

**GREATER MANCHESTER COMBINED AUTHORITY
STANDARDS COMMITTEE**

DATE: Friday, 17th December, 2021

TIME: 10.30 am

VENUE: Rochdale Council Offices, Riverside One, Rochdale

AGENDA

- 1. Apologies**
- 2. Chairs Announcements and Urgent Business**
- 3. Standards Committee Membership 2021/22**

To note the GMCA Standards Committee membership for 2021/22 as below –

Martyn Cox (Bolton) (Con)
Paul Dennett (Salford) (Lab)
Elise Wilson (Stockport) (Lab)
Andrew Western (Trafford) (Lab)
Brenda Warrington (Tameside) (Lab)
Geoff Linnell (Independent Member)

- 4. Standards Committee Terms of Reference** 1 - 4

To note the Terms of Reference of the GMCA Standards Committee.

- 5. Declarations of Interest** 5 - 8

To receive declarations of interest in any item for discussion at the meeting. A blank form for declaring interests has been circulated with the agenda; please ensure that this is returned to the Governance & Scrutiny Officer at least 48 hours in advance of the meeting.

BOLTON	MANCHESTER	ROCHDALE	STOCKPORT	TRAFFORD
BURY	OLDHAM	SALFORD	TAMESIDE	WIGAN

6. Minutes of the GMCA Standards Committee meeting - 19 November 2020 9 - 12

To consider the approval of the minutes of the meeting held 19 November 2020.

7. LGA Model Code of Conduct 13 - 44

Report of Liz Treacy, Monitoring Officer GMCA.

8. Declaration of Interests 45 - 50

Report of Liz Treacy, Monitoring Officer GMCA.

9. GMCA Standards Committee - Work Programme 2021-22 51 - 52

To note the GMCA Standards Committee Work Programme.

Name	Organisation	Political Party
City Mayor Paul Dennett	Salford City Council	Labour
Nicole Jackson	Independent Person	
Geoff Linnell	Independent Member	
Councillor Andrew Western	Trafford	Labour
Councillor Elise Wilson	Stockport MBC	Labour
Councillor Brenda Warrington	Tameside	Labour
Councillor Martyn Cox	Bolton Council	Conservative

For copies of papers and further information on this meeting please refer to the website www.greatermanchester-ca.gov.uk. Alternatively, contact the following
Governance & Scrutiny Officer: Governance & Scrutiny
✉ nicola.ward@greatermanchester-ca.gov.uk

This agenda was issued on 9 December 2021 on behalf of Julie Connor, Secretary to the Greater Manchester Combined Authority, Broadhurst House, 56 Oxford Street, Manchester M1 6EU

PART 4

A. Standards Committee

Standards Committee

1.1 The GMCA will establish a Standards Committee.

1.2 Composition

(a) Membership.

The Standards Committee will be composed of:

- Five members of the GMCA (none of whom shall be the Chair); and
- One person appointed by the GMCA who is not a Member or officer of the GMCA or an elected member or officer of any of the Constituent Councils (Co-opted Independent Member).

(b) Independent Member.

The Co-opted Independent Member will not be entitled to vote at meetings.

(c) Chairing the Committee.

The GMCA will appoint the Co-opted Independent Member as Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

(d) Quorum.

The quorum for the Standards Committee shall be three (and in relation to the matters referred to in paragraph 4.3 (f) and (g) of whom at least one must be the Co-opted Independent Member), provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the GMCA's Code of Conduct.

(e) Questions at Meetings of the GMCA.

The Committee will appoint one of its elected Members for the purpose of answering questions at meetings of the GMCA on the discharge of the Committee's functions.

1.3 Role and Function

The GMCA has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the GMCA's Standards Committee has the following role and functions:

