

OVERVIEW AND SCRUTINY MEETING

13 March 2024

MEMBER CODE OF CONDUCT AND REGISTER OF INTERESTS

Report of the Interim Deputy Monitoring Officer

1.0 Purpose of the Report

- 1.1 To remind Members that the York and North Yorkshire Combined Authority's (Y&NYCA) Member Code of Conduct sets out high expectations with regard Member's conduct. As Members are co-opted onto a Y&NYCA Committee, the Y&NYCA's code applies to them when they are acting in this capacity.

2.0 Recommendations

- 2.1 Members are requested to note the Y&NYCA's Member Code of Conduct (Appendix 1) and to complete an annual Register of Interest Form (Appendix 2).

3.0 Background

- 3.1 Members will be aware that within their constituent authorities they are subject to a Code of Conduct adopted by their authority. Whilst this Code is often referred to as a local Code of Conduct, it is, in substance, more properly described as a national Code follows a Model Code. Local additions may be made to the Code, but the substance of it usually remains akin to the Model Code.
- 3.2 Members from City of York Council and North Yorkshire Council who sit on the Combined Authority or Committees of the Y&NYCA are required to adhere to the Code of Conduct adopted by the Combined Authority, when acting in their role of co-opted Member of the Combined Authority. In addition, co-opted Members are also required to sign the Combined authority's annual Register of Interest Form.

4.0 Financial Implications

- 4.1 There are no direct financial implications arising from this report.

5.0 Legal Implications

- 5.1 The adoption of the Code is a statutory requirement and applies to all Members, including co-opted Members of the Combined Authority and its Committees, by virtue of the Localism Act 2011 and the York and North Yorkshire Combined Authority Order 2023.

6.0 Equalities Implications

6.1 There are no direct equalities implications arising from this report.

7.0 Environmental Implications

7.1 There are no direct environmental implications arising from this report.

8.0 Combined Authority Areas Impacted (Council Areas/Wards/Divisions)

8.1 York and North Yorkshire Local Government areas.

9.0 Recommendations

9.1 Members are requested to note the Y&NYCA's Member Code of Conduct (Appendix 1) and to complete an annual Register of Interest Form (Appendix 2).

10.0 Reasons For Recommendations

10.1 In order to comply with the Combined Authority's statutory duties.

11.0 Contact Details

For further information please contact the author of this Report.

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Background papers

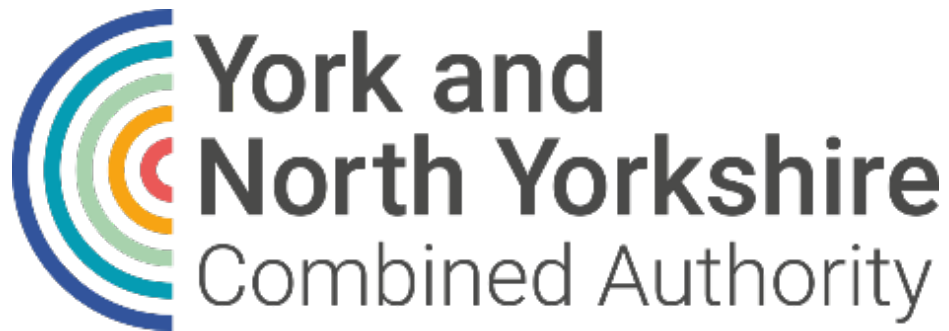
Localism Act 2011

The York and North Yorkshire Combined Authority Order 2023

Appendices –

Appendix 1 – Code of Conduct

Appendix 2 – Register of Interest Form



MEMBERS CODE OF CONDUCT

JANUARY 2024

A. Members Code of Conduct

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A. Member Model Code of Conduct

1. Definitions

1.1 For the purposes of this Code of Conduct, a “member” means a member including the directly elected Mayor and substitute members, a co-opted member of the Y&NYCA including councillors from York and North Yorkshire Councils appointed to roles in which they act on behalf of the Y&NYCA. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority

1.2 For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

2. General principles of Member Conduct

2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

2.2 Building on these principles, the following general principles have been developed specifically for the role of councillor.

2.3 In accordance with the public trust placed in me, on all occasions:

- a) I act with integrity and honesty
- b) I act lawfully
- c) I treat all persons fairly and with respect; and
- d) I lead by example and act in a way that secures public confidence in the role of councillor.

2.4 In undertaking my role:

- a) I impartially exercise my responsibilities in the interests of the local community
- b) I do not improperly seek to confer an advantage, or disadvantage, on any person
- c) I avoid conflicts of interest
- d) I exercise reasonable care and diligence; and

- e) I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

3. Application of the Code of Conduct

3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor or are appointed as a member and continues to apply to you until you cease to hold office/be a member of the Y&NYCA.

3.2 This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:

- a) you misuse your position as a member
- b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member

3.3 The Code applies to all forms of communication and interaction, including:

- a) at face-to-face meetings
- b) at online or telephone meetings
- c) in written communication
- d) in verbal communication
- e) in non-verbal communication
- f) in electronic and social media communication, posts, statements and comments

3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.

3.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

4. Standards of Member Conduct

4.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

5. General Conduct

5.1 The general conduct guidance follows below:

1. Respect

As a member:

1.1 I treat other members and members of the public with respect.

1.2 I treat Y&NYCA employees, employees and representatives of partner organisations and those volunteering for the Y&NYCA with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members/councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Y&NYCA, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and Y&NYCA employees, where concerns should be raised in line with the Y&NYCA's member - officer protocol.

2. Bullying, harassment and discrimination

As a member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person

in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Y&NYCA's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Y&NYCA

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Y&NYCA

Officers work for the Y&NYCA as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a member:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i) I have received the consent of a person authorised to give it;**
 - ii) I am required by law to do so;**
 - 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:**
 - 1. reasonable and in the public interest; and**

2. **made in good faith and in compliance with the reasonable requirements of the Y&NYCA, and**
3. **I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Y&NYCA must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Y&NYCA and may lower the public's confidence in your or the Y&NYCA's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Y&NYCA into disrepute.

You can hold the Y&NYCA and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Y&NYCA whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the Y&NYCA provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Y&NYCA resources and facilities

As a member:

7.1 I do not misuse Y&NYCA resources.

7.2 I will, when using the resources of the Y&NYCA or authorising their use by others:

a. act in accordance with the Y&NYCA 's requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Y&NYCA or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the Y&NYCA to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Y&NYCA/local authority buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Y&NYCA's own policies regarding their use.

8. Complying with the Code of Conduct

As a member:

8.1 I undertake Code of Conduct training provided by the Y&NYCA.

- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Y&NYCA or its governance. If you do not understand or are concerned about the Y&NYCA's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a member:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Y&NYCA employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011. **Section 7 (below)** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a member:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Y&NYCA or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

To protect your position and the reputation of the Y&NYCA, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where you have a Disclosable Pecuniary Interest, as set out in Table 1, in any matter to be considered or being considered at a meeting, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (**as set out in Table 2**), you must disclose the interest. You may speak on the

matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**;

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

9. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Table 1: Disclosable Pecuniary Interests

Subject	Description
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 Y&NYCA) made or provided within the 12-month period prior to notification of the interest 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 within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992.</p>
Contracts	<p>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Y&NYCA:</p> <ul style="list-style-type: none"> • a. under which goods or services are to be provided or works are to be executed: and, • b. which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the Y&NYCA. Land excludes an easement, servitude, interest or right in or over the land which does not give you or your partner (alone or jointly with another) a right to occupy or to receive income.
Licence	Any licence (alone or jointly with others) to occupy land in the area of the Y&NYCA for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to your knowledge) -</p> <ul style="list-style-type: none"> a. the landlord is the Y&NYCA: and b. the tenant is a body in which you or your partner is a partner of or a director of or has a has a beneficial interest in the securities.

Securities	<p>Any beneficial interest in securities of a body where:</p> <p>a. that body (to your knowledge) has a place of business or land in the area of the Y&NYCA; and</p> <p>b. either -</p> <p>i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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11. For the purposes of the above table:

- a. 'a body in which you or your partner has a beneficial interest' means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest;
- b. 'director' includes a member of the committee of management of an industrial and provident society;
- c. '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.

<p>Table 2: Other Registrable Interests</p> <p>You must register as an Other Registerable Interest:</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
