

# **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 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.

2.10 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, the 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.

<b>Subject</b>	<b>Description</b>
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:

- 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) -  
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:  
a. that body (to your knowledge) has a place of business or land in the area of the GMCA; and  
b. either -  
i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
ii. if the share capital of that body is of more than one class, the total nominal value of the shares 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.