- (a) to promote and maintain high standards of conduct by GMCA Members;
- (b) to assist GMCA Members to observe the GMCA's Code of Conduct for Members;
- (c) to advise the GMCA on the adoption, revision or replacement of the GMCA's Code of Conduct for Members and the GMCA's Arrangements for Dealing with Complaints that GMCA Members have failed to comply with the GMCA's Code of Conduct for Members ("the GMCA's Arrangements");
- (d) to monitor the operation of the GMCA's Code of Conduct for Members and the GMCA's Arrangements;
- (e) to advise, train or arrange to train GMCA Members to observe the GMCA's Code of Conduct for Members;
- (f) to determine, or to delegate to a Standards (Hearings) Sub-Committee to determine, in accordance with the GMCA's Arrangements whether a GMCA Member has failed to comply with the GMCA's Code of Conduct for Members and, if so, to determine, or to delegate to a Standards (Hearings) Sub-Committee to determine, what action (if any) to take in respect of the GMCA Member, such actions to include –
 - publication of the findings of the GMCA's Standards (Hearings) Sub-Committee in respect of the Subject Member's conduct;
 - reporting the findings of the GMCA's Standards (Hearings) Sub-Committee to the GMCA for information;
 - recommendation to the GMCA that the Subject Member should be censured;
 - instructing the GMCA's Monitoring Officer to arrange training for the Subject Member;
 - recommendation to the GMCA that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the GMCA;
 - placing such restrictions on the Subject Member's access to staff, buildings or parts of buildings provided for the use of the GMCA as may be reasonable in the circumstances.
- (g) to determine appeals against the GMCA Monitoring Officer's decision on the grant of dispensations.

1.4 **Additional Roles of Standards Committee**

- (a) to overview the GMCA's whistle blowing policy;

- (b) to consider the GMCA's Code of Corporate Governance and the Annual Governance Statement.

1.5 **Delegation**

The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee shall be chaired as determined by the Committee and shall have a quorum of three.

This page is intentionally left blank

Declaration of Councillors' Interests in Items Appearing on the Agenda

Name and Date of Committee.....>

Agenda Item Number	Type of Interest - PERSONAL AND NON PREJUDICIAL Reason for declaration of interest	NON PREJUDICIAL Reason for declaration of interest Type of Interest – PREJUDICIAL Reason for declaration of interest	Type of Interest – DISCLOSABLE PECUNIARY INTEREST Reason for declaration of interest
Page 5			

Please see overleaf for a quick guide to declaring interests at GMCA meetings.

Quick Guide to Declaring Interests at GMCA Meetings

Please Note: should you have a personal interest that is prejudicial in an item on the agenda, you should leave the meeting for the duration of the discussion and the voting thereon.

This is a summary of the rules around declaring interests at meetings. It does not replace the Member's Code of Conduct, the full description can be found in the GMCA's constitution Part 7A.

Your personal interests must be registered on the GMCA's Annual Register within 28 days of your appointment onto a GMCA committee and any changes to these interests must notified within 28 days. Personal interests that should be on the register include:

1. Bodies to which you have been appointed by the GMCA
2. Your membership of bodies exercising functions of a public nature, including charities, societies, political parties or trade unions.

You are also legally bound to disclose the following information called Disclosable Personal Interests which includes:

1. You, and your partner's business interests (eg employment, trade, profession, contracts, or any company with which you are associated).
2. You and your partner's wider financial interests (eg trust funds, investments, and assets including land and property).
3. Any sponsorship you receive.

Failure to disclose this information is a criminal offence

Step One: Establish whether you have an interest in the business of the agenda

1. If the answer to that question is 'No' then that is the end of the matter.
2. If the answer is 'Yes' or Very Likely' then you must go on to consider if that personal interest can be construed as being a prejudicial interest.

Step Two: Determining if your interest is prejudicial

A personal interest becomes a prejudicial interest:

1. where the wellbeing, or financial position of you, your partner, members of your family, or people with whom you have a close association (people who are more than just an acquaintance) are likely to be affected by the business of the meeting more than it would affect most people in the area.
2. the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

For a non-prejudicial interest, you must:

1. Notify the governance officer for the meeting as soon as you realise you have an interest.
2. Inform the meeting that you have a personal interest and the nature of the interest.
3. Fill in the declarations of interest form.

To note:

You may remain in the room and speak and vote on the matter

If your interest relates to a body to which the GMCA has appointed you to, you only have to inform the meeting of that interest if you speak on the matter.

For prejudicial interests, you must:

1. Notify the governance officer for the meeting as soon as you realise you have a prejudicial interest (before or during the meeting).
2. Inform the meeting that you have a prejudicial interest and the nature of the interest.
3. Fill in the declarations of interest form.
4. Leave the meeting while that item of business is discussed.
5. Make sure the interest is recorded on your annual register of interests form if it relates to you or your partner's business or financial affairs. If it is not on the Register update it within 28 days of the interest becoming apparent.

