

Draft
**West Midlands Police and Crime Commissioner / Deputy Police and Crime
Commissioner**
CODE OF CONDUCT

1. Introduction

- (a) The West Midlands Police and Crime Commissioner (“the PCC”) is the elected local policing body under the Police Reform and Social Responsibility Act 2011. References in this code to the PCC are references to the PCC as the elected local policing body. References to the Chief Executive are references to the Chief Executive of the West Midlands Office for Policing and Crime.
- (b) This Code which has been adopted by the PCC applies to the office of the PCC, the Deputy PCC and Members of the Strategic Policing and Crime Board (referred to collectively as office holders) when acting or representing to act in that role in exercising the official business or statutory functions of the PCC.
- (c) This code constitutes the policy of the PCC in relation to the conduct of relevant office holders, including procedures for the handling of complaints and conduct matters as referred to in paragraph 6(a) of Part I of the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011.
- (d) This code does not apply when office holders are acting in a purely private capacity.
- (e) The Policing Protocol¹ provides that all parties will abide by the seven principles which were set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as — the Nolan Principles which were updated by the Committee in their Fourteenth Report in January 2013²:

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services.

All public office-holders are both servants of the public and stewards of public resources.

¹ The Policing Protocol Order 2011 No. 2744

² Cm 8519

The principles also have application to all those in other sectors delivering public services.

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 declare 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 for their decisions and actions to the public 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.

2. General Obligations

I agree to act solely in the public interest and in exercising the functions of my office, not act to gain financial or other benefits for myself, my family, my friends, or any person in relation to any business of mine or use or attempt to use my office to confer or secure for any person, including myself, an advantage or a disadvantage.

I agree:-

- (a) to observe the protocol governing relationships between the PCC and the PCC's staff.
- (b) to treat others with dignity and respect.
- (c) not to use bullying behaviour or harass any person.
- (d) not to conduct myself in a manner which:-
 - (i) is contrary to the policing protocol.
and/or which
 - (ii) could reasonably be regarded as bringing my office into disrepute.

3. Use of resources

I agree:-

- (a) not to use the official resources of the PCC or the Office of the PCC for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
- (b) not to use the official resources of the PCC or the Office of the PCC improperly for political purposes (including party political purposes).
- (c) to claim expenses and allowances in the case of the PCC only in accordance with directions issued by the Secretary of State and in the case of other office holders only in accordance with the published expenses and allowances scheme of the PCC.
- (d) To record the receipt of offers of gifts and hospitality in accordance with the policies and procedures of the Office of the PCC.

4. Register of Paid Office or Employment and Pecuniary Interests

I agree:-

- (a) within 28 days of taking office to give notice to the Chief Executive details of paid office or employment and every pecuniary interest as set out in the Schedule for entry in the register of paid office or employment and pecuniary interests maintained by the Chief Executive.
- (b) within 28 days of any change in circumstances to give notice to the Chief Executive any such changes for entry in register of paid office or employment and pecuniary interests.
- (c) if the nature of the pecuniary interest is such that I and the Chief Executive consider that disclosure could lead to me or a person connected with me being subject to violence or intimidation, then any entry in the register should not include details of the interest but should indicate that the interest has been disclosed and is withheld by virtue of this paragraph.

5. Conflicts of interests

In any case where the interests of exercising the functions of my office may conflict with any paid office or employment or any pecuniary or other interest, which has become known to me, I shall as soon as possible declare such conflict by giving notice in writing to the Chief Executive and determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

I shall not in my official capacity act as a voluntary character witness in respect of any proceedings in any court or tribunal.

6. Disclosure of information

- (a) I agree not to disclose information given to me in confidence or information acquired by me which is of a confidential nature, unless I have the consent of a person authorised to give it or I am required by law to do so or for the lawful purposes of my office provided that I shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person;
- (b) Any disclosure made by me shall be reasonable, be in the public interest and made in good faith.
- (c) I agree not to prevent another person from gaining access to information to which that person is entitled by law.

7. Transparency

The register of interests and gifts and hospitality shall be published on the PCC's website.

8. Complaints

Any complaint about the conduct of the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to the Police and Crime Panel for the West Midlands at the address below:-

WMPCP Office
Birmingham Council House
Victoria Square
Birmingham
B1 1BB
Email: wmpcp@birmingham.gov.uk

Any complaint about a member of the Strategic Policing and Crime Board other than the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to:

The Chair of the Joint Audit Committee
The Office of Policing and Crime,
Lloyd House,
Colmore Circus,
Queensway
Birmingham B4 6NQ

Who shall determine in consultation with the Police and Crime Commissioner what action to take.

9. Agreement to abide by the code

I agree to abide by the “Nolan Principles” and the provisions of this code of conduct.

Signed by

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Police and Crime Commissioner/Deputy Police and Crime Commissioner/Member of Strategic Board

Date:.....

SCHEDULE

Paid office or employment and pecuniary interests

Subject	Paid Office, Employment or Pecuniary Interest
Employment, office, trade, profession or vacation.	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision or any other financial benefit (other than from the PCC) made or provided in respect of any expenses incurred in carrying out duties and responsibilities of an office holder. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. This does not include election expenses.
Contracts	Any contract which is made between an office holder in a personal or private capacity (or a body in which the office holder has a personal or private beneficial interest) and the PCC – <ul 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	Any beneficial interest in land which is within the area of the PCC.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the PCC.
Corporate tenancies	Any tenancy where (to the knowledge of the relevant person): <ul style="list-style-type: none"> (a) the landlord is the PCC; and (b) the tenant is a body in which the office holder has a beneficial interest.

<p>Securities (meaning 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).</p>	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to the relevant person's knowledge) has a place of business or land in the area of responsibility of the PCC; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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