



**Warwickshire**  
POLICE AUTHORITY

*The authority behind the force*

## **Code of Conduct for Members of the Police Authority**

## INTRODUCTION

The Local Government Act 2000 requires Police Authorities to adopt a code as regards the conduct which is expected of members and co-opted members.

In addition to the Code itself, advice has been added to explain and describe the provisions but it is emphasised that this advice is not part of the Code itself. In addition to this advice, the Monitoring Officer and other Officers are available to advise Members on their obligations under the Code. Ultimately it is a matter for the individual Member to decide upon his or her position in relation to any issue where an obligation under the Code may arise.

The Code should be read together with the ten General Principles governing the conduct of members of local authorities as set out in the Relevant Authorities (General Principles) Order 2001. These are included as a preamble to the Code.

## PREAMBLE

### The Ten General Principles of Public Life

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the Law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## **PART 1 – GENERAL PROVISIONS**

### **Introduction and Interpretation**

1. (1) This Code applies to **you** as a member of Warwickshire Police Authority (“the authority”)
- (2) You should read this Code together with the general principles prescribed by the Secretary of State
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code “meeting” means any meeting of –
  - (a) the authority; or
  - (b) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or area committees.

“member” includes a co-opted member and an appointed member.

### **Scope**

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority –

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**Advice:** *This paragraph provides that a member must observe the code of conduct whenever acting in an official capacity. It will also apply at any time where your behaviour has led to a criminal conviction. However only paragraphs 3(2)(c), 5 and 6(a) have effect in these circumstances when you are acting in a private capacity. Otherwise the Code does not apply to your private life. If acting as a representative for the WPA, eg an outside body, the Code continues to apply unless it conflicts with any legal obligations a member has in relation to the other body.*

### **General Obligations**

3. (1) You must treat others with respect.

(2) You must not –

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006)
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be –
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) 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 authority'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 authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for or on behalf of an authority are deemed to include a police officer.

4. You must not -

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonable 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 by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person: or

(iv) the disclosure is –

(aa) reasonable and in the public interest: and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You -

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage: and

(b) must, when using or authorising the use by others of the resources of your authority -

(j) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided by you –

(b) your authority's chief finance officer; or

(c) your authority's monitoring officer,

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

- (2) You must not give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**Advice:** Paragraphs (conduct which could bring your office or authority into disrepute) and 6(a) (using your position improperly to confer an advantage or disadvantage) both apply to activities outside official capacity as well as when acting as a Member. The WPA's resources must be used in accordance with the WPA's requirements and not for political purposes.

## **PART 2 – INTERESTS**

### **Definition of Personal Interests**

8. (1) You have a personal interest in any business of your authority where either -
- (a) it relates to or is likely to affect –
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - (ii) any body –
      - (aa) exercising functions of a public nature;
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
      - (cc) 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;
    - (iii) any employment or business carried on by you;
    - (iv) any person or body who employs or has appointed you;
    - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business 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 authority's area.

(2) In sub-paragraph (1)(b), 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 sub-paragraph (1)(a)(i) or (ii).

**Advice:** *This paragraph describes and defines what are ‘personal interests’. It provides that a member has a personal interest in a matter which has been registered or where a decision could reasonably be regarded as affecting the wellbeing or financial position of himself/herself, members of the family or close associate to a greater extent than other people in the WPA’s area. A member of the family should be given a wide meaning and a close associate is someone you are either in regular or irregular contact with over a period of time and who is more than an acquaintance. Members need to take care over the business relationships of members of the family and whether they might be particularly affected by a decision. Advice is available from the officers if in doubt as to the position. This paragraph is only concerned with the **definition** of a personal interest.*

## **Disclosure of Personal Interests**

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to that meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), 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.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority’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.

**Advice:** *If a member has a personal interest in any business of the authority, the existence and nature of the interest must be disclosed at a meeting of the authority (which includes committees). However members can still take part in the meeting and vote unless the personal interest is also a prejudicial interest (see below).*

## **Definition of a Prejudicial Interest**

**10.** (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority 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.

(2) You do not have a prejudicial interest in any business of the authority where that business –

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of -
  - (i) 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;
  - (ii) an allowance, payment or indemnity given to members;
  - (iii) any ceremonial honour given to members; and
  - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

## **Effect of prejudicial interests on participation**

**12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
  - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not seek improperly to influence a decision about that business.

**Advice:** *This is an important paragraph as it provides that a member who has a personal interest which is also prejudicial, must withdraw from the meeting unless a dispensation has been obtained, and must not seek to influence a decision about the matter.*

## **PART 3 – REGISTRATION OF MEMBERS’ INTERESTS**

### **Registration of members’ interests**

**13.** (1) Subject to paragraph 14, you must, within 28 days of -

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

**Advice:** *A member must give written notification to the monitoring officer of any change in the financial and non-financial interest registered within 28 days of being aware of it. This can be done by completing a new form or amending the existing form.*

### **Sensitive information**

**14.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware on any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

(3) In this Code, “ sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that

you or a person who lives with you may be subjected to violence or intimidation.

**Advice:** *You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.*

## **CONCLUSION – GENERAL ADVICE**

Common sense, reasonableness and judgement by members will help to safeguard against a breach of the Code. The General Principles of Conduct are a useful guide which members can keep with them.

There is a duty not to bring the office of member of the Warwickshire Police Authority into disrepute, which applies to conduct outside the member's official capacity. The provisions on personal interests need careful consideration where the financial position of relatives is relevant. The interests provisions rely more than previously on the member's personal judgement of whether he/she or a relative/close associate is affected to a greater extent than others by a particular matter and on whether it would be likely to be so significant as to prejudice the member's judgement of the public interest. A prejudicial interest does not arise where there is no affect on the financial position of the member or of a relative, close associate or body to which paragraph 8 applies.

If a member needs advice, it is available from the Chief Executive or the Monitoring Officer. Members are advised to do so well in advance of a meeting where an interest may arise and not leave the matter until an item comes under discussion, although it is recognised that not every contingency can be foreseen. Being well prepared can help to avoid problems later.