You must not:

Participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business,
participate in any vote or further vote taken on the matter at the meeting.

This page is intentionally left blank

Minutes of the GMCA Standards Committee Meeting held 19 November 2020 via Microsoft Teams

Present

Geoff Linnell
City Mayor Paul Dennett
Councillor Brenda Warrington
Councillor Andrew Western

Co-opted Independent Member
Salford Council
Tameside MBC
Trafford Council

Also in attendance

Gwynne Williams
Sarah Horseman
Nicola Ward

GMCA Deputy Monitoring Officer
GMCA Head of Audit and Assurance
GMCA Governance

GMSC 20/01 Welcome and Apologies

Resolved /-

That apologies were received and noted from Councillor Elise Wilson, Councillor David Greenhalgh and Nicole Jackson (Independent Person).

GMSC 20/02 Chairs Announcements and Urgent Business

There were no chairs announcements or matters of urgent business.

GMSC 20/03 Declarations of Interest

There were no declarations of interest raised in relation to any item on the agenda.

GMSC 20/04 Minutes of the GMCA Standards Committee meeting held 17 September 2019

Resolved /-

That the minutes of the GMCA Standards Committee held 17 September 2019 be approved.

GMSC 20/05 Whistleblowing, Anti-fraud and Anti-Bribery Policies

Sarah Horseman, Head of Audit and Assurance for the GMCA took Members through the latest version of the GMCA's Whistle Blowing Policy and changes made since the last version which was published in February 2018. There had been no significant changes to the policy, but some additions in relation to the safe storage of documentation regarding an allegation, and further identity protection of those who whistle-blow.

Members welcomed the changes to the policy and sought assurance as to how it has been embedded in the culture of the GMCA to ensure that all staff are aware as to how the process of whistleblowing operates. Officers reported that over the past 12 months there had been a range of awareness activity taking place across the organisation, including increased communications, reports of changes as a result of whistle blowing cases and additional information on the intranet. These assurances would continue to be embedded across the organisation.

Members further asked whether employees of suppliers to the GMCA would be able to raise concerns under the policy. Officers confirmed that they would be able to report any concerns or disclosures over wrongdoing as a member of the public has the ability to do, however, unlike disclosures made by employees, protection under PIDA law would not apply.

Resolved /-

That the draft of the updated Whistleblowing Policy be noted.

GMSC 20/06 Arrangements for Dealing with Complaints under the Code of Conduct for Members

Gwynne Williams, Deputy Monitoring Officer GMCA took the Committee through a short paper which outlined the process by which complaints made under the Code of Conduct for Members would be dealt with. It detailed that the GMCA Monitoring Officer would oversee all such complaints, and in consultation with the Independent Person, determine whether there had been a breach of the Code of Conduct and if so, which type of breach. This evaluation would then determine whether a local hearing of the Standards Committee (or sub-committee of the Standards Committee) would be required.

Members asked how a complaint that was regarding a Member's conduct in their Local Authority role would be dealt with. Officers confirmed that the complainant would be notified that it falls within the remit of the Local Authority, and then the complaint would be forwarded to the relevant Monitoring Officer for investigation.

Resolved /-

That the report be noted.

GMSC 20/07 Fraud in the age of Covid-19 - Article

An article by Laura Hough, Head of Counter Fraud Policy and Strategy, CIPFA regarding the risk of fraud in the public sector during the Covid pandemic was shared with the Committee for information.

Members highlighted the potential impact to Local Authorities through such activities and the concerning examples of where schemes to support people through Covid were creating further opportunities for fraudulent activities to take place.

Resolved /-

That the article be noted.

GMSC 20/08 Standards Committee Work Programme

Members of the Committee discussed the proposed work programme and considered the proposed items for future agendas.

Resolved /-

That the work programme be noted.

GMSC 20/09 Dates of future meetings

Resolved /-

That the GMCA Standards Committee would next meet at the start of the next municipal year.

This page is intentionally left blank

GMCA Standards Committee

Date: 17 December 2021

Subject: Local Government Association (LGA) Model Code of Conduct for Members

Report of: Liz Treacy, Monitoring Officer

Purpose of Report

To update the GMCA Standards Committee on the publication of the LGA Model Code of Conduct for Members.

