

## **PART 6**

### **CODES AND PROTOCOLS**

A – Members' Code of Conduct

B – Officers' Code of Conduct

C – Protocol on Member/Officer Relations

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## PART 6A

### MEMBERS' CODE OF CONDUCT

#### 1. Introduction

- 1.1 This Code applies to you as a member or Co-opted member of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority') ('a Member') when you act in your role as such a member and it is your responsibility to comply with the provisions of this Code.
- 1.2 The Code sets out general obligations about the standards of conduct expected of members and co-opted members of the Authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 and is required, when viewed as a whole, to be consistent with the following general principles of conduct identified by the Committee on Standards in Public Life.

#### 2. Interpretation

2.1 In this Code –

- (a) **'Co-opted member'** means a person who is not a member of the Authority but who:-
- (i) is a member of any committee or sub-committee of the Authority, or
  - (ii) is 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;
- (b) **'Meeting'** means any meeting of the Authority, its committees, subcommittees, joint committees or joint sub-committees (whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members);
- (c) **'Member'** means a member of the Authority or a Co-opted member;

- (d) **'Non-pecuniary interest'** means an interest which affects your personal well-being but not your financial position;
- (e) **'Pecuniary interest'** means any interest which affects your financial position whether favourably or adversely.

2.2 An interest is also a Pecuniary Interest or Non-pecuniary interest of yours if to the best of your knowledge it affects the financial position or well-being of:-

- (a) anybody of which you are a member or in a position of general control or management; or
- (b) a member of your family or any person with whom you are closely acquainted or any person or body who employs or has appointed you or such persons, or any firm in which you or they are a partner, or any company of which you or they are a director; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

### **3. General Obligations**

3.1 As a Member you must observe and have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership (often referred to as the Nolan Principles or the seven principles of public life).

3.2 Accordingly, when acting in your capacity as a Member:-

- (a) You should conduct yourself in a manner which is consistent with the Authority's duty to promote and maintain high standards of conduct of members;
- (b) You should treat others with respect;
- (c) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Authority;
- (d) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;

- (e) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
- (f) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- (g) You are accountable for your decisions to the public and you must cooperate fully with whatever scrutiny is appropriate to your office;
- (h) You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions;
- (i) When reaching decisions on any matter you must have regard to the relevant advice provided to you by:-
  - (i) the Authority's Section 151 Officer; and/or
  - (ii) the Authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties;
- (j) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below;
- (k) You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.;
- (l) You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature UNLESS:-
  - (i) you have the consent of the person authorised to give it; or
  - (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 legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is reasonable in the public interest and made in good faith and in compliance with the reasonable requirements of the Authority;

AND you have consulted the Monitoring Officer prior to its release.

- (m) Do not prevent another person from gaining access to information to which that person is entitled by law.
- (n) When using, or authorising the use by others of the resources of the Authority –
  - (i) act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ITC policy and the policies, copies of which have been provided to you and which you are deemed to have read;
  - (ii) make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iii) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (A paper copy of the Publicity Code can be obtained from the Monitoring Officer).

#### **4 Disclosure of Interests and Participation in Meetings**

4.1 If you are present at a meeting and you or your spouse/partner have an Interest as set out in Schedule 1 below (Disclosable Pecuniary Interests):

- (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;
- (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (c) you must leave the room where the meeting is held during any discussion or vote; and
- (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

- 4.2 Where a matter arises at a meeting which relates to an interest as set out in Schedule 2 below (Other Interests):
- (a) you must not vote on the matter;
  - (b) you may speak on the matter only if members of the public are allowed to speak at the meeting;
  - (c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.
- 4.3. Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Schedules 1 or 2 in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours, and you are aware or ought reasonably to be aware of the existence of that interest:
- (a) you must declare the interest;
  - (b) you must not vote on the matter;
  - (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

### **Pre-determination and bias**

- 4.4. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member, however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 4.5 When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

### **5. Registration of Interests**

- 5.1 You must within 28 days of taking office as a Member notify the Monitoring Officer for entry on the Authority's Register of Members' Interests of any 'disclosable pecuniary interest' as defined in regulations made by the Secretary of State as listed in Schedule 1 to this Code where that interest is yours, that of your spouse or civil partner or that of somebody with whom you are living as spouses or as if you were civil partners.
- 5.2 In addition you must within the same time period notify the Monitoring Officer of any Pecuniary or Non-pecuniary interest which the Authority has decided

should be included in the Register of Members' Interests as listed in Schedule 2 to this Code.

- 5.3 You must also notify the Monitoring Officer within 28 days of any such interest arising for the first time.

