

ETHICAL FRAMEWORK AND CODE OF CONDUCT FOR THE POLICE AND CRIME COMMISSIONER (PCC)



**Cheshire
Police & Crime
Commissioner**

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At the time of ratifying this procedure and at the time of all subsequent reviews, the author and the owner of this procedure are satisfied that this document complied with relevant legislation.			

Version control			
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10/06/2014	1.1	E Robertson	Change of name to Ethical Framework and Code of Conduct
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INTRODUCTION

1. This Code applies to the Police and Crime Commissioner when acting in that role. It also applies to the Deputy Police and Crime Commissioner (where appointed) when acting or representing to act in that role. Reference to the Commissioner should also be applied to the Deputy Commissioner (where appointed).
2. This Code does not apply when the above are acting in a purely private capacity.
3. The Commissioner has adopted this Code and has agreed to abide by its provisions.
4. The Policing Protocol¹ provides that all parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as the Nolan Principles.
5. The Commissioner agrees to abide by the Nolan Principles which are set out below:

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

¹ The Policing Protocol Order 2011 No. 2744

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

6. In addition, the College of Policing in its Code of Ethics includes the following additional principles which are also adopted as part of this Code:

FAIRNESS

All people should be treated fairly.

RESPECT

All people should be treated with respect.

OATH OF OFFICE

7. As Commissioner, he has sworn the following oath of office:

"I, Daniel Price of Warrington, do hereby declare that I accept the office of Police and Crime Commissioner for Cheshire.

In making this declaration, I solemnly and sincerely promise that during my term of office:

I will serve all the people of Cheshire in the office of Police and Crime Commissioner.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers".

GENERAL OBLIGATIONS

8. The Commissioner and his deputy agree:-

- a) To treat others with dignity and respect.
- b) Not to use bullying behaviour or harass any person.
- c) Not to conduct business in a manner which:-
 - is contrary to the Policing Protocol or any other legal requirement relevant to the role
 - could reasonably be regarded as bringing the Office into disrepute.

- d) To respect the impartiality of officers and not to obstruct or interfere with any officer who may be discharging any responsibilities placed upon them by law.

USE OF RESOURCES

9. The Commissioner and his deputy agree:-

- a) Not to use the resources of the Commissioner for personal benefit or for the benefit of themselves, friends, or any other person in relation to any business interest of mine.
- b) Not to use the resources of the Commissioner improperly or for political purposes (including party political purposes).
- c) To claim expenses and allowances only in accordance with the published expenses and allowances scheme of the Commissioner.

REGISTER OF DISCLOSABLE INTERESTS (INCLUDING THOSE OF A PECUNIARY NATURE)

10. The Commissioner and his deputy agree:-

- a) To act solely in the public interest and in exercising the functions of the office not act to gain financial or other benefits for themselves, their family, friends, or any person in relation to any business or use or attempt to use their office to confer or secure for any person, including themselves, an advantage or a disadvantage.
- b) Within 28 days of taking office to enter in the register of disclosable interests maintained by the Monitoring Officer of the elected local policing body every disclosable interest as set out in the attached Schedule A.
- c) Within 28 days of any change in circumstances to enter in the register of interests the changes in so far as are related to disclosable interests.
- d) Within 28 days of receipt, to register the acceptance of any gift or hospitality worth £25 or more. (Further information on registering gifts and hospitality is attached at Schedule B).
- e) If the nature of the interest is such that the Commissioner and the Monitoring Officer consider that disclosure could lead to the Commissioner or a person connected with them being subject to violence or intimidation, then any entry in the register should not include details of the interest but should indicate that the interest has been disclosed and is withheld by virtue of this section.
- f) If there is any doubt about whether something could be considered a registerable interest, the Monitoring Officer, or in their absence the Deputy Monitoring Officer, will be consulted.

CONFLICTS OF INTEREST

11. In any case where exercising the functions of the office may conflict with any disclosable or other interest, which has become known to the Commissioner or his deputy, they shall as soon as possible declare such conflict as is required under the Elected Local Policing Body (Specified Information) Order 2021 (as amended) and determine whether the conflict of interest is so substantial that the function should not be exercised personally.
12. They will consider a conflict of interest to be so substantial that they should not exercise the function personally, if it meets the following condition:

a member of the public, with knowledge of the relevant facts, would reasonably consider the interest so significant that it would be likely to prejudice their judgement on the decision.
13. In the event of declaring a conflict of interest, the Commissioner will withdraw from any discussion or decision regarding the item and delegate the matter to the Deputy Police and Crime Commissioner (where appointed). If there is a question about whether the matter may be delegated, they will seek the advice of the Monitoring Officer. Should the Deputy Police and Crime Commissioner (where appointed) also declare a conflict of interest in the same matter they must also withdraw and the matter may be delegated to either the Chief Executive (Monitoring Officer) or the Chief Financial Officer.
14. In the event that the Deputy Police and Crime Commissioner (where appointed) has a conflict of interest in a decision which falls within their delegated functions, the matter should be referred up to the Police and Crime Commissioner.

