

Guidance Note For Members of London TravelWatch¹

This guidance applies to what you yourself do, whether it is for your own benefit or for anyone else's (including spouses, parents and children), or if you are acting as a trustee. It does not directly apply to dealings in which spouse, parents or children take their own separate decisions. Those decisions will be insulated from your knowledge by the rule that you must not in any case give confidential or private information you have as a member of London TravelWatch to anyone other than in the course of your duty as a member.

General

London TravelWatch has adopted the seven principles of public life as a statement of Corporate Values. The principles are:

- Selflessness (decisions taken solely in terms of public interest)
- Integrity (without putting themselves under any financial or other obligation to those who might influence them in the performance of their duties)
- Objectivity (choices, where they apply, should be made 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)
- Openness (decisions should be transparent where possible. Information should be restricted only when the wider public interest clearly demands)
- Honesty (Holders of Public Office must declare any private interests relating to their public duties and take steps to resolve any conflicts of interest)
- Leadership

- 1 Members of public bodies are expected to adhere to these principles and values of public service and perform their duties and functions accordingly. But simply to comply with any rules of conduct may not in itself be enough because appearances also matter. You should, therefore, at all times avoid any occasion for suspicion and any appearance of improper conduct. What the public believes about your conduct will affect the credibility and integrity of London TravelWatch as well as those responsible for making appointments. The purpose of this Guidance Note is to assist you in the carrying out of your duties as a member of London TravelWatch.
- 2 Your duty is to the whole of the travelling public; to represent the interests of the users of transport provided, procured or licensed by Transport for London, the Underground, Heathrow Express, Eurostar and the national railways in and around London. If you have personal or private interests in a question which has to be decided by London TravelWatch, then you should take no part in the reaching of a decision, except in the special circumstances described in paragraph 20 below.
- 3 You should not accept membership or remain in membership of London TravelWatch if you have business or professional interests which cause you to declare an interest so often that you can be of little value to London TravelWatch, or if it would be likely to weaken public confidence in the duty of London TravelWatch to work solely in the public interest.

¹ Operating name of the London Transport Users Committee (LTUC).

- 4 You will be provided with a copy of London TravelWatch's Aims and Objectives, together with a written statement of what is expected of you as a member. The Chair of London TravelWatch will review your contribution annually against these objectives, values and expectations.

Disclosure of interests

- 5 Responsibility for declaring a financial, political or any other relevant interest as defined below rests with you and you must not rely on others to remind you of your responsibilities on this. Neither is it reasonable to expect the Chair or any other member to draw your attention to a possible conflict of interest otherwise than by means of a general statement.
- 6 You must not allow the impression to be created that you are, or may be, using your position on London TravelWatch to promote a private or personal interest, rather than forwarding the interests of the generality of the public. Private and personal interests include those of family and friends as well as those arising out of membership of an association, club or political party. If you have a personal or private non-financial interest in a matter arising at a meeting you should always declare it, unless it is insignificant, or one which you share with the generality of the public. Guidance as to involvement in local transport users groups is appended hereto in annexe A.

Shareholdings

- 7 As a member of London TravelWatch you may have access to confidential and/or price sensitive information (such as proposed fares increases) from licensed operators and the regulatory bodies. It is, therefore, necessary to introduce specific restrictions on shareholdings within the transport industry in order to avoid conflicts of interest. These restrictions are designed to protect you, London TravelWatch and the regulatory bodies against allegations that confidential information has been used for private gain; or that advice on regulatory matters has been coloured by financial interest.
- 8 Controls over members' share dealing and financial interests should distinguish between shares and interests in companies which are clearly in the transport industry with which London TravelWatch has a statutory link and other shares and interests where there may be a transport interest. The Nolan report made clear an expectation that, in terms of financial propriety, Codes of Conduct for members of Non-Departmental Public Bodies should be 'as rigorous as those which apply to Ministers and Civil Servants'.
- 9 Consequently, as a condition of appointment as a Member of London Travel Watch, you must refrain from buying, selling or holding shares in any 'Category A' company as defined in Annexe B. In addition, you should not hold shares in a 'Category A' company as a trustee or in any comparable capacity when you are the person who has a primary responsibility for investment decisions. If you are appointed executor (in a non-professional capacity) under a will where the deceased had a holding in a 'Category A' company, and it is not appropriate to dispose of the holding immediately following the grant of probate, you should immediately notify the Chief Executive of London TravelWatch who will advise on the appropriate procedure to follow.