Recommendations:

The GMCA Standards Committee is requested to:

1. Note the report.
2. Consider whether to recommend the adoption of the LGA model code (with or without modifications), or defer consideration and recommendations regarding adoption of the LGA model code pending the receipt of central government's response to the Committee on Standards in Public Life recommendations and any legislative changes.

Contact Officers

Julie Connor, Assistant Director for Governance and Scrutiny
Nicola Ward, Senior Governance Officer

Background Papers

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution
Yes / No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

N/A

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction

1.1 In January 2019 the Committee on Standards in Public Life (CSPL) published its report on its review of local government ethical standards. Its first recommendation was 'that the Local Government Association (LGA) should create an updated Code of Conduct in consultation with representative bodies of Elected Members and officers of all tiers of local government'. The Government has yet to comment on the CSPL recommendations including relating to strengthening sanctions for the breach of the code.

1.2 The new LGA Model Code is attached at appendix 1 and the GMCA's current Code of Conduct is attached at appendix 2.

2. The LGA Model Code

2.1 The most significant points to note from the LGA Model Code are:

- That it claims to clarify when the code will apply;
- That it introduces the concept of treating other Elected Members, members of the public, staff and representatives of partner organisations with respect whilst acknowledging the need to be able to engage in debate in a civil manner;
- That it makes it a requirement to comply with any sanction imposed following a finding that the code has been breached. At present sanctions for breach of the Members Code of Conduct as very limited. The CSPL recommended that Government change the law to allow Local Authorities the power to suspend Elected Members, without allowances for up to 6 months (exercisable only when the authority's Independent Person agrees both with the finding of a breach and that suspending the Elected Member would be the appropriate sanction), however the Government has yet to respond to this proposal.
- That it sets out a threshold for registration of gifts and hospitalities at £50, where it was originally £25. Noting that the GMCA's threshold is currently £100.

2.2 Appendix B of the LGA Model Code sets out the requirements in relation to registration and declaration of interests. There are a number of issues with these proposals in that:

- It arguably does not explicitly deal with declaration of interests outside of formal committee meetings, i.e. consultation with elected members or delegated decision making.
- It departs from narrower wording in section 31 of the Localism Act 2011 (which relates to disclosable pecuniary interests) and introduces a distinction between things that 'directly relate' to an interest and things that 'affect' an interest. This could be because it assumes that the change to the law as recommended by the CSPL report would repeal section 31 of the Localism Act once it comes into effect. However, until such time, narrowing this wording would not be recommended given the criminal sanctions for failing to disclose a disclosable pecuniary interest.

3. Next steps

3.1 There are benefits in a consistent approach across Greater Manchester in relation to a Code of Conduct, especially if the majority of authorities across England were also to adopt the Code, not least to benefit from any developing practice or case law.

3.2 Chief Legal Officers have been reviewing the potential adoption of the LGA Model Code and further guidance was issued by the LGA in July 2021. It became apparent in the interim that since its issue the LGA code had been updated twice by the LGA to clarify issues that were not fully covered in the earlier versions.

3.3 The LGA contacted Chief Legal Officers in relation to its original proposal to review the Code on an annual basis querying whether it is too early to review the code this year for the following reasons:

- It has not yet been well embedded;
- Some Authorities have only just considered it;
- It would be better to review it shortly before the May 2022 Local Government elections, so that it can be considered at the annual general meeting for adoption in full/part/not at all at the annual meeting of Local Authorities;
- Wait for central government response to CSPL recommendations if this is likely to be published by the end of 2021.

3.4 Two Councils within Greater Manchester have already adopted the LGA model code. The view of other Chief Legal Officers seemed to retain their current code of conduct for now, and await central government's response to CSPL recommendations and any legislative changes eg in relation to sanctions (which may lead to further changes to the LGA model code).

This page is intentionally left blank



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. 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;

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

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.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

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.

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

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

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

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

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

- you misuse your position as a councillor
- 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 councillor;

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

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

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

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. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

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

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

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

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority 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 councillor, 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 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 local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

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. Councillors have a central role to play in ensuring that equality issues are integral to the local authority'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 council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority 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 in order 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 councillor:

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 local authority; 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 councillor 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 local authority 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 Councillor, 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 councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

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 local authority 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 local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority'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 local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor 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 local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

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 councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority'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 councillor:

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, local authority employees and fellow councillors 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 or not 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 councillors 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.

