

Appendix 1 - WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY CONSTITUTION (DRAFT)

CONTENT

PART 1 - INTRODUCTION

PART 2 - RESPONSIBILITY FOR FUNCTIONS

PART 3 - RULES OF PROCEDURE AND DECISION MAKING

PART 4 - CODES AND PROTOCOLS

- Code of Conduct for Elected Members
- Code of Conduct for Employees
- Protocol for Member and Officer Relations
- Guidance for Members and Officers on Publicity in The Pre-Election Period
- Access to Information Procedure Rules
- Protocol for the Monitoring Officer

PART 5 - MEMBERS' ALLOWANCES SCHEME

ANNEXS

- Members of the West Midlands Integrated Transport Authority 2014/15
- Roles and Functions of Members of the Authority
- Senior and Lead Member Role Profiles 2014/15
- Officers of the West Midlands Integrated Transport Authority

PART 1 - INTRODUCTION

West Midlands Integrated Transport Authority

1. The Authority comprises seven councillors, each of whom must be elected to one of the seven constituent district councils comprising the metropolitan West Midlands. These seven district councils appoint a single member to the Authority in accordance with the provisions of schedule 10 of the Local Government Act 1985 (as amended).
2. Councillors may be removed by their appointing council, subject to the council complying with the statutory requirements as to periods of notification etc. The overriding duty of members of the Authority is to the whole community of the West Midlands. A list of the members of the Authority for current municipal year is set out in Annex 1 of the constitution.
3. All seven members meet together as the West Midlands Integrated Transport Authority, and these meetings are held in public.
4. The West Midlands Integrated Transport Authority has ultimate responsibility for public transport within the region, but has delegated much of its decision making to a Centro Joint Committee. This arrangement is set out more fully in Part 2 of the constitution.

Principles of Decision Making

5. All decisions made by the West Midlands Integrated Transport Authority, and by officers acting under their delegated powers, will be made in accordance with the following principles:
 - they will be within the lawful powers of the Authority;
 - due consultation will be carried out where appropriate (including taking relevant professional advice from officers);
 - they will demonstrate respect for human rights;
 - there will be a presumption in favour of open and transparent decision making;
 - there will be a clarity of aims and desired outcomes;
 - all decisions will be taken within the letter and spirit of the constitution.

Compliance with the Constitution

6. All meetings of the Authority will be conducted in accordance with the relevant Standing Orders set out in Part 3 of this constitution when considering any matter.

Review and Revision of the Constitution

7. The Clerk will monitor and review the operation of the constitution on a yearly basis and make recommendations for amendments as appropriate, to ensure that the aims and principles of the constitution are given full effect.

Changes to the Constitution

8. Changes to the constitution will be approved by the Authority after consideration of proposals submitted by the Clerk.

Publication of the Constitution

9. The Clerk will arrange for printed copies of the constitution to be made available to all members of the Authority and for public inspection. An electronic copy of the constitution will also be made available on the Authority's website.

PART 2 - RESPONSIBILITY FOR FUNCTIONS

10. The Authority has a statutory responsibility to set out and ensure the implementation of policies to co-ordinate and promote the use of public transport in the West Midlands. The Centro implements the Authority's policies and provides it with expert professional advice to enable it to make appropriate and informed decisions.
11. Collectively they are responsible for:
- Formulating a long term vision for the West Midlands public transport system that is based on the vision of a 'world class' integrated public transport system that contributes to the economic development of the West Midlands through a network of high volume public transport corridors, and delivered by a 'best in class' organisation.
 - Developing and championing the business case for a rapid transit network, including Midland Metro.
 - Developing and championing the 'Vision for Rail' as part of the development of the rail network, in partnership with Network Rail and train operating companies.
 - Operating a concessionary fares scheme and implementing the government's National Concessionary Scheme and any local variations.
 - Championing and developing Smartcard technology within the region.
 - Developing bus travel, by championing the modernisation of the bus network in the region through a culture that focuses on bus passengers and their needs through the Transforming Bus Travel partnership.
 - Financially supporting subsidised bus services that are socially necessary, but not commercially viable.
 - Providing an annual grant to enable the West Midlands Special Needs Transport Ltd to operate a 'Ring & Ride' service for people who have difficulty in using other public transport facilities.
 - Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area, in partnership with public transport operators, the police and district councils.
 - Promoting and publicising the public transport network through the provision of travel information as part of the 'Network West Midlands' initiative.
 - Constructing and maintaining bus stations and public transport infrastructure.
12. In order to carry out effective decision making in respect of these responsibilities, the West Midlands Integrated Transport Authority has, along with the seven West Midlands metropolitan district councils, established a Centro Members Joint Committee to which it has delegated areas of decision making authority that the joint committee (and/or the joint committee's own sub-committees) can exercise on behalf of the full Authority.

Matters Reserved for Determination by the West Midlands Integrated Transport Authority

13. The following functions of the West Midlands Integrated Transport Authority will remain reserved matters for determination by the Authority only:

- Setting its revenue budget for transport, including approving estimates of income and expenditure of Centro pursuant to s15(1)(b) of the Transport Act 1968, determining the grants to be made to passenger transport companies to s13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;
 - Determining the borrowing limits of the West Midlands Integrated Transport Authority in relation to transport matters, pursuant to s3 of the Local Government Act 2003;
 - Approving borrowing by the West Midlands Integrated Transport Authority, pursuant to s12(3) of the Transport Act 1968, and lending money to Centro;
 - Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan;
 - Making a written request to the Secretary of State for Transport to authorise Centro to purchase compulsorily any land which Centro requires for the purposes of its business;
14. Any of the functions set out above may be referred to the Centro Members Joint Committee for it to make recommendations for consideration and determination by the West Midlands Integrated Transport Authority.

