



**West Midlands
Combined Authority**

Audit, Risk & Assurance Committee

Date	4 March 2021
Report title	Adoption of a Revised Code of Conduct for the Mayor and Members of the Combined Authority
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Report has been considered by	Senior Leadership Team

Recommendation(s) for action or decision:

The Audit, Risk & Assurance Committee is recommended to:

- (1) Consider the enclosed (draft) revised Code of Conduct and recommend to the WMCA Board that it be adopted.

1. Purpose

Under the provisions of the Localism Act 2011, all local authorities (which for the purposes of this report includes Combined Authorities) are required to have a Code of Conduct for elected politicians which covers ethical standards and behaviour. This report recommends updating the WMCA Code of Conduct for the reasons set out below.

2. Background

The WMCA adopted a Code of Conduct as part of its constitution when first established. For a Combined Authority the Code applies to the Mayor who is directly elected to the authority and to elected and co-opted members who are appointed to represent the constituent and non constituent bodies. Apart from the Mayor, other members of the Combined Authority are not elected directly to the Combined Authority and become members of the WMCA upon nomination by their own Authority. The WMCA Code of Conduct only applies to Members when they are undertaking the work of the Combined Authority.

The Committee on Standards in Public Life (CSPL) reviewed the operation of the ethical framework in local government in 2017 and made a number of recommendations. A number of these recommendations require the Government to take legislative action and it is understood that the government's response is still awaited.

A number of the issues raised by the CSPL review related to the lack of available sanctions in terms of enforcing any relevant Code provisions since the disbanding of the Standards Board for England. This has been a longstanding issue but in the absence of legislative authority it has been concluded by those advising local and combined authorities that hard edged sanctions e.g. suspension, disqualification etc would be unlawful in most cases.

In the meantime the Local Government Association (LGA) has consulted with its members and issued a revised model Code of Conduct suitable for adoption by local government bodies which incorporates those points raised by the CSPL report which do not require any legislative change.

The existing WMCA Code of Conduct, which is attached to this report is light on detail in a number of areas. Best practice would indicate that it should be reviewed at regular intervals and the publication of the LGA code gives a sensible opportunity to implement a revised document that should be widely understood across the local government spectrum.

The revised Code of Conduct adds or strengthens provisions around:

- Bullying and harassment (including making it clear that members themselves are entitled to be treated with respect by the public)
- Equalities
- Covering communications via social media
- Use of resources
- Bringing the authority into disrepute
- Compliance with the Code and any investigations.

The revised code strengthens the links between the seven principles of public life and the context in which they are to be observed and implemented. The document attached

mirrors the LGA code in almost every respect however some terminology and context has been amended to reflect the specific circumstances of the Combined Authority.

The Code reiterates the existing provisions regarding the registration of interests and the declaration of gifts and hospitality. For most elected members, they will have registered their interests as part of their compliance with arrangements in their own authority. The Combined Authority relies on those arrangements, augmented by an annual check that there are no additional interests that apply in the WMCA area which do not arise within the member's home City or Borough. The Mayor's interests are registered with the WMCA directly.

ARAC is the body which discharges the role of Standards Committee for the Combined Authority and is responsible for advising on the adoption of a revised code of conduct. Final adoption would be a decision for the WMCA Board.

There have been no complaints or referrals under the Code of Conduct in the last two financial years.

3. Financial Implications

There are no financial implications arising from this report.

4. Legal Implications

The legislative background to the ethical framework for local government bodies is set out in this report. There have been no changes to the requirements in the Localism Act 2011 or the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

5. Equalities Implications

The Combined Authority is subject to the public sector equality duty as set out in the Equalities Act 2010. The revised code reinforces the requirement to have regard to these duties at all times, to prevent discrimination towards any person in relation to any of the protected characteristics and the need to ensure that equality considerations are integral to performance and strategic aims across the work of the authority.

6. Inclusive Growth Implications

There are no specific implications.

7. Geographical Area of Report's Implications

The Code of Conduct applies to all Members of the WMCA whether from Constituent or Non Constituent bodies.

8. Other Implications

None.

9. Schedule of Background Papers

Draft Revised Code of Conduct issued by LGA.
Existing WMCA Code of Conduct adopted in 2017