Appendix B 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 councillor:

- 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 local authority 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 £50 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.**

In order to protect your position and the reputation of the local authority, 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 councillor. 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 councillor, 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 councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

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 in order 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 councillor, or a person connected with the councillor, 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 a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, 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.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. 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

7. 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.
8. 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 Registerable 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

9. 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.

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

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</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 and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; 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 the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	--

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- 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
 - (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

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

SECTION A: CODE OF CONDUCT FOR MEMBERS

Part 1 General Provisions

1 Introduction and Scope

- 1.1 The Greater Manchester Combined Authority is determined to promote and maintain high standards of conduct by its Members, Co-opted Members and those councillors from Greater Manchester's districts appointed to roles in which they act on behalf of the GMCA. The GMCA has adopted a Code of Conduct for Members in line with its obligations under section 27(2) of the Localism Act 2011.
- 1.2 This Code mandatorily applies to those acting as Members of the GMCA (including the **directly elected** Mayor and Substitute Members), voting Co-opted Members of the GMCA's committees or Appointed Members of Joint Committees, and references to "official capacity" are to be construed accordingly.
- 1.3 Compliance with this Code is a statutory requirement for those identified in paragraph 1.2. To promote good governance the GMCA strongly recommends voluntary compliance with the Code by non-voting Co-opted Members of the GMCA's committees and by elected members from Greater Manchester's ten districts when they otherwise act for or represent the GMCA. Where a member is only subject to the Code through voluntary compliance (as described in this paragraph) they will not in law be subject to the statutory obligations relating to member conduct under Chapter 7, Part 1 of the Localism Act 2011 nor can the conduct of such a member, insofar as it concerns that member's GMCA role, amount to any of the criminal offences referred to in this Code. However, the conduct of a member who has agreed to voluntarily be subject to the Code may be considered under the GMCA's arrangements for determining whether a member has breached the Code.
- 1.4 In this Code – 'meeting' means any meeting of:
- the GMCA; or
 - any of the GMCA's Committees or Sub-Committees, Joint Committees or Joint Sub-Committees.
- For the purposes of this Code "Committee" includes any Fire Committee that may be established by the Mayor.
- 1.5 This Code does not have effect in relation to a member's conduct other than where it is in that member's official capacity.
- 1.6 This Code will be reviewed every two years by the GMCA's Standards Committee or earlier if required by a change in legislation.

2 General Principles

- 2.1 The Code and the associated guidance are based on the following general principles.
- 2.2 Members must behave according to the highest standards of personal conduct in everything they do when acting as a Member or voting Co-opted Member (or in the case of those voluntarily subject to compliance with the Code in accordance with paragraph 1.3 above, where they are otherwise acting on behalf of the GMCA). They must observe the following principles of conduct, some of which are set out in law. The seven principles of Standards in Public Life known as the Nolan Principles underpin the provisions of the GMCA's Code of Conduct for Members. They are set out in paragraphs 2.3 to 2.9 below.
- 2.3 Selflessness: holders of public office should act solely in terms of the public interest.
- 2.4 Integrity: holders of public office **must avoid** placing themselves under any obligation to **people or** organisations that might try inappropriately to influence them in the work. **They should not act or take decisions on order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.**
- 2.5 Objectivity: **Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.**
- 2.6 Accountability: Holders of public office are accountable for their decisions and must submit themselves to whatever scrutiny is appropriate to **ensure this.**
- 2.7 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 doing so.**
- 2.8 Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 2.9
- 2.10 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.**Where those covered by this Code act as a representative of the GMCA:
- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, they must comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.
- 2.11 It is an individual's responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the GMCA. A failure by a Member coming

within the scope of paragraph 1.2 above to declare a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and/or disqualification from office for a period of up to 5 years.

3 General Obligations for Members

3.1 You must not:-

- a. Do anything which may knowingly cause the GMCA to breach the Equality Act 2010;
- b. Bully or be abusive to any person;
- c. Intimidate or attempt to intimidate any person who is or is likely to be:
 - a complainant
 - a witness, or
 - involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the GMCA's Code of Conduct; or
- d. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the GMCA.