DISCLOSURE OF INFORMATION

15. The Commissioner agrees not to disclose information given to them in confidence or information acquired by them which is of a confidential nature, unless they have the consent of a person authorised to give it or they are required by law to do so or for the lawful purposes of the office provided that they shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person.
16. Any disclosure made by the Commissioner shall be reasonable, be in the public interest and made in good faith.
17. The Commissioner agrees not to prevent another person from gaining access to information to which that person is entitled by law.

TRANSPARENCY

18. A register of interests, register of declarations of conflicts of interest and a register of gifts and hospitality will be maintained and shall be published on the elected policing body's website.

COMPLAINTS

19. The Commissioner acknowledges that in accordance with legal requirements any complaint about the conduct of the Police and Crime Commissioner or Deputy Police and Crime Commissioner (where appointed) shall be referred to the Police and Crime Panel for Cheshire:

The Police & Crime Panel for Cheshire
c/o The Chief Executive Cheshire East Council Municipal Buildings
Earle Street
Crewe
CW1 2BJ

SCHEDULE A

Disclosable Interests (including those relating to Gifts and Hospitality)

In this Schedule:

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“elected local policing body” means the elected Local Policing Body to which the relevant person has been elected.

“relevant period” means the period of 12 months ending with the day on which the relevant person makes an entry, amendment, or deletion to the register of disclosable interests.

“relevant person” means the person(s) who is/are elected/appointed Police and Crime Commissioner and Deputy Police and Crime Commissioner.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Subject	Disclosable Interest
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the elected local policing body) made or provided within the relevant period in respect of any expenses incurred in carrying out duties and responsibilities, as a Police or Deputy Police and Crime Commissioner, or towards the election expenses of the PCC or Deputy PCC. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the elected local policing body – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the elected local policing body.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the elected local policing body.
Corporate tenancies	Any tenancy where (to the knowledge of the relevant person) (a) the landlord is the elected local policing body; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Subject	Disclosable Interest
Securities	Any beneficial interest in securities of a body where:- (a) that body (to the relevant person's knowledge) has a place of business or land in the area of the elected local policing body; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
Gifts and Hospitality	The name and address of any person from whom the relevant person has received a gift or hospitality (and a description of the gift or hospitality) with an estimated value of at least £25

SCHEDULE B

Office of the Police and Crime Commissioner for Cheshire Registering Gifts and Hospitality

1. As a general rule offers of gifts or hospitality should be refused courteously in a manner that does not cause offence or embarrassment to the organisation or individual making the offer.
2. If consideration is being given to accepting a gift or hospitality, the Monitoring Officer, or in their absence the Deputy Monitoring Officer, should be consulted prior to a decision being taken. In deciding whether a gift should be accepted the following points should be considered:
 - Why is the offer being made?
 - What are the background circumstances to it?
 - Does the donor feel obliged to make the offer?
 - What does the donor expect in return?
 - What could be the outcome if the offer is accepted or declined?
 - Would the Commissioner be prepared to justify its acceptance to the public?
3. Any gifts or hospitality worth £25 or over should be registered.
4. Details of the donor (for example, the person, company or body) offering the gift or hospitality must also be registered.
5. Only gifts received in connection with official duties or in the course of employment must be registered. Other gifts and hospitality, such as birthday gifts from family, do not have to be registered.
6. An accumulation of small gifts received from the same donor over a short period, with an estimated combined value of £25 or more, should be registered.
7. The gift or hospitality and its donor must be registered within 28 days of receipt, and if an accumulation, when it is estimated that the value has exceeded £25.
8. If the value of the gift or hospitality can not be ascertained it should be registered in any case as a matter of good practice.
9. It is accepted that on rare occasions gifts, or hospitality may be received without prior offer or warning. Where possible they should be diplomatically returned or refused. Where this is not possible the gift, or hospitality should be registered stating the nature, estimated value of the item and clearly stating the surrounding circumstances.
10. For the avoidance of doubt, hospitality is defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted