Annex 6

Introduction

1.1 The BTPA, like police authorities and local authorities, is required to adopt a code of conduct. Under the Railways and Transport Safety Act 2003 (schedule 4, part 2) the BTPA is required to make a code of similar provision to the Local Government Act. Before implementing a code of conduct, the Authority must obtain the Secretary of State's approval for the code.

1.2 The documents that have guided this section are the British Transport Police Committee's (BTPC) Code of Conduct, The Nolan Report on Standards in Public Life, the Cabinet Office Model code of conduct for non-departmental public bodies (NDPBs), Financial Regulation Standard 8, the Railway and Transport Safety Act 2003, and examples of codes of conduct from the Metropolitan Police Authority (MPA) and local authorities.

2.1 GENERAL PRINCIPLES

This section has been developed with the following key principles. These principles are designed to ensure that in undertaking their duties, Members demonstrate and act with probity and transparency. Specifically Members should:

- act in a way that is and will be seen to be fair and transparent, with the highest level of probity;
- deal with fellow members and officers in a constructive and respectful manner;
- exhibit high levels of awareness and action in respect of equal opportunities issues;
- declare their personal and pecuniary interests fully and tailor their involvement in line with the Code, where there is an active conflict with the interests of the Authority;
- share appropriate information in the interests of better corporate governance in compliance with the relevant data protection legislation;
- keep confidential information defined as not suitable for sharing;
- make efficient and appropriate use of the Authority's resources;
- take professional advice on appropriate matters as described in the Code; and
- report improper behaviour by fellow members and officers in compliance with the open and transparent procedures specified.

2.2 BTPA CODE OF CONDUCT

Part 1: general provisions

1. Scope

   (a) A Member must observe the Authority's code of conduct whenever he/she conducts the business of the Authority or acts as a representative of the Authority, and references to a Member's official capacity shall be construed accordingly.

   (b) This code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.

   (c) Where a Member acts as a representative of the Authority on any other body, he/she must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2. A Member must -

   (a) promote equality by not discriminating unlawfully against any person;

   (b) treat others with respect;

   (c) not do anything which compromises or which is likely to comprise the impartiality of a police officer or those who work for, or on behalf of, the Authority; and

   (d) observe the seven principles of public life as defined by Nolan[1].

3. A Member must not -

   (a) disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is required by law to do so; nor

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

[1] A list of seven principles of public life is provided in Appendix A, Annex 4

4. A Member must not -

   (a) in his/her official capacity, or any other circumstance, conduct himself/herself in a manner which could reasonably be regarded as bringing the Authority into disrepute.

5. A Member -

   (a) must not in his/her official capacity, or in any other circumstance, use his/her position as a Member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage; and

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

      (i) act in accordance with the Authority's requirements; and
      (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to, the discharge of the functions of the Authority.

6. A Member –

   (a) must, if he/she becomes aware of any conduct by another Member which he/she reasonably believes involves a failure to comply with the code of conduct, or any other misconduct, to report to the Chair of the committee as soon as it is practicable to do so. The Chair must attempt to resolve a complaint within 28 days of receiving notice of the complaint.

   (b) may contact the Secretary of State in relation to complaints about the Chair of the Authority only if he/she has tried to resolve the matter within the Authority to an unsatisfactory conclusion.

7. A Member shall –

   (a) receive an annual appraisal from the Chair relating to objectives that will have been agreed by the Member and the Chair at the beginning of the year. The appraisal shall be used as a base for the Chair's report to the Secretary of State on the Member's reappointment.

8. A Member can be dismissed by the Secretary of State if:

   (a) they are absent for three consecutive meetings without permission from the Authority;

   (b) they are convicted of a criminal offence;

(c) the Secretary of State is satisfied that the Member is unable, unfit or unwilling to discharge his or her functions as a Member (whether because of illness or otherwise); or

(d) they are the subject of a bankruptcy restrictions order, a disqualification order under the Company Directors Disqualification Act 1986 or an order under section 429(2)(b) of the Insolvency Act 1986

9. A Member of the Authority –

(a) may resign by sending written notice to the Secretary of State which must be copied to the Authority.