3.2 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 to do so by law;
 - 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 and in the public interest; and
 - is made in good faith and in compliance with the reasonable requirements of the GMCA; **and I have consulted with the Monitoring Officer prior to its release or**
- b. **Do not improperly use knowledge gained solely as a result of your role as a Councillor for the advancement of yourself, friends, family members, employer or business interests**
- c. Prevent another person from gaining access to information to which that person is entitled by law.

3.3 You must not conduct yourself in such a way which could reasonably be regarded as bringing your office or the GMCA into disrepute.

3.4 You:

- a. must not use or attempt to use your position as a Member improperly to **the advantage or disadvantage** for myself or any other person, ; and
- b. must, when using or authorising the use by others of the resources of the GMCA:

- act in accordance with the GMCA’s reasonable requirements;
- ensure that such resources are not used improperly for political purposes (including party political purposes) **or be conducive to, gthe discharge of the functions of the GMCA or of the office to which I have been appointed;** and
- c. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.5 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- a. The GMCA’s Treasurer (section 73 officer); or
- b. The GMCA’s Monitoring Officer

where that officer is acting pursuant to his or her personal statutory duties.

3.6 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the GMCA.

Part 2 Disclosable Pecuniary Interests

4 Notification of Disclosable Pecuniary Interests

- 4.1 Within 28 days of becoming a Member or a Voting Co-opted Member (or in the case of those subject to voluntary compliance with the Code in accordance with paragraph 1.3 above, within 28 days of being appointed to a GMCA body or appointed to act as a representative of the GMCA) you must notify the Monitoring Officer of any disclosable pecuniary interests.
- 4.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner (if you are aware of your partner's interest), within the descriptions set out in the table below.
- 4.3 '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.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the GMCA) 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992.
Contracts	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 GMCA: <ol 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 GMCA. 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 GMCA for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - <ol style="list-style-type: none"> a. the landlord is the GMCA: 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	Any beneficial interest in securities of a body where:

	<ul style="list-style-type: none"> a. that body (to your knowledge) has a place of business or land in the area of the GMCA; and b. either - <ul style="list-style-type: none"> 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

4.4 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 a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union;
- 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.

5 Non Participation in Case of Disclosable Pecuniary Interest

5.1 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- a. You must not participate in any discussion of at the meeting.
- b. You must not participate in any vote taken on the matter at the meeting.
- c. If the interest is registered you must disclose the interest to the meeting (as required by GMCA Procedure Rule 16.3).
- d. If the interest is not registered, you must disclose the interest to the meeting.
- e. If the interest is not registered and not the subject of a pending notification, you must notify the GMCA's Monitoring Officer of the interest within 28 days.
- f. You must also withdraw from the meeting while the matter is being considered (as required by GMCA Procedure Rule 16.4).

6 Offences

6.1 It is a criminal offence for a Member coming within the scope of paragraph 1.2 above to:

- a. Fail to notify the GMCA's Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment as a Member of the GMCA or a voting Co-opted Member;
- b. Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the GMCA's Register;
- c. Fail to notify the GMCA's Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the GMCA Register that you have disclosed to a meeting;
- d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- e. Knowingly or recklessly provide information that is false or misleading in notifying the GMCA's Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

6.2 The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a Member of Co-opted Member for up to 5 years.

Part 3 Other Interests

7 Notification of Personal Interests

- 7.1** In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must within 28 days of your election or appointment to office notify the GMCA's Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 7.2 below for inclusion in the register of interests.
- 7.2** You have a personal interest in any business of the GMCA where it relates to or is likely to affect:
- a. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the GMCA;
 - b. any body of which you are in a position of general control or management which
 - i. exercises functions of a public nature;
 - ii. is 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),
 - c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.
- 7.3** You also have a personal interest in the business of the GMCA where a decision might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward(s), affected by the decision.
- 7.4** A relevant person is:
- a. a member of your family or any person with whom you have a close association; or
 - b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - d. any body of a type described in paragraph 7.2 a. or b.
- 7.5** Subject to paragraphs 7.6 to 7.8 below, where you have a personal interest described in paragraph 7.2 or 7.3 above in any business of the GMCA, and you are aware or ought reasonably to be aware of the existence of that personal interest, and you attend a meeting at which the business is considered, you must disclose to the meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 7.6 Where you have a personal interest in any business of the GMCA which relates to or is likely to affect a body described in paragraph 7.2 a. or b.i, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 7.7 Where you have a personal interest in any business of the GMCA of the type mentioned in paragraph 7.2 c, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 7.8 Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in the GMCA's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 7.9 Where you have a personal interest in any business of the GMCA and you have made an individual decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