Delegation from the West Midlands Integrated Transport Authority to the Centro Members Joint Committee

15. The following functions of the West Midlands Integrated Transport Authority will be delegated to the Centro Members Joint Committee in order for it to *make recommendations* to the Authority for decision:
- Securing appropriate level of rail services through rail devolution;
 - Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services for inclusion in the Local Transport Plan;
 - The Authority's revenue budget for the forthcoming year and corresponding district council tax levy
16. The following functions of the West Midlands Integrated Transport Authority will be delegated to the Centro Members Joint Committee in order for it to *determine*, subject to the Centro Members Joint Committee exercising these functions in accordance with any transport policies of the Authority, the Local Transport Plan and the Authority's agreed transport budgets:
- Formulating general policies with respect to the availability and convenience of public passenger services pursuant to s9A(5) - (7) of the Transport Act 1968;
 - Monitoring and overseeing the activities and performance of Centro (including the power pursuant to s15(6) of the Transport Act 1968) to give to Centro such directions as appears to the Centro Members Joint Committee to be appropriate to secure the policy objectives of the West Midlands Integrated Transport Authority;
 - Ensuring that Centro secures the provision of appropriate public passenger transport services under s9A(3) of the Transport Act 1968;
 - Considering and approving the creation and development of:

- Quality Partnership Schemes under s114 - 123 of the Transport Act 2000;
 - Ticketing Schemes under s135 - 138 of the Transport Act 2000; and
 - Concessionary Travel Schemes under s93 - 104 of the Transport Act 1985;
- Determining what local bus information should be made available, and the way in which it should be made available, under s139 - 143 of the Transport Act 2000;
 - Ensuring that Centro implements those actions delegated to it for promoting the economic, social and environmental well-being of the West Midlands, under s99 of the Local Transport Act 2008;
 - Monitoring the West Midlands Integrated Transport Authority's transport budget, pursuant to s15A(2) of the Transport Act 1968;
 - Approving Centro minor works capital programme and the agreed Centro budget for the scheme concerned;
 - Monitoring Centro's performance against the agreed Local Transport Plan;
 - Formulating, developing and monitoring procedures for public consultation of, and lobbying for, the West Midlands Integrated Transport Authority's transport policies;
 - Considering issues arising from the implementation of schemes for the introduction of Smartcards;
 - Authorising the disposal, acquisition and development of any land within any budget agreed by the West Midlands Integrated Transport Authority;
 - Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services, under s10(1) of the Transport Act 1968 and within the agreed Centro budget;
 - Determining the operation, performance and development of the West Midlands Integrated Transport Authority's accessible transport provision, pursuant to s106(1) and 106(2) of the Transport Act 1985, and within the agreed Centro budget; and
 - Monitoring the performance of Midland Metro, bus and rail services and initiating appropriate action.

PART 3 - RULES OF PROCEDURE AND DECISION MAKING

WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY PROCEDURAL STANDING ORDERS

Name

17. The name of the Authority shall be the 'West Midlands Integrated Transport Authority'.

Membership of the Authority

18. The Authority shall consist of 7 Members who shall be Members of the constituent councils, appointed by those Councils. **Substitute membership wording to be inserted.**
19. Members appointed by a constituent council shall be appointed and continue in office in accordance with sections 31 to 33 of the Local Government Act 1985, as amended by Section 10 of the Local Government Act 1986 and the relevant provisions of the Local Government and Housing Act 1989.
20. A Member of the Authority may resign his/her Membership by giving the Clerk written notice to that effect.
21. Where a vacancy occurs from amongst Members appointed by a constituent council, the provisions of Section 32 of the Local Government Act 1985 shall apply.

Definitions

22. Unless the context otherwise requires, the following expressions shall have the meanings respectively given to them below:
- 'Authority' means the West Midlands Integrated Transport Authority.
 - 'Officer' means the person who, as a matter of operational practice, is primarily responsible for, or involved with, the subject under discussion.
 - 'Clerk' means the person appointed pursuant to Section 34(8) of the Local Government Act 1985.
 - 'Clear working day' means any day except Saturday or Sunday or a Bank Holiday and excludes the date of the notice and the date of the meeting.
 - 'Related' in relation to Members and officers has the same meaning as 'a Member of your family' set out in the Introduction to the Members' Code of Conduct.

Meetings

23. The first meeting of the Authority after the ordinary elections of councillors each municipal year shall be the Annual Meeting of the Joint Authority and shall be held as soon as possible after the Annual Meetings of the constituent Councils, and in any case not later than 30 June, or such other date as may be provided by law.
24. The Authority shall, between each Annual Meeting, hold at least four other meetings for the transaction of general business on such day and at such time as they may determine except that the Clerk, after consultation with the Chair, may cancel any of such meetings if in his/her opinion insufficient business has arisen for consideration.
25. An Extraordinary Meeting of the Authority shall be convened at any time by the Clerk upon the instructions of the Chair.

26. A Special Meeting of the Authority shall be convened at any time by the Clerk upon receipt by them of a written requisition for that purpose signed by at least three Members of the Authority and specifying the business to be transacted at the meeting.
27. Notice of a meeting convened pursuant to paragraph 26 shall be issued within five clear working days of receipt of the requisition and, notwithstanding paragraph 32, no other business other than that specified in the requisition shall be transacted at the meeting.
28. Meetings of the Authority shall be held at such places as the Authority or, in the case of urgency, the Clerk in consultation with the Chair, may direct.

Notice of Meetings

29. At least five clear working days before a meeting of the Authority (excluding the date of the notice and date of the meeting):
 - notice of the time and place of the intended meeting shall be published at the offices of the Authority and such other place as is fixed for the meeting of the Authority.
 - a summons to attend the meeting, specifying the business proposed to be transacted thereat, shall be left at or sent by post to the address designated by each Member.
 - Copies of the summons shall be made available for inspection by Members of the public.
30. Lack of service on a Member of the Authority of the summons referred to in sub-paragraph 29 above shall not affect the validity of a meeting of the Authority.
31. A Member of the Authority may require a particular item of business, which is relevant to the powers and duties of the Authority, to be discussed at an ordinary meeting of the Authority subject to at least ten clear working days' notice of such intention being given to the Clerk in writing, signed by the Member concerned and specifying the business to be discussed. The Clerk shall set out in the notice of every meeting of the Authority the items of business requested by Members in the order in which they have been received unless the Member or Members concerned has indicated in writing that an items should be discussed at a later meeting or has since withdrawn the item. If the Member is not present at the meeting when an item of which he/she has given notice comes up for discussion, this item shall, unless the Authority decides otherwise, be treated as withdrawn and shall not be raised again without fresh notice.
32. Except in the case of business required by these Standing Orders to be transacted at a meeting of the Authority and other business brought before the meeting as a matter of urgency and of which the Clerk shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Joint Authority other than that specified in the summons relating thereto.
33. At any time during a meeting of the Authority, the Chair may direct that an item of business or part thereof (other than one requested by a Member pursuant to paragraph 31) shall be withdrawn and no consideration of that item shall take place at the meeting.
34. The Monitoring Officer or the Treasurer may, in pursuance of their statutory duties and in consultation with the Clerk, include an item on the agenda of any meeting of the Authority and may require the Clerk to convene a special meeting to convene a special meeting for such a purpose.

Appointment of Chair and Vice-Chair

35. At the opening of each Annual Meeting, the Chair/Vice Chair shall ask the Clerk to invite nominations for the positions of Chair and Vice Chair and the Authority shall then elect a Chair and Vice Chair from its Members. Such appointment shall continue until the election of a new Chair and Vice Chair at the next following Annual Meeting. For the avoidance of doubt, this procedure will not remove the requirement for the Member pursuant to these Standing Orders and the Local Government Act 1985 entitled to preside at the meeting to exercise a casting vote in accordance with paragraph 37 below.
36. On a vacancy arising in the office of Chair or Vice Chair for whatever reason, the Authority shall as soon as possible elect a replacement for the remainder of the year in which such vacancy occurred.
37. In the case of an equality of votes in respect of the appointment of a Chair of the Authority, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

Chair of Meetings

38. At each meeting of the Authority the Chair, if present, shall preside.
39. If the Chair is absent from a meeting of the Authority the Vice Chair, if present, shall preside.
40. If both the Chair and Vice Chair of the Authority are absent from a meeting of the Authority, the Clerk shall invite Members of the Authority present to select another Member of the Authority to preside at the meeting until such time as the Chair or Vice Chair joins the meeting.
41. Any power or duty of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

Quorum

42. No business shall be transacted at any meeting of the Authority unless at least five Members are present, provided that if more than one third of the whole number of Members of the Authority becomes disqualified at the same time, the quorum shall be determined in accordance with the provisions of the Local Government Act 1972, Schedule 12, paragraph 45.
43. If during any meeting of the Authority, the Chair after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Authority.

Consideration of Items of Business

44. All other items of business dealt with at a meeting of the Authority shall be introduced by the Chair who may then invite an officer to explain the item.
45. Members shall then be given an opportunity to speak on the item, the order being decided by the Chair.
46. Unless the Chair shall otherwise determine, each Member shall speak only once on each agenda item.
47. Once each Member who wishes to speak has done so, the Chair shall move the item which, if seconded, shall be voted upon.

Amendments

48. Unless the Chair shall otherwise determine, no amendments to an item of business on the agenda for a meeting of the Authority shall be moved at that meeting.

49. If a Member wishes to seek an amendment to the recommendations he/she may, when exercising his/her right to speak on the item pursuant to paragraph 45, explain why he/she wishes an amendment to be made and move that a decision on the item be deferred until the next meeting of the Authority to enable the Clerk to give proper consideration to the issue raised and address them in a revised report.
50. If the request for a deferment is supported by a majority of votes, the item shall be deferred and no further discussion of it shall take place at the meeting.

Members' Items

51. An item of business requested by a Member pursuant to paragraph 31 shall be introduced by the Member who gave notice of it.
52. The Chair shall then give the Clerk (in person or through another Officer present at the meeting) an opportunity to comment on the item.
53. Other Members shall then be given an opportunity to speak on the item, the order being decided by the Chairman.
54. Unless the Chair shall otherwise determine, each Member shall speak only once on the item.
55. When all Members who wish to speak pursuant to paragraph 45 have done so, the Member who requested the item shall then have a right of reply.
56. The Chair shall then move the item which, if seconded, shall be voted upon.

Order of Business

57. At every meeting of the Authority the order of business shall be to select someone to preside if the Chair and Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting, except that such order may be varied -
 - (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the Authority.

Minutes

58. No discussion shall take place upon the minutes except upon their accuracy. At each meeting of the Authority, the minutes of the previous meeting if agreed will be signed by the Chair.

Discussions Affecting Persons Employed by the Authority

59. If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any officer, such question shall not be the subject of discussion until the Authority has decided whether or not the power of exclusion of the public under Schedule 12A to the Local Government Act 1972 shall be exercised.

Voting

60. The mode of voting at meetings of the Authority shall be by show of hands unless the Authority decides in any particular case to vote by ballot.
61. In the case of an equality of votes, the Chair of the meeting of the Authority shall have a casting vote in addition to any other vote he/she may have.

62. Where more than two persons are nominated for any appointment to be filled by the Authority and of the votes given there is not an overall majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

63. Any Member not supporting a resolution may request that his/her dissent be recorded.

Interests of Members in Contracts

64. All Members of the Authority shall comply with the requirements of the Authority's Code of Conduct for Members (Part 5) in respect of the registration of Personal Interests and the provisions relating to declaring the same and withdrawing from meetings.

Interests of Officers in Contracts

65. The Clerk shall keep a record of particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, which record shall be open during office hours for inspection by any Member of the Authority and shall otherwise comply with the requirements of the Code of Conduct for Officers.

Gifts and Hospitality

66. In accordance with the Code of Conduct for Members approved by the Authority a Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk of the existence and nature of gift or hospitality.

Inspection of Land, Premises etc

67. A Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

Canvassing of Members

68. Canvassing of Members of the Authority directly or indirectly for any appointment under the control of the Authority shall disqualify the candidate concerned for the appointment.

69. A Member of the Authority shall not solicit for any person any appointment under the control of the Authority but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission with an application for employment.

Relatives of Members or Officers

70. A candidate for any appointment who knows that he/she is related to any Member or officer of the Authority shall when making application, disclose that relationship to the officer to whom the application for appointment is required to be submitted. A candidate who fails to disclose such relationship will be disqualified from the appointment and if appointed, shall be liable to dismissal without notice. Every Member or officer shall disclose to the officer concerned any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for appointment. The officer concerned shall report to the Authority any such disclosures made to him/her.