- 10 If you have, or suspect you may have any holding in 'Category B' companies as defined in Annexe C, these should be declared in the Register of Interests.
- 11 Where funds such as PEPs, ISAs, Unit, Investment, Pension or other Trusts containing 'Category A' shares are managed by a third party, and you have no influence over the share basket procured on your behalf, the shareholding need not be relinquished. The shareholding should, however, where known, be declared in the Register of Interests, as should any holdings in 'Category B' companies.
- 12 Where you know you have shareholdings in companies which have an interest in other licensees/franchisees or potential licensees/franchisees, you should declare such interest prior to the discussion of any matter directly relating to that company. In any matters involving price-sensitive information, you should be aware that insider dealing within the meaning of the Criminal Justice Act 1993 (sections 52-54) is a criminal offence.
- 13 Where you have or acquire 'Category A' shares, you may either dispose of them within six weeks of receiving notice of ownership or trusteeship, or ensure within the same period that they are put into trust or some other financial arrangement where a third party is clearly responsible for the management of the funds for the duration of your membership of London TravelWatch. You should record your course of action in the Register of Interests.
- 14 If you are uncertain as to the application of any of these restrictions you should seek further advice from the Chief Executive of London TravelWatch. Where you are in any doubt about the need to declare a financial interest, you would be well advised to register such interest, to avoid any possible doubt as to propriety.

Political activities

- 15 The following rules apply to the Chair and members of London TravelWatch:
 - (a) Members should abstain from controversial party political activity.
 - (b) Subject to (a) above, members should be free to engage in any political activities, provided that they are conscious of their general public responsibility and exercise a proper discretion, particularly in regard to the work of London TravelWatch. On matters affecting that work, they should not normally make political speeches or engage in other political activities.
 - (c) Members of London TravelWatch who are also members of the House of Lords will be guided in their conduct in that House by the statement made by Lord Addison in the House on the 21st of March 1951, as amended by the Second Report from the Select Committee on Procedures of the House dated the 3rd of February 1971.
 - (d) Members seeking election to the House of Commons, European Parliament or to the London Assembly should take unpaid leave or resign from London TravelWatch after lodging their nomination papers. It is the responsibility of candidates seeking election to the House of Commons to ensure that they avoid any legal impediment to election stemming from the House of Commons Disqualification Act.
 - (e) Members elected to the London Assembly or appointed to the Board or staff of Transport for London or to the staff of the Greater London Authority automatically cease to be members of London TravelWatch on appointment to any such

post. If they have not already done so when submitting nomination papers, members of the House of Commons or European Parliament must resign from London TravelWatch once elected.

- (f) Members of London TravelWatch should be free to maintain association with Trades Unions, Co-operative Societies, trade associations etc, to the extent that such associations do not conflict with the interests of London TravelWatch.
 - (g) Any member of London TravelWatch who is doubtful about the application of the rules in this section, or about the propriety of any political activity, should seek guidance from London TravelWatch's Chief Executive, who will, if necessary seek further guidance from the Greater London Authority.
 - (h) The foregoing rules apply equally to political activity on behalf of any political party or organisation.
- 16 A publicly accessible register is kept by London TravelWatch in which the Chair's and the members' interests will be recorded (e.g. shares, directorships, party political positions/affiliations, other appointments etc.). These requirements will be scrupulously observed at all times and it is your responsibility to keep the register updated as necessary. You will be asked to validate your entry on the register on an annual basis to take account of any changes of circumstances. Members are reminded of the requirements of the London Assembly to obtain its consent prior to accepting Directorships or other public appointments.
- 17 London TravelWatch will hold a publicly accessible register of any offer of gifts or hospitality made to any member or member of staff. You must declare any such offer made to you and be mindful of the public perception of the acceptance of such offers.
- 18 The Governance Committee may audit the above registers at its discretion.

Exceptions

- 19 In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some circumstances to vote, in spite of the fact that you have declare a clear and substantial private interest:
- (a) if the interest arises in your capacity as a member of another public body, you may speak and vote on matters concerning that body; for this purpose a public body is one where membership of that body would not give you any direct or indirect financial interest in the matter;
 - (b) if your interest arises from being appointed by London TravelWatch as its representative on a body formed for a public purpose (and not for the personal benefit of members) you may speak and vote on matters concerning that organisation;
 - (c) if you have an interest arising from being a member of another body (e.g. local transport users' pressure groups and rail unions) to which you were not appointed by London TravelWatch, then you may speak on matters in which that body has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest; or

- (d) if the interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matters in which the organisation has an interest).

Gifts and Hospitality

- 20 You should treat with great caution any offer of a gift, favour or hospitality which is made to you personally. There may well be occasions when London TravelWatch could be inhibited in its activities if you fail to exercise restraint in such matters. There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, a working lunch or dinner with a Train Operating Company senior Manager or Director may be a proper way of doing business, provided that no extravagance