

# **CODE OF CONDUCT**

## **(Smethwick, West Bromwich, Rowley Regis Town Deal and Smethwick Plan for Neighbourhoods)**

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Sandwell MBC, as the Accountable Body for the Towns Fund Deal and Smethwick Plan for Neighbourhoods, has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct. This code of conduct sets out the expectations placed on all members of the West Bromwich and Rowley Regis Town Deal Boards and the Smethwick Partnership Board (Smethwick Town Deal and Smethwick Plan for Neighbourhoods).

The Code is not intended to be an exhaustive list of all the obligations that are placed on members. It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.

### **Definitions**

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In this Code “meeting” means any formal meeting of the Town Deal Boards and Smethwick Partnership Boards. It also means any informal meeting, which is not a formal meeting, but which has been arranged in advance where business is being discussed between board members or between members and officers.

In this Code a ‘member of your family’ includes the following relationships of the member, the member’s spouse or the member’s civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent

In this Code ‘a person with whom you have a close association’ means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

### **Rules of Conduct**

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Town Deal Boards and Smethwick Partnership Board’s success as a partnership depends on the professionalism of all of its Board Members and officers who support Board activity. This relates to both internal and external dealings and how its Board Members and officers conduct themselves in relation to others, both within work environment and any work-related social event.

Town Deal Boards and Smethwick Partnership Board’s expect all its Board Members /Committee Members and employees to be courteous and respectful to clients, suppliers and colleagues and not behave in a discriminatory manner. This code of conduct should be signed by all Town Deal Board Members and Smethwick Partnership Board Members upon appointment and on annual basis after joining the Board/Committee and upheld at all times.

1. You are a Board Member of the West Bromwich Town Deal Board, Rowley Regis Town Deal Board, Smethwick Partnership Board **(Delete as appropriate)** and

hence you always shall have regard to the Seven Principles in Public Life (the Nolan principles) which are: –

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| <i>Selflessness</i>   | Holders of public office should act solely in terms of the public interest.                                                                                                                                                                                                                                                                                                             |
| <i>Integrity</i>      | 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.<br>They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.<br>They must declare and resolve any interests and relationships. |
| <i>Objectivity</i>    | Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.                                                                                                                                                                                                                                      |
| <i>Accountability</i> | 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.                                                                                                                                                                                                                             |
| <i>Openness</i>       | 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.                                                                                                                                                                                    |
| <i>Honesty</i>        | Holders of public office should be truthful.                                                                                                                                                                                                                                                                                                                                            |
| <i>Leadership</i>     | 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.                                                                                                                                                                        |

2. Accordingly, when acting in your capacity as a Board Member of the Town Deal Board/ Smethwick Partnership Board: -

- You must act solely in the public interest and should never improperly seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a close associate, an employer or a business carried on by you.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your duties
- You must not disclose any information given to you as a member in breach of any confidence.
- You must not prevent another person from gaining access to information to which that person is entitled by law.
- You must not bring the Town Deal Board/ Smethwick Partnership Board into disrepute

- You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability
- You must not bully any person
- You must not 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) of the Board has failed to comply with the code of conduct;
- You must respect the impartiality and integrity of the council's statutory officers and its other employees.
- When carrying out your public duties such as awarding contracts or making appointments, you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- You must, when using or authorising the use by others of the resources of the Town Deal Board/ Smethwick Partnership Board, ensure that such resources are not used improperly for political or personal purposes (including party political purposes).
- You must promote and support high standards of conduct when serving as a board member
- You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.

### **Registering and declaring pecuniary and non-pecuniary interests**

3. You must, within 28 days of appointment as a Board Member notify the Council's (as the Accountable Body) Monitoring Officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a spouse, or as if you were civil partners. Where you may have a "sensitive interest" as defined by the Localism Act 2011, you should seek advice from the Monitoring Officer on whether this can be exempt from public disclosure.
4. In addition, you must, within 28 days appointment as a Board Member, notify the Councils Monitoring Officer of any non-pecuniary interest which the Town Deal Board/ Smethwick Partnership Board has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union. Register of Interests forms will be provided for you to do this.

5. You must, within 28 days of becoming aware of it, register with the Monitoring Officer any change to interests or new interests.
6. Board Members should review their individual register of interest before each board meeting or any other meeting where a decision is proposed to be made. If an interest has not been entered onto the Board's register, then the member must disclose the interest at any meeting of the Town Deal Board/ Smethwick Partnership Board at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
7. Following any disclosure of an interest not on the register or the subject of pending notification, you must notify the Council's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
8. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions the Town Deal Board/ Smethwick Partnership Board places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Town Deal Board/ Smethwick Partnership Board.
9. Where a matter arises at a meeting which relates to or affects an other registerable interests you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

## **Gifts and Hospitality**

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### **General Caution**

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Board can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

### **Criminal Law**

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It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do or forbear to do anything in respect of any transaction involving the Board or Council as the accountable body.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Board or Council.