Part 2: interests

Personal interests

10. (1) A Member must regard himself/herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 13 and 14 below, or if a decision upon it might reasonably be regarded as affecting the Member to a greater extent than the other railway operators, passengers or the public at large, the well-being or financial position of himself/herself, a relative or a friend or –

(a) any employment or business carried on by such persons;

(b) any person 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 corporate body in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(d) any body to which he has been appointed or nominated by the Authority as its representative;

(e) any public authority or body exercising functions of a public nature;

(f) any company, industrial and provident society, charity, or body directed to charitable purposes; or

(g) and anybody whose principal purposes include the influence of public opinion or policy.

(2) In this paragraph –

(a) "relative" means those family members, or members of the same household, who may be expected to influence, or be influenced by,

that person in their dealings with the reporting entity. This includes a: spouse, partner, parent, son, daughter, brother, sister, grandparent, and grandchild; and

(b) "partner" in sub-paragraph (2) (a) above means a Member of a couple who live together.

Disclosure of personal interests

11. A Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered, must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial interests

12. A Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a reasonable person would regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Participation in relation to disclosed interests

13. A Member with a prejudicial interest in any matter must -

(a) declare that interest at Authority meetings if it relates specifically to a particular issue under consideration.

(b) follow the decision of the majority vote of the Authority Members present at the meeting and accordingly either withdraw from the room where a meeting is being held, not participate in the discussion or determination of matters in which they have an interest, or partake fully.

(c) not seek improperly to influence a decision about that matter.

14. When voting on the annual budget, the budget must be voted for by a majority, with at least half the members voting in favour and with at least half the members who vote being neither officer nor employed by a person who has entered into, or is required to enter into, a police service agreement.

15. For the purpose of this Part, "meeting" means any meeting of -

(a) the Authority; or

(b) any of the Authority's duly constituted sub-committees, Panels, Working Groups or any other constituted bodies.

Part 3: the register of Member's interests

The principles of Financial Reporting Standard 8 (FRS 8) on related party disclosures aim to ensure that financial statements contain the disclosures necessary to draw attention to the possibility that the reported financial position and results may have been affected by the existence of related parties and by material transactions with them. FRS 8 requires the disclosure of: information on related party transactions and the name of the party controlling the reporting entity and, if different, that of the ultimate controlling party whether or not any transactions between the reporting entity and those parties have taken place.

Registration of financial and other interests

16. Within 28 days of the provisions of the Authority's code of conduct being adopted or within 28 days of his/her appointment to office (if that is later), a Member must register his/her financial interests in the Authority's register maintained by the Chief Executive and Clerk by providing written notification to the Chief Executive and Clerk in the form of the declaration of interests form provided in Appendix E.

    (a) the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;

    (b) the name of any corporate body in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

    (c) a description of a contract for goods, services or works made between the BTPA and himself/herself or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (b) above (other than a Police Services Agreement);

    (d) the name of any person, other than a relevant authority, who has made a payment to him/her in respect of any expenses incurred by him in carrying out his duties;

    (e) the address or other description (sufficient to identify the location) of any land where the landlord is the Authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body that has a beneficial interest in a class of securities that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body; and

    (f) the address or other description (sufficient to identify the location) of any land in the UK in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer.

17. A Member must within 28 days of becoming aware of any change to their interests specified under paragraph 12 above, provide written notification to the Chief Executive and Clerk of that change.

18. A register of interests shall be kept up-to-date by the Chief Executive and Clerk and shall be open to the public.

Registration of gifts and hospitality

19. A Member must within 28 days of receiving any gift or hospitality over the value of £50, provide written notification to the Chief Executive and Clerk of the existence and nature of that gift or hospitality.

Personal liability of Members

20. A Member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party. However, individual Members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution of purported execution of their Authority functions.