8 Non Participation In Case of Prejudicial Interest

- 8.1 Where you have a personal interest in any business of the GMCA you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
- a. affects your financial position or the financial position of a person or body described in paragraph 7.4 ;or
 - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7.4.
- 8.2 Subject to paragraphs 8.3 and 8.4, where you have a prejudicial interest in any business of the GMCA:
- a. You must not participate in any discussion of the matter at the meeting.
 - b. You must not participate in any vote taken on the matter at the meeting.
 - c. You must disclose the interest to the meeting.
 - d. If the interest is not registered and not the subject of a pending notification, you must notify the GMCA's Monitoring Officer of the interest within 28 days.
 - e. You must withdraw from the meeting while the matter is being considered (as required by GMCA Procedure Rule 16.4).
- 8.3 Where you have a prejudicial interest in any business of the GMCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a

statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 8.4** Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the GMCA in respect of:
- a. school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - b. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
 - c. any ceremonial honour given to Members.
- 8.5** If you are making a decision or discharging a function alone, and you become aware of a prejudicial interest in a matter being dealt with or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter or seek improperly to influence a decision about the matter.

9 Interests Arising in Relation to Overview and Scrutiny Committees

- 9.1** In any business before an Overview and Scrutiny Committee of the GMCA (or of a Sub-Committee of such a Committee) where:
- a. that business relates to a decision made (whether implemented or not) or action taken by the GMCA or another of the GMCA's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
 - b. at the time the decision was made or action was taken, you were a Member of the GMCA, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the Overview and Scrutiny Committee (or Sub-Committee) for the purpose of explaining the reasons for the decision or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 General Matters Relating To Parts 2 And 3

10 Register of Interests

- 10.1** Subject to paragraph 11 any disclosable pecuniary interests or personal interests notified to the GMCA's Monitoring Officer will be included in the GMCA's Register of interests. A copy of the Register will be available for public inspection and will be published on the GMCA's website.

11 Sensitive Interests

- 11.1** This applies where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the GMCA's Monitoring Officer agrees. In these circumstances, if the interest is entered on the GMCA's Register of interests, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

12 Dispensations

- 12.1** The GMCA may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

GMCA Standards Committee

Date: 17 December 2021
Subject: Declaration of Interests
Report of: Liz Treacy, Monitoring Officer, GMCA

Purpose of Report

To provide the GMCA Standards Committee with details of the current processes within the GMCA to publish declarations of interest in line with the requirements of the Localism Act 2011.

Recommendations:

The GMCA Standards Committee is requested to:

Comment on the current processes by which declarations of interest are received, noted and published as described in the report.

Contact Officers

Julie Connor, Assistant Director for Governance and Scrutiny
Nicola Ward, Senior Governance Officer

Background Papers

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution
Yes / No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

N/A

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction

The Localism Act ¹(2011) sets out the rules that all elected members must adhere to in order to ensure they are open and transparent about their personal interests. The new standards arrangements gave autonomy for authorities themselves to largely decide their own local rules. However, make it clear that Elected Members everywhere should be putting the public interest first and not benefiting their own financial affairs from being a Member.

These rules apply to anyone who is elected, co-opted or appointed to the Greater Manchester Combined Authority. Therefore, the GMCA is required to adopt a Code of Conduct and keep a register of members' interests.

Under the GMCA's Code of Conduct all members must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that '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 in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.'

It is a criminal offence if, without a reasonable excuse, an elected member fails to inform the Governance Team about a disclosable pecuniary interest, either for inclusion on the register if newly elected, co-opted or appointed member, or to update the register which relates to any matter being considered at a meeting at which they are present. If an elected member fails to declare their interests it is classed as a criminal offence, and they could be fined up to £5,000 and disqualified from holding office as an Elected Member for up to five years.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

2. Types of interest

1.1. Personal

The GMCA's Code of Conduct ²defines a personal interest as where any business of the GMCA relates to or is likely to affect:

- a. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the GMCA;
- b. any body of which you are in a position of general control or management which
 - exercises functions of a public nature;
 - is directed to charitable purposes;
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

It further defines that a personal interest in the business of the GMCA where a decision might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward(s), affected by the decision.