Inspection of Minutes and Documents

71. Without prejudice to any rights which arise as an elector or member of the public, a Member of the Authority may, for the purpose of his/her duty as such Member, but not otherwise, on application to the Clerk, inspect the minutes of the Authority and any document which has been considered by the Authority and shall on request be supplied for the like purposes with a copy of such a document, provided that a Member shall not knowingly call for a copy of any document relating to a matter in which he/she has a Personal Interest as defined in the Authority's Code of Conduct for Members, (Part 5) and that this shall not

preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

Disturbances at Meetings

72. If a member of the public interrupts the proceedings of any meeting, the Chair shall warn that person. If the interruption continues, the Chair shall order the person's removal from the meeting room. In the case of a general disturbance in any part of the meeting room open to the public, the Chair shall order that part to be cleared.
73. If at any meeting any Member, in the opinion of the Chair, indulges in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Authority, the Chair or any other Member may move "That the Member named be not further heard" and the motion, if seconded, will be put and voted upon without discussion.
74. If the Member named continues the misconduct after a motion under paragraph 73 has been carried, the Chair shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting for such period as the Chair shall consider expedient.

Variation and Revocation of Standing Orders

75. Any addition, variation or revocation to these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next meeting of the Authority. Provided that this Standing Order shall not apply to any review of Standing Orders at the annual meeting of the Authority.

Suspension of Standing Orders

76. Any Standing Order may be suspended at a meeting of the Authority where such suspension is moved as regards any business at the meeting and approved by a majority of the Members of the Authority at the meeting.

Committees, Sub-Committees and Working Groups of the Authority

77. The Authority shall, at its Annual Meeting, appoint the Chairs of, and approve terms of reference for, such Committees, Sub-Committees and Working Groups as are deemed necessary to conduct the business of the Authority in the forthcoming year ensuring the membership is determined in accordance with the rules of political balance contained in the Local Government and Housing Act 1989.
78. Where a new Committee, Sub-Committee or Working Group is established during the year, or a casual vacancy occurs in the position of Chair of a Committee, Sub-Committee or Working Group, the meeting of the Authority that establishes the new Committee, Sub-Committee or Working Group, or the meeting of the Authority following the vacancy occurring (as the case may be), shall appoint the Chair of the Committee, Sub-Committee or Working Group.
79. The Chair and Vice-Chair of every Committee, Sub-Committee or working group shall be authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of powers or duties of such Committee, Sub-Committee or Working Group.
80. Standing Orders shall, with any necessary modifications, apply to meetings of Committees, Sub-Committees or Working Groups.
81. Subject to any statutory provision or to any resolution (including any such resolution as requires a decision of one Committee, Sub-Committee or Working Group to be considered or approved by another committee) and to the provisions of this Standing Order, powers and duties allocated to any committee shall be delegated to and exercisable on behalf of the Authority by that committee.

82. Every delegation to a Committee, Sub-Committee or Working Group of any power or duty shall be subject to any general or special instructions given by the Authority to the Committee, Sub-Committee or Working Group as to how the power or duty shall be exercised or discharged.
83. The powers and duties allocated to a Committee, Sub-Committee or Working Group, in so far as they are not delegated powers and duties of that committee, shall be exercised by the committee subject to confirmation of their decisions by the Authority.
84. Any decision of a committee with regard to a power or duty which is not delegated to that committee shall be taken as recommendation to the Authority and shall be submitted to the Authority for its consideration and decision.
85. The minutes of a meeting of a Sub-Committee shall be submitted to the next convenient meeting of the Committee by which it was appointed and no act of a Sub-Committee shall have effect until approved by that Committee.
86. Any Member of a Committee, Sub-Committee or Working Group may appoint any other Member of the Authority to attend and act on their behalf at a meeting which they are unable to attend and shall have notified the Clerk accordingly before the relevant meeting.

Legal Proceedings

87. Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Clerk unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.
88. The Clerk is authorised to institute or defend any legal proceedings in any case where either the institution or defence of such proceedings is necessary to give effect to decisions of the Authority (or of any committee, sub-committee or officer with delegated authority to take decisions in the name of the Authority) or in any case where the Clerk considers that the institution or defence of proceedings is necessary to protect the Authority's interests.
89. The powers of the Clerk under this Standing Order shall include the power to negotiate the settlement of legal proceedings subject to any action taken being reported to the Authority in accordance with the Financial Regulations.

Common Seal

90. The Common Seal of the Authority shall be kept in the custody of the Clerk and the affixing of the Common Seal shall be attested by the Clerk or a person nominated by him/her.
91. A decision of the Authority shall be sufficient authority for the sealing of any document necessary to give effect to the decision.
92. A record of every sealing of a document of which the Common Seal shall have been affixed shall be made and shall be signed by the person who has attested the Common Seal.
93. Common Seal of the Authority shall be affixed to those documents which in the opinion of the Clerk require to be sealed.

Signing of Agreements and Contracts etc

94. The Clerk is the agent of the Authority to sign all formal written agreements and contracts entered into by the Authority or by a Committee which has the power to act on behalf of the Authority.

Adoption of Financial Regulations

95. The Authority shall adopt Financial Regulations which shall be observed by all committees, Members and officers.

Interpretation

96. The decision of the Chair of the meeting on the question of the construction of the Standing Orders and on any question of order not provided for by the Standing Orders shall be final.

97. The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Standing Orders.

98. In these Standing Orders where the context so requires, reference to the Authority shall mean the Authority itself or acting through its committees or other committees exercising delegated powers.

99. In appropriate circumstances, the functions of the Clerk may be undertaken by a consultant or similar professional person appointed for a specific scheme or purpose.

Standing Orders to be Given Members

100. A printed copy of the Authority's Standing Orders and Financial Regulations shall be given by the Clerk to every Member of the Authority on his/her first being appointed to the Authority.

PART 4 - CODES AND PROTOCOLS

Code of Conduct for Elected Members

Code of Conduct for Employees

Protocol for Member/Officer Relations

Guidance for Members and Officers on Publicity in the Pre-Election Period

Access to Information Procedure Rules

Monitoring Officer Protocol

CODE OF CONDUCT FOR ELECTED MEMBERS

I being a member of the West Midlands Integrated Transport Authority hereby declare that I will undertake my duties as follows:

101. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

102. As a holder of public office, and as required by law, I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Authority:

SELFLESSNESS: I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.

INTEGRITY: I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

OBJECTIVITY: I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

ACCOUNTABILITY: I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.

OPENNESS: I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.

HONESTY: I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

LEADERSHIP: I will promote and support these principles by leadership and example.