## **Limits of Guidance**

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This guidance does not apply to: -

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Board or Council.
- Gifts given to the Board that you accept formally on the Board's behalf and are retained by the Board and not by you personally.

## **Meaning of Gifts and Hospitality**

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The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

## **Appropriate Gifts and Hospitality**

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There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a board member.

- Hospitality provided by another board or public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments)
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Board or bodies to which you have been appointed by the Board, and the tickets are offered in relation to that sponsorship or promotion.

- Small gifts of token value i.e. estimated to be below £50: -
  - (a) given by way of trade advertisement to a wide range of people, e.g. pens, calendars, diaries and key-rings; or
  - (b) given on the occasion of a courtesy visit, e.g. to a factory or other business premises; or
  - (c) received from a recipient of a service, where it would give offence to reject it.
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Board has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).
- Invitations to attend functions where you represent the Board (e.g. dinners where you are invited to speak, opening ceremonies and trade shows) or to functions when you attend by virtue of your position on the Board.
- Hospitality provided at public events, where a formal invitation has been received at Council offices and the attendance is in a civic capacity.

### **Inappropriate Gifts and Hospitality**

- Free or subsidised holidays or travel.
- Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- Personal invitations to socialise with representatives from a company or organisation that has business or other dealings with the Council.
- Offers of any free or subsidised accommodation (i.e. hotel, flat, villa or holiday home).
- Any offer whatsoever of free services.
- Any other hospitality offered by a company or organisation that has business or other dealings with the Council, which is not linked to its normal course of business with the Council (i.e. not part of business meetings or offered to officers representing the Council at events).

In exceptional circumstances, it may be permissible to accept travel, accommodation and hospitality from a company or organisation, which has or may have business with the Council, when the assessment and evaluation of bids or tenders necessitates visiting reference sites, provided that this facility is also offered/applied to other

tenderers. In such a situation, you must be accompanied by an officer of the Council, whose attendance has been approved by his Director/Service Manager or in appropriate cases the Chief Executive.

### **Principles to Apply in Relation to Gifts and Hospitality**

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In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles: -

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it. "Reward" includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality: -
  - a) From parties involved with the Authority in a competitive tendering or other procurement process except in the limited circumstances referred to in paragraph 7 above.
  - b) From applicants for planning permission and other applications for licences, consents and approvals.
  - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - d) From applicants for benefits, claims and dispensations.
  - e) From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

### **Registration of Gifts and Hospitality**

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For the purposes of the Code of Conduct for Board Members, you have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.00.

This interest (gifts or hospitality worth £100.00 or over that you receive in connection with your official duties as a member and its source) must be registered in the register of members' interests within 28 days of receiving it.

You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You should also register any such gift or hospitality, which you decide to refuse or decline.

You do not need to register gifts and hospitality which are not related to your role as a Board member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

You should ask yourself, would I have been given this if I was not on the Board? If you are in doubt as to the motive behind a gift or hospitality it is recommended that you register it or at least seek advice from the Monitoring Officer. If you have not registered your gift or hospitality in accordance with the requirements set out in your Code of Conduct then you must declare or disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality).

Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £100.00, members are encouraged to register any significant gift or hospitality they receive below this value.

There is no obligation to make a declaration or disclosure in relation to gifts and hospitality on the register which are below £100.00 in value. The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £100.00 or over should be registered.

### **Reporting of Inappropriate Gifts and Hospitality offered**

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It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Board.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

### **Enforcement**

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Allegations of any failure to meet the parameters of the Code of Conduct must be made in writing to the Monitoring Officer.

## Policy Owner

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This code of conduct is owned and maintained by the Council's Monitoring Officer and Chairs of the West Bromwich Town Deal Board, Rowley Regis Town Deal Board and Smethwick Partnership Board and reviewed annually.

## Confirmation

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**In accepting my appointment to the West Bromwich Town Deal Board, Rowley Regis Town Deal Board, Smethwick Partnership Board (Delete as appropriate), I confirm that I have read, understood and agree to abide by the Code of Conduct.**

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| <b>Full Name</b> |  |
| <b>Signed</b>    |  |
| <b>Dated</b>     |  |

## Guidance and Further Information

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1. For the purposes of this guidance, we are using the definition of a pecuniary interest as set out in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
2. A Non-Pecuniary interest is any interest which is not listed in the Schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (No.1464).
3. A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.