A relevant person includes:

- a member of your family or any person with whom you have a close association; or
- any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;

1.2. Prejudicial

The GMCA's Code of Conduct determines that where an elected member has a personal interest in any business of the GMCA they also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- affects your financial position or the financial position of a person or body
- relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body

The GMCA's guide to members on declarations of interest defines further that a personal interest becomes a prejudicial interest:

1. Where the wellbeing, or financial position of you, your partner, members of your family, or people with whom you have a close association (people who are more than just an acquaintance) are likely to be affected by the business of the meeting more than it would affect most people in the area.

² [FinalConstitution2020formattedHyperlinksAdded.docx.pdf \(greatermanchester-ca.gov.uk\)](#) page 180

2. The interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

1.3. Pecuniary

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

If a member is present at a meeting of your authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and they have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, they must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

2. Current processes

2.1. Annual declaration

In line with the GMCA's Code of Conduct any member of the GMCA or its committees must complete an Annual Declaration of Interest within 28 days of their appointment. If they are made aware of any other interest following its publication, they are obligated to inform the Governance Team within 28 days in order for their Annual Declaration to be updated.

Annual Declarations are published on the GMCA website³ within the profile page for each elected member and updated on an annual basis, or as required.

Declarations are published without signatures, as there is no legal requirement to provide them and in order to comply with data protection advice. All members have been advised that, if they consider that the disclosure of the details of a DPI or personal interest could lead to violence or intimidation against them, or to a person connected with them, and the Monitoring Officer agrees, the details of the disclosable interest can be withheld from the public register under section 32(2) of the Localism Act 2011. The Committee on Standards in Public Life have recommended that the law is changed to clarify that a Member does not need to register their home address in their Register of Interests, but the Government's response on this is awaited.

2.2. Declaration at meetings

In advance of all statutory meetings, elected members receive a declaration of interest form within which they are required to declare any personal/prejudicial/pecuniary at least 48 hours in advance of the meeting, in doing so officers can seek advice on the required action needed in response to the disclosure this can include –

³ [Greater Manchester Councillors](#)

- Asking the elected member to update their annual declaration of interest if it is not already included
- Advising the elected member that they can remain in the room for the agenda item if their interest is just personal
- Advising the elected member to leave the room for the agenda item if their interest is pecuniary.

At the start of each statutory meeting there is also an opportunity for elected members to declare any interests they may have just been made aware of verbally, at this point they would be advised by the Governance Officer of the required action.

Each declaration made is kept on file and included within the minutes of the meeting for a public record.

The Monitoring Officer is of the view that Register of Interests requirements are understood by Members but will, as a matter of good practice, continue to issue specific guidance to all Members regarding declaration of interests at meetings.

More information can be found - [DCLG - A guide for Councillors on Openness and Transparency in relation to personal interests](#)

This page is intentionally left blank

GMCA Standards Committee

Work Programme 2021-22

**This is a working document, and subject to change.

Meeting date	Item	Last reviewed by Standards	Notes
Late 2021	Members' Code of Conduct	September 2019	
	Register of Members' interests		
Early/Mid 2022			

Policies which are within the remit of the GMCA Standards Committee

Policy	Review of any significant changes	Detailed review	Notes
The Code of Corporate Governance	As and when required following change in legislation	Every 3 years (last reviewed March 2017)	Reviewed by Audit Committee in 2018
Members' Code of Conduct	As and when required following change in legislation	Every 2 years (last reviewed September 2019)	Currently being reviewed nationally
Arrangements for dealing with a complaint in relation to the Code of Conduct	As and when required following change in legislation	Every 3 years in line with a review of the constitution (November 2020)	
Gifts and Hospitality	As and when required following change in legislation	Every 3 years	
The Member/Officer Relations Protocol	As and when required following change in legislation	Every 3 years in line with a review of the constitution	

Complaints and Whistleblowing Policy	As and when required following change in legislation	Every year (November 2020)	
Antifraud and Corruption Policy	As and when required following change in legislation	Every year (November 2020)	
Register of Members Interests	As and when required following change in legislation	Every 3 years (December 2021)	