103. As a member of the West Midlands Integrated Transport Authority I will act in accordance with the principles in paragraph 2 and, in particular, I will

- (a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the West Midlands region or the good governance of the Authority in a proper manner.
- (d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this Authority.
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- (f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it.
- (h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

104. **Gifts and Hospitality**

I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the Authority.

I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

105. **Register of Interests**

I will:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations;
- (b) register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect;
- (c) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at the West Midlands Integrated Transport Authority. I will keep the register updated and acknowledge that its contents will be published on Centro's website and will be open to the public to inspect.

106. **Disclosable Pecuniary Interests Entered on the Register**

I understand that if I am present at a meeting of the Authority and

- (a) I am aware that I have a disclosable pecuniary interest under paragraph 5 above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register,

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest, and I will leave the room where the meeting is held while any discussion or voting takes place.

107. **Disclosable Pecuniary Interests NOT Entered on the Register**

I understand that if I am present at a meeting of the Authority and

- (a) I am aware that I have a disclosable pecuniary interest under paragraph 5 above in any matter to be considered or being considered at the meeting, and
- (b) the interest is not entered in the Authority's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

I also understand that if an interest referred to in 7 above is not entered on the Authority's register and is not the subject of a pending registration, I must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

108. **Other Relevant Interests**

I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 5 above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the Authority's administrative area; and
- (b) the interest is one that a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

I acknowledge that if I have an Other Relevant Interest as described above:

- (a) I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- (b) I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:.....

Full name:

Date:

CODE OF CONDUCT FOR EMPLOYEES

Introduction

- 109. The public is entitled to expect the highest standards of conduct from all employees who work for the West Midlands Integrated Transport Authority. The aim of this code is to lay down guidelines for employees that will help maintain and improve standards and protect employees from misunderstanding and criticism. The Code of Conduct incorporates the principles defined by the Nolan Committee's first report on standards in public life.
- 110. It is not enough to avoid actual impropriety: you should at all times avoid any appearance of improper conduct or the appearance by your behaviour that you may be subject to improper influence. 'Impropriety' means behaving in a way in which it is not appropriate for a public sector employee to behave - it covers a wide range of things, such as conveying confidential information to external persons or bodies for personal gain or accepting bribes, or doing someone a favour that could be misunderstood as compromising the West Midlands Integrated Transport Authority's integrity.
- 111. This Code of Conduct sets out guidelines that maintain the highest standards of propriety. If employees are in any doubt over any issue, eg. whether or not to accept a gift or offer of hospitality, they should consult their manager. However, ultimate responsibility rests with the individual employee, who must at all times be able to justify their actions and be able to refute any allegations of impropriety.

Standards

112. The West Midlands Integrated Transport Authority's employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality and in an objective manner. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

Criminal Conduct

113. You must always be able to justify your actions. If an allegation is made, it is up to the employee to demonstrate that any such rewards have not been corruptly obtained.
114. The West Midlands Integrated Transport Authority may cancel a contract where the contractor has made a gift or carried out some kind of favour for an employee of the Authority in relation that contract.
115. Attempts to bribe or corrupt you in connection with the award of contracts must be reported to the appropriate officer.

Gross Misconduct

116. Action that falls short of being a criminal offence may still be gross misconduct for the purposes of your employment in respect of which disciplinary action, which could lead to dismissal, could be taken against you.
117. In any organisation there may be individuals with alcohol or drug related problems. Being under the influence of alcohol or drugs to the extent that your work is impaired may constitute gross misconduct. Employees should, for example, avoid drinking at lunchtime to the extent that their work performance is adversely affected.

Disclosure Of Information

118. The law requires that certain types of information must be available to members of the Authority, auditors, government departments, service users and the public. The West Midlands Integrated Transport Authority may also decide to be open about other types of information.
119. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
120. The confidentiality of the West Midlands Integrated Transport Authority's business shall be maintained and employees shall not convey information to external persons or bodies for personal gain, or to compromise the integrity of the West Midlands Integrated Transport Authority.

Political Neutrality

121. In their dealings with matters affecting the Authority, employees must be aware that they serve the Authority as a whole. It follows they must serve all councillors and other politicians of any political affiliation, and not just those of the controlling group, and must ensure that the individual rights of all councillors and other politicians are respected. Employees may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.
122. Employees must not allow their own personal or political opinions to interfere with their work.

Councillors and Other Politicians

123. Certain employees will have direct dealings with councillors and other elected and also non-elected politicians. Mutual respect between employees and politicians is essential to good local government. Close

personal familiarity between employees and individual politicians can damage the West Midlands Integrated Transport Authority's integrity and prove embarrassing to other employees and politicians, and should therefore be avoided.

Contractors

124. All relationships of a business or private nature with external contractors must be declared in writing to the Clerk. This is particularly important for employees who engage or supervise contractors, or have previously had or currently have a relationship in a private or domestic capacity with contractors.

Colleagues

125. Personal relationships or transactions with colleagues should not influence an employee's professional judgement.

Appointment and Other Employment Matters

126. Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.
127. Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner, etc.

Outside Commitments

128. Employees must declare any outside interests that could be perceived as influencing their decision making or compromise their integrity.
129. Employees must follow the West Midlands Integrated Transport Authority's rules on the ownership of intellectual property or copyright created during their employment.

Personal Interests

130. Employees must declare any personal interest in the West Midlands Integrated Transport Authority's business activities.
131. To prevent the possibility of implied impropriety or covert influence, employees must declare their membership of any non-public organisation that has secrecy about its rules, membership and/or behaviour, such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

Equality Issues

132. All employees must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

Tendering

133. Employees must exercise fairness and impartiality when dealing with suppliers and contractors.
134. Employees who are privy to confidential information on tenders or costs of external contractors must not in any circumstances disclose that information to any unauthorised party or organisation, in particular, to any other external contractors or tenderers.

135. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates.

Hospitality

136. Employees must only accept offers of hospitality for a genuine business reason such as a need to impart information or represent the West Midlands Integrated Transport Authority in the community. In all cases you should be able to justify the arrangements as being in the interests of the West Midlands Integrated Transport Authority.
137. The criteria that should be considered in determining whether or not you should accept hospitality include the scale and the location of hospitality offered and whether it can be justified as in furthering the interests of the West Midlands Integrated Transport Authority. An employee must always be able to justify his/her actions as being in the best interests of the West Midlands Integrated Transport Authority.
138. Offers to attend sporting, cultural or arts events should only be accepted if the purpose of attendance is to assist the West Midlands Integrated Transport Authority in building good relationships or networking with local organisations that will better enable it to carry out the policies of the Authority and if there are good reasons for the West Midlands Integrated Transport Authority to be seen to be represented at the event.
139. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal. Where visits to inspect equipment, etc. are required as part of the procurement process, employees must ensure that the arrangements for such visits do not jeopardise the integrity of the subsequent purchasing decision.
140. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and high standards and integrity expected of the West Midlands Integrated Transport Authority's employees.

Hospitality Provided by the West Midlands Integrated Transport Authority

141. It is recognised that some of the operations of the West Midlands Integrated Transport Authority are of a commercial character and that business is conducted in circumstances where the provision of hospitality is accepted practice.
142. When providing such hospitality employees must have particular regard to the principles of public accountability and to the public image of the West Midlands Integrated Transport Authority. This means such hospitality must be provided on an appropriate scale that merits the occasion and within approved budget provision.

Gifts

143. Employees, or their families or partners with the employee's knowledge must not accept significant personal gifts in terms of value from contractors and outside suppliers. The West Midlands Integrated Transport Authority will allow employees to keep insignificant items of token value such as pens, diaries, etc. Thus all significant gifts, loans of goods, money or assets, bottles of wine or spirits, prizes and other benefits in kind should be declined. Gifts delivered must be returned to the sender with an appropriately worded letter.
144. All trips, free travel, holidays, accommodation including payment of hotel bills and use of company cars/executive jets at the expense of contractors must be regarded as unacceptable.

Sponsorship - Giving and Receiving

145. Where an outside organisation wishes to sponsor a West Midlands Integrated Transport Authority employee or is seeking to sponsor a West Midlands Integrated Transport Authority activity or function, whether by

invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

146. Where the West Midlands Integrated Transport Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative (with the knowledge of the employee) must benefit from such sponsorship in a direct way. Similarly, where the West Midlands Integrated Transport Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

Background

147. Members are elected by the public, whereas officers are appointed to undertake employment by the Authority. Whilst their respective responsibilities are quite distinct, they are nevertheless indispensable to each other.
148. In the Authority, elected members are appointed by their district council and serve for a period of 12 months. Whilst they serve on the Authority, they will be acting on behalf of the Authority. They should be particularly careful to avoid and/or manage conflicts of interest between their responsibility to the Authority, the requirements of their district council and to the electorate.
149. Officers are appointed to the Authority and must be politically neutral in their work. Senior posts are politically restricted, which means that officers in those posts cannot speak or write any message which could affect public support for a political party.
150. Members are covered by a Code of Conduct adopted by the Authority. This requires high personal standards of conduct whereby neither members nor officers may, in behaviour or speech, act discriminatory with regard to eg. gender, race, religion or any other similar matter. This protocol is an extension of those codes of conduct and does not either replace or remove any of their requirements.

Relationships

151. Members and officers must act with courtesy and mutual respect towards each other at all times. This is a partnership where members should determine the policies through the Authority and the officers implement them in a professional manner.
152. Members should remember that officers cannot respond to personal criticism in the same way politicians can, and therefore temper their remarks accordingly. They should be particularly careful about contact with less senior staff and in all circumstances avoid 'throwing their weight around' or using any form of oppressive or abusive behaviour. If they have any concerns about the behaviour of individual officers, they should report them to the Clerk to the Authority.

Advice and Support

153. Officers will provide briefings on any transport or administrative matter, either individually or to group meetings, but that advice must not be on political business. Similarly, officers should not be asked to be present at any meetings during which political business is being discussed.
154. Officers are expected to provide impartial advice to all members, irrespective of their political party. To assist members carrying out their duties, they are entitled to a timely response to all reasonable requests for

advice. The advice given must be unbiased and not deliberately obstructive, although since it must be provided on a professional basis, it may not necessarily be what the member wishes to hear.

155. Whilst support is provided to members in relation to all transport matters to assist them in discharging their responsibilities, support cannot be extended to assisting members in any of their political activities. Members must not put pressure on staff to provide resources or support which officers are not entitled to provide.
156. Mutual confidentiality must be observed. Officers will not divulge, without prior agreement, any letter or communication from a member marked 'strictly confidential'. Similarly, members shall not purport to make decisions on behalf of the Authority or release any documents of a confidential nature.
157. Officers will provide relevant information, access to documents, advice and explanations when requested by members. All public committee papers will be made available on the West Midlands Integrated Transport Authority's website. Other information will be provided as requested, but shall be treated as confidential unless made public by law or with the express or implied consent of the Authority. No member may utilise such information for personal gain or advantage.
158. Members and officers must recognise their separate roles and neither must take advantage of the other, or use the resultant relationship to seek advantage either for personal gain or to influence decisions for their own purposes.
159. Officers, and not Members, implement the policies of the Authority. Members should avoid trying to get officers to act in any way that exceeds their area of responsibility, or is outside the bounds of the authority delegated to them by their manager, or disrupts the officer's work by imposing their own priorities.
160. Members and officers should respect each other's free (non-employment) time.
161. Neither members nor officers should openly criticise each other. Such criticism in public or through the media could also affect any complaint or disciplinary process involving a Member or officer.

Elections, Referendums and Petitions

162. It is unlawful for a local authority (which includes the Authority) to publish any material designed to affect public support for a political party or for it to give financial or other assistance to bodies to enable them to publish materials which the Authority itself may not publish.
163. Particular care should be taken to ensure that publicity issued by the West Midlands Integrated Transport Authority immediately prior to an election or by-election within the West Midlands area could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Proactive publicity in all its forms of candidates and other politicians involved directly in the election should not take place in the period between the notice of an election and the election itself. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Authority members or groups of members.
164. However, it is acceptable for the West Midlands Integrated Transport Authority to respond, in appropriate circumstances, to events and legitimate service enquiries provided that its answers are factual and not party political. The key factor to remember is that publicity should be objective, balance, informative and accurate, concentrating on facts or explanations. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the West Midlands Integrated Transport Authority's control. Proactive events arranged in this period should not involve the Authority's members likely to be standing for election.