## **Gifts and Hospitality**

- 5.4 You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

## **6. Sensitive Interests**

- 6.1 Where you are concerned that the disclosure of the details of an interest (either a disclosable pecuniary interest or any other interest you are required to disclose under this Code) could lead to you, or a person connected with you, being subject to violence or intimidation, you may apply to the Monitoring Officer for it to be classed as a "sensitive interest". If the Monitoring Officer agrees that it should be treated as such then the provisions below will apply.

- 6.2 Where an interest is considered to be a sensitive interest:-

(a) If the interest is entered on the Authority's register of interests, copies of the register that are made public will not include details of the interest, but may state that the member or co-opted member has an interest, the details of which are withheld under the provisions applying to sensitive interests;

(b) Where the interest is a disclosable pecuniary interest, and the member is required to disclose this at a meeting, he/she may simply disclose that he/she has a disclosable pecuniary interest in the matter concerned.

## **7. Dispensations**

- 7.1 A member or co-opted member who has a disclosable pecuniary interest in an item of business to be considered by the Authority may make a written request to the Monitoring Officer that the Authority grant a dispensation from the restrictions applying to their participation in the discussion and vote on the item and from not carrying out any function related to the matter. The grounds upon which the Authority can grant a dispensation are set out in Schedule 3 to this Code.

## **8. Members Register of Interests**

- 8.1 The Monitoring Officer is required to establish and maintain a register of interests of members and co-opted members of the Authority. This register is available for public inspection and must also be published on the Authority's website.

## **9. Authority Procedures and Protocols**

- 9.1 You should comply with procedures and protocols approved by the Authority that relate to the conduct of Authority business or apply to you in your capacity as an individual member or co-opted member of the Authority. Relevant procedures and protocols are included in the Authority's Constitution. This can be viewed on the Authority's website.

## **10. Review of this Code**

- 10.1 This Code will be reviewed at the Authority's Annual Meeting.

## **11. Monitoring Officer**

- 11.1 The Authority's Monitoring Officer is Steve Davenport Contact details:-  
Email: [steve.davenport@sypte.co.uk](mailto:steve.davenport@sypte.co.uk)  
Address: 11 Broad Street West, Sheffield, S1 2BQ

## Schedule 1 - Disclosable Pecuniary Interests

The following are disclosable pecuniary interests:-

(A) *Employment, office, trade, profession or vocation:*

Any employment, office, trade, profession or vocation carried on for profit or gain.

(B) *Sponsorship:*

Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Note: "Relevant period" means the period of 12 months ending with the day on which the member gives notice of any disclosable interests that he/she has on being appointed or reappointed to the Authority.

(C) *Contracts:*

Any contract which is made between the relevant person (or the body in which the relevant person has a beneficial interest) and the Authority:-

- under which goods or services are to be provided or works to be executed; and
- which has not been fully discharged.

Note: "Relevant person" means the member, or member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners.

(D) *Land:*

Any beneficial interest in land which is within the Authority's area.

(E) *Licences:*

Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

(F) *Corporate tenancies:*

Any tenancy where (to the member's knowledge):-

- the landlord is the Authority; and
- the tenant is a body in which the relevant person has a beneficial interest.

Note: "Relevant person" is as described above.

(G) *Securities:*

Any beneficial interest in securities of a body where:-

- (a) that body (to the member's 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 in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

The definition above is as set out at section 30(3) of the Localism Act 2011 and the description of interests are as specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Failure to register these interests, or to participate in any discussion or voting at a meeting in respect of these interest without a dispensation, is a criminal offence.

## **Schedule 2 - Other Interests Required to be Registered**

- (A) Membership of any Body:-
  - (i) to which you are appointed or nominated by the Authority; or
  - (ii) exercising functions of a public nature; or
  - (iii) or dedicated to charitable purposes; or
  - (iv) one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union)
- (B) Membership of a private club or society
- (C) Membership of any organisation which promotes secrecy amongst its membership

### **Schedule 3 – Dispensations**

- (A) The grounds upon which the Authority may grant a dispensation relieving a member or co-opted member from the restrictions on participating in the discussion or voting on a matter in which they have a disclosable pecuniary interest are set out below. A member or co-opted member may make application to be relieved from either or both of the restrictions.
- (B) The circumstances in which a dispensation may be granted are:-
- (i) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of business (the meeting would be inquorate).
  - (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate.
  - (iii) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
  - (iv) That the Authority considers that it is otherwise appropriate to grant a dispensation.

(C) **Standard Dispensations**

Where the decision relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) Housing, where you are a tenant of the Authority unless those functions relate particularly to your tenancy or lease;
- (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school unless it relates particularly to the school which the child attends;
- (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
- (iv) An allowance, payment or indemnity given to members;

(v) Any ceremonial honour given to members; and

(vi) Setting council tax, levy or a precept under the Local Government Finance Act 1992