's Monitoring Officer maintains a register of interests of LCR LEP Board members. The register is:
  - available for inspection at WYCA's offices; and
  - published on WYCA's web-site, and accessible from the LCR LEP web-site.
12. You must notify the Monitoring Officer of disclosable pecuniary and non-pecuniary interests, and gifts and hospitality interests as set out below. The Monitoring Officer will enter them into the register of interests. You may also notify the Monitoring Officer of any other significant interest which you wish to be entered on the register – see paragraph 17 below.

#### Disclosable pecuniary and non-pecuniary interests

13. A **pecuniary interest** is any interest of a description set out in the second column of **Annex 1** to this Code. 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.
14. A **disclosable non-pecuniary interest** is any body of a description set out in Annex 2 to this Code, in respect of which you:
  - are a member,
  - are in a position of control,
  - are a trustee, or
  - participate in the management.
15. You must notify the Monitoring Officer of:

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<sup>4</sup> This is WYCA's Director of Resources

<sup>5</sup> This is WYCA's Head of Legal and Governance Services.

- a) any disclosable pecuniary or non-pecuniary interests you have within 28 days of your appointment to the LCR LEP Board,<sup>6</sup> and
- b) any changes to your disclosable pecuniary or non-pecuniary interests within 28 days of:
  - the change occurring, or
  - you becoming aware of the change.

### **Gifts and hospitality interests<sup>7</sup>**

16. 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 £25, and
  - offered<sup>8</sup> or given to you in your role as a LCR LEP Board member.

### **Significant interests**

17. You must always take steps to resolve any potential conflict of interests in a way which protects the public interest. For this reason, you may register any significant interest which is not a disclosable pecuniary or non-pecuniary interest which you consider should be on the register, to comply with the Principles of Conduct set out in Part 1 of this Code. You should also declare any such interests where a conflict of interest arises at a meeting – see further paragraph 22 below.

### **Sensitive interests**

18. If you have an interest (whether or not a disclosable pecuniary or non-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.<sup>9</sup>

## **Part 4 – Disclosing Interests**

### **Disclosing disclosable pecuniary and non-pecuniary interests - meetings**

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<sup>6</sup> Or within 28 days of this Code coming into effect, if you are a LCR LEP Board member on that date. If you are re-appointed to the LCR LEP Board with effect from the LCR LEP Board's annual meeting, you are only required to notify the Monitoring Officer of any **new** disclosable pecuniary or non-pecuniary interests within 28 days of being re-appointed.

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

<sup>8</sup> These interests must be registered, whether or not accepted.

<sup>9</sup> The register may state that you have an interest, the details of which are withheld.

19. If you are present at a meeting of the LCR LEP Board<sup>10</sup> and you are aware that you have a disclosable pecuniary or non-pecuniary interest in a matter to be considered, or being considered, at the meeting:
- a) 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, unless
      - you are a local authority representative and your interest falls within paragraph 17 c) below, or
      - you are a private sector representative and your interest falls within paragraph 17 d) below.
  - b) if the interest is not entered in the register, you must disclose the interest to the meeting (unless the interest is a sensitive interest<sup>11</sup>). 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.
  - c) the restriction on participating or voting set out in paragraph 17 a) does not apply if you are a local authority representative and have a disclosable pecuniary or non-pecuniary interest in a matter which arises out of your membership of a district council, provided that:
    - you have registered your membership of that local authority as an interest on the LCR LEP Board register,
    - you do not stand to make a personal financial gain or loss from the matter, and
    - you have not been personally significantly involved in the matter to be considered by the LCR LEP Board.
  - d) The restriction on participating or voting set out in paragraph 17 a) does not apply if you are a private sector representative and have a disclosable pecuniary interest in a matter which arises out of your employment, provided that:
    - you have registered your employment as an interest on the LCR LEP Board register,
    - you do not stand to make a personal financial gain or loss from the matter, and
    - your employer does not stand to make a financial gain or loss from the matter which is in any way substantially different from any other employer in your sector.

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<sup>10</sup> This means any meeting of the LCR LEP Board convened in accordance with the LCR LEP Board Procedure Rules.

<sup>11</sup> You are not required to disclose the details of a disclosable pecuniary or non-pecuniary interest which is a sensitive interest, but you must nevertheless disclose that you have a disclosable interest in the matter.

### **Disclosing personal interests when considering applications for funding**

20. A personal interest is any interest which is **not** a disclosable pecuniary or non-pecuniary interest but which is a **close connection** to:
- any person (whether a family member or friend) or
  - any outside body<sup>12</sup>
- who is a potential direct recipient or beneficiary of LCR funding.
21. You must not participate or vote in decision-making if you have a personal interest in any application for LCR funding being considered by the LCR LEP Board – or if it may appear to someone else that you have a personal interest and so may be biased. You must declare the personal interest at any meeting at which the application is considered.

### **Disclosing a significant interest**

22. If you are present at a meeting of the LCR LEP Board, and you are aware that you have any significant interest (which is not a disclosable pecuniary or non-pecuniary interest, nor a personal 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 or voting on the matter.

### **Urgent decisions by the LCR LEP Chair on behalf of the LCR LEP**

23. The LCR LEP Chair cannot make an urgent decision on behalf of the LCR LEP Board <sup>13</sup>, where the LCR LEP Chair has a conflict of interest in the decision.

For the purpose of this provision, a conflict arises in relation to a proposed decision if the LCR LEP Chair is aware they have:

- a disclosable pecuniary or non-pecuniary interest in the matter, unless the interest falls within paragraph 19 d) above, or
  - a personal interest in the matter<sup>14</sup>, or
  - any significant interest in the matter.
24. The LCR LEP Chair must notify WYCA's Managing Director of any potential conflict of interest in an urgent matter, as soon as reasonably practicable and must take no further part in the decision.

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<sup>12</sup> For example, an outside body in which you have a formal position or with which you or a close family member have some other formal involvement.

<sup>13</sup> In accordance with the LCR LEP Constitution. These provisions also apply to the Deputy LEP Chair exercising the power of the LEP Chair to make any urgent decision, where the LCR LEP Chair is unable to act due to absence, illness or a conflict of interest.

<sup>14</sup> As defined in paragraph 19 above

### **Disclosing an interest when applying for an economic loan or grant**

25. You should notify WYCA's Executive Head of Economic Services if you, or a business or organisation in which you have a material personal or professional interest<sup>15</sup>, apply to WYCA for an economic loan or grant.<sup>16</sup>

### **Disclosing an interest when applying to provide contracted work or services**

26. A potential conflict arises or may appear to arise, where you or a business or organisation in which you have a material personal or professional interest<sup>17</sup>, applies to contract with WYCA for the supply of goods or materials or for the execution of works.
27. Except where any such application is made by a local authority, you should notify WYCA's Managing Director if you are aware or become aware of any such application or tender<sup>18</sup>.

### **Canvassing for appointments to WYCA**

28. You must not solicit any person for any appointment under the control of WYCA. This does not preclude you in your personal capacity from giving a written testimonial of a candidate's ability, experience or character for the candidate to submit to WYCA.

### **Complaints alleging a failure to comply with the Code**

29. All complaints alleging a failure to comply with this Code will be considered under the procedure agreed by the LCR LEP Board from time to time.

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<sup>15</sup> This includes any business or organisation which you have registered on the LCR LEP Board's register of interests.

<sup>16</sup> WYCA's officer scheme of delegation requires WYCA's Managing Director to consult with the Chair of the Overview and Scrutiny Committee before making any decision about an economic loan or grant to a business where any potential conflict of interest arises due to the involvement of a LCR LEP Board member with that business.

<sup>17</sup> This includes any business or organisation which you have registered on the LCR LEP Board's register of interests.

<sup>18</sup> The Managing Director will consult the Chair of WYCA's Overview and Scrutiny Committee about any such application, except where work or services has been secured by competitive tender.

## Annex 1

Subject	description of disclosable pecuniary interests
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than under the LCR LEP Board’s Allowances and Expenses scheme) made or provided within the relevant period<sup>19</sup> in respect of any expenses incurred by you in carrying out duties as a LCR LEP Board member.</p> <p>This includes any payment or financial benefit from a trade union.<sup>20</sup></p>
<b>Contracts</b>	<p>Any contract which is made between you or a relevant person<sup>21</sup> (or a body in which you or a relevant person has a beneficial interest<sup>22</sup>) and WYCA or any other LCR local 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>
<b>Land</b>	Any beneficial interest in land <sup>23</sup> which is within the Leeds City Region <sup>24</sup> .

<sup>19</sup> The relevant period means the period of 12 months ending with the day on which you notify the Monitoring Officer under paragraph 14a) and paragraph 17b) of the Code.

<sup>20</sup> Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

<sup>21</sup> As defined in paragraph 13b) of the Code.

<sup>22</sup> “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.

<sup>23</sup> 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.

<sup>24</sup> the Leeds City Region (LCR) spans 10 local authority areas: Barnsley, Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, Selby, Wakefield and York.

<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the Leeds City Region <sup>25</sup> for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to your knowledge): <ul style="list-style-type: none"> <li>(a) the landlord is the WYCA or other local authority in the Leeds City Region; and</li> <li>(b) the tenant is a body in which you or the relevant person<sup>26</sup> have a beneficial interest<sup>27</sup>.</li> </ul>
<b>Securities</b>	Any beneficial interest in securities <sup>28</sup> of a body where: <ul style="list-style-type: none"> <li>(a) that body (to your knowledge) has a place of business or land in the Leeds City Region<sup>29</sup>; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(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.</li> </ul> </li> </ul>

## **Annex 2                      Disclosable non-pecuniary interests**

Any body to which you are **appointed by the LCR LEP**

Any body exercising **functions of a public nature**                      Include any school governing body or another LEP

Any body directed to **charitable purposes**

Any body one of whose principal purposes includes the **influence of public opinion or policy**                      Include any political party or trade union

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<sup>25</sup> See footnote 18 above.

<sup>26</sup> See footnote 18.

<sup>27</sup> See footnote 16.

<sup>28</sup> "Securities" as defined in footnote 16.

<sup>29</sup> See footnote 18

Any **local authority positions**

Please state any positions or interests you hold as a local authority leader, or cabinet member for land, resources or in respect of the local authority's commercial interests.

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