165. In line with the requirements of the Government’s Code of Recommended Practice on Local Authority Publicity 1988 (as revised), during the period prior to any election, the West Midlands Integrated Transport Authority will not:
- Provide quotes from members to the news media or other organisations, nor arrange publicity events or photo calls that involve the Authority’s members;
 - Issue the news media news releases or statements that actively promote a candidate;
 - Issue the news media news releases which refer to policy or controversial matters directly affecting the electoral division.

GUIDANCE FOR MEMBERS AND OFFICERS ON PUBLICITY IN THE PRE-ELECTION PERIOD

Introduction

166. In most years during May, elections to the seven West Midlands metropolitan district councils take place. This note has been prepared to provide guidance to officers on the West Midlands Integrated Transport Authority’s duty to comply at all times with the statutory restrictions on publicity. The note focuses in particular on publicity in the pre-election period.

The Purpose of Publicity

167. The main purposes of the West Midlands Integrated Transport Authority’s publicity include increasing public awareness of the decisions that it takes, allowing the public to have an informed say about issues that affect them, explaining to the public the reasons for particular policies and priorities and, in general, improving local accountability.
168. ‘Publicity’ is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public”. Publicity is newspapers, newsletters, websites, posters, leaflets, booklets, banners, badges etc. Advertising is publicity. Campaigns, exhibitions, conferences and any other kind of public communication can be defined as publicity.

Prohibition of Political Publicity

169. At all times, and not just in the pre-election period, there is in law an absolute prohibition of political publicity. The West Midlands Integrated Transport Authority is under a duty not to publish any material which, in whole or in part, appears designed to affect support for a political party. In determining whether material falls within the prohibition, regard must be had to:
- the content and style of the material,
 - the time and circumstances of its publication,
 - the likely effect on those to whom it is directed,
 - whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another, and
 - where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

Publicity in the Pre-election Period

170. The pre-election period, often referred to as the ‘purdah’ period, is the time from the date the notice of the election is published to polling day.

171. In almost all respects, it will be ‘business as usual’ for the West Midlands Integrated Transport Authority during the pre-election period, and the publicity that this necessarily creates. The national code of practice recognises that publicity may include information about individual member’s proposals, decisions and recommendations where this is relevant to their position and responsibilities within the West Midlands Integrated Transport Authority. The national code does not prohibit the publication of information on politically sensitive or controversial issues but it does provide guidance on publicity at sensitive times such as during the purdah period, in the following terms:

“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members.”

172. It is however,

“.....acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political.”

173. The Code acknowledges that a degree of flexibility is necessary:

“Members holding key political and or civic positions should be able to comment in an emergency or where there is a genuine need for a level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve members likely to be standing for election.”

Non Prohibited Publicity - for Individual Councillors

174. Publicity about individual councillors may include the contact details, the positions they hold at the West Midlands Integrated Transport Authority and their responsibilities.
175. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the West Midlands Integrated Transport Authority.
176. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual councillors as holders of particular positions at the West Midlands Integrated Transport Authority, personalisation of issues or personal image making should be avoided.
177. Publicity should not be, or liable to misrepresentation as being, party political.
178. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to his or her position and responsibilities within the West Midlands Integrated Transport Authority, and to put forward his or her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Democratic Services and the Media

179. During the forthcoming election period, the Democratic Services and Media teams will continue to offer as full a service as possible. However, in some instances, there may be certain activities that could be seen to promote local election candidates that we may not be able to undertake. Whilst staff in these sections are able to support members in their capacity as councillors, by law they are not able to support them in their capacity as local politicians

ACCESS TO INFORMATION PROCEDURE RULES

180. The Authority is required by section 100G(3) of the Local Government Act 1972 to keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

181. A meeting of the Authority (including meetings of its committees or sub-committees) is open to the public, except as stated in paragraphs 3 and 4 below.
182. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court Order.
183. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agenda and Connected Papers

184. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear working days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear working days before the meeting. The papers will be available for inspection between the hours of 9.00am and 5.00pm on working days. All public reports will also be made available before the meeting on the West Midlands Integrated Transport Authority's website.
185. A reasonable number of copies of agenda and reports must be available for members of the public present at a meeting. The agenda and reports must also be made available to the media on request.

Inspection

186. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, or a summary of what took place in private), together with the documents made available for public inspection under paragraph 184 above, will be available for public inspection between the hours of 9.00am and 5.00pm on working days. This right of inspection exists for six years from the date of the meeting concerned.

Inspection of Background Papers

187. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, and they will not be open to inspection.
188. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report, but exclude any published work.

189. Requests for inspection of such documents should be made to the Democratic Services Manager who will arrange for the production of such documents as soon as reasonably practicable after the request.

Additional Access for Members

190. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to paragraph 10 below).

Publication of Additional Information

191. The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is open to inspection by the public between the hours of 9.00am and 5.00pm on working days. This information will also be published on the West Midlands Integrated Transport Authority's website.
192. The Authority must maintain a list specifying the powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. This list is open to the public inspection, but excludes delegations of less than six months duration.

Financial Documents

193. A member of the Authority has a right to inspect its accounts.
194. Any local government elector for a district within the West Midlands area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 2003 (as amended).
195. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them, except that no personal information about a member of the Authority's staff is required to be disclosed.

Documents Deposited with the Authority

196. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Clerk.

Other Documents

197. Any report received from the Local Government Ombudsman under s30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
198. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
199. The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in paragraphs 194, 195, 196 and 198 above.

Fees

200. No fee will be charged for providing the facility of inspecting background papers (paragraph 186 above).

201. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

PROTOCOL FOR THE MONITORING OFFICER

General Introduction to Statutory Responsibilities

202. The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged within the West Midlands Integrated Transport Authority.
203. The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Authority. In doing so, they will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
204. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:
- complying with the law of the land (including any relevant codes of conduct);
 - complying with any general guidance issued, from time to time, by the Ethics Committee and the Monitoring Officer;
 - making lawful and proportionate decisions; and
 - generally, not taking action that would bring the Authority, their offices or professions into disrepute.

Working Arrangements

205. Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Authority) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer in discharging these responsibilities.
206. The Monitoring Officer issues guidance to officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all officers. The guidance also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual / potential transgression by the Authority.
207. The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for officers and members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the authority to consider issues it might not wish to.
208. The Monitoring Officer and the Authority should co-operate in every way possible so as to reduce the chance of the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Democratic Services, but particularly those in the Legal Services team who will, in providing

corporate legal advice do so in an enabling manner, but also identify areas of particular risk and concern, assisting officers / members to achieve their objectives, but ultimately in a lawful and proper manner.

209. The following arrangements and understandings between the Monitoring Officer, members and Directors are designed to ensure the effective discharge of the Authority's business and functions.

210. The Monitoring Officer will:

- be alerted by members and officers to any issue(s) that may become of concern to the Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
- have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority at which a binding decision of the Authority may be made (including a failure to take a decision where one should have been taken) at or before the Authority's meetings;
- have the right to attend any meeting of the Authority before any binding decision is taken by the Authority (including a failure to take a decision where one should have been taken);
- in carrying out any investigation have unqualified access to any information held by the Authority and to any officer who can assist in the discharge of these functions;
- ensure the other statutory officers are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
- report to the Authority, from time to time, on the constitution and any necessary or desirable changes;
- as per the statutory requirements, make a report to the Authority, as necessary on the staff, accommodation and resources they requires to discharge their statutory functions;
- have a special relationship of respect and trust with the Chair, and chairs of the committees, sub-committees and working groups with a view to ensuring the effective and efficient discharge of Authority business;
- develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- give informal advice and undertake relevant enquiries into allegations of misconduct;
- defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved;
- have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions;
- be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;

- ensure that Members and Officers of the Authority are fully aware of their obligations in relation to probity.

211. To ensure the effective and efficient discharge of these arrangements, members and officers will report any breaches of statutory duty or Authority policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
212. The Monitoring Officer is also available for members and officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

Sanctions for Breach of the Code of Conduct for Members and this Protocol

213. Complaints in relation to a breach of the Code of Conduct for members will be considered by the West Midlands Integrated Transport Authority.

Monitoring the Protocol

214. The Monitoring Officer will report to the West Midlands Integrated Transport Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.

Conflicts and Interpretation

215. Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which they have previously advised the Authority, they shall consult the Clerk who may then either refer the matter to another officer for investigation and report to the Clerk, or ask a neighbouring authority to make their Monitoring Officer available to investigate the matter and report to the Clerk and/or the Authority as appropriate.
216. Questions of interpretation of this guidance will be determined by the Monitoring Officer

PART 5 - MEMBERS' ALLOWANCES SCHEME

[To be inserted here]

ANNEXES

- | | |
|------------------|--|
| Annex 1- | Members of the West Midlands Integrated Transport Authority 2014/15 |
| Annex 2 - | Roles and Functions of Members of the Authority |
| Annex 3 - | Senior and Lead Member Role Profiles 2014/15 |
| Annex 4 - | Officers of the West Midlands Integrated Transport Authority |

ANNEX 1 - MEMBERS OF THE WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY 2014/15

Name	Party	Appointing Council
------	-------	--------------------

[To be inserted here]

ANNEX 2 - ROLES AND FUNCTIONS OF MEMBERS OF THE AUTHORITY

217. All members are expected:
- (a) to act corporately for the good governance of the Authority, balancing the needs of the whole community of the West Midlands with their role of local representative;
- (b) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, working parties or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making, including the development of strategic policies and the determination of the budget in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
- statutory and other legal requirements
 - the Code of Conduct for Members
 - Standing Orders of the Authority
 - the Member/Officer relations protocol

Rights and Duties of Members

218. Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
219. A member of the Authority may, for the purposes of their duty as such member, but not otherwise, on application to the Clerk and Treasurer inspect any document which has been considered by a committee or a sub-committee or by the Authority and shall, on request, be supplied for the like purposes with a copy of such a document if practicable.
220. A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested, or in which they have directly or indirectly any disclosable pecuniary interests within the meaning of the Localism Act 2011 and/or regulations made there under or the Code of Conduct. This provision shall not preclude the Clerk and/or Treasurer from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
221. All reports made or minutes kept by any committee or sub-committee shall be open for the inspection of any member of the Authority during office hours.
222. Subject to any statutory provision in that behalf, no member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk and/or Treasurer, the document is of a confidential nature.

223. A member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority, or, unless authorised by the Authority, claim by virtue of their membership of the Authority any rights to inspect or to enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

Failure to Attend Meetings

224. Subject to the provisions of Section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its committees for a period of six months ceases to be a member of the Authority, unless within that period, the member's absence is approved by the Authority.
225. The Clerk will monitor absences from meetings and, unless approval for any absence is given by the Authority, will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent district council.

Conduct

226. Members will, at all times, observe the Members' Code of Conduct and the Member/Officer Relations protocol set out in Part 4 of this constitution.

Allowances

227. Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part 6 of this Constitution

ANNEX 3 - SENIOR & LEAD MEMBERS' ROLE PROFILES 2014/15

Chair of the Authority

- To chair meetings of the Authority and to ensure their overall effectiveness,
- To provide effective leadership in the development of the Authority's policy, strategy and budget proposals,
- To act as the Authority's principal Member spokesman at local, regional and national level,
- To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.

Vice-Chair of the Authority

- To support the Chair of the Authority in discharging the roles associated with the office of Chair.
- To deputise for the Chair in their absence.

Chairs of Committees/Sub-Committees

- To chair the committees and ensure its overall effectiveness.
- To have a working knowledge of the Authority's relevant policies and strategies and to ensure that they are sufficiently and effectively briefed by officers on matters coming before the committee.
- To co-ordinate and manage the work of the committee.
- To support the role of the Chair of the Authority in development of policy, strategy and budget proposals.

Vice-Chairs of Committees/Sub-Committees

- To support the committee Chairs in discharging their roles.
- To deputise during any absence of the Chair during a meeting.

ANNEX 4 - OFFICERS OF THE WEST MIDLANDS INTEGRATED TRANSPORT AUTHORITY

Clerk

228. The Authority appoints a Clerk to give it advice on governance and ethics matters, to give it advice on any legal matters relating to the conduct of its meetings, and to have responsibility for ensuring that agendas, reports and minutes are prepared and made available for all of its meetings. XX will be appointed to this role.

Treasurer

229. The Authority appoints a Treasurer to ensure that its financial arrangements are lawful and prudent. The Treasurer has responsibility for the administration of the Authority's financial affairs and to give financial advice to members in the discharge of their responsibilities. The Treasurer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity, budget and policy framework issues. The Director of Finance (Centro) was appointed to this position in May 2008 and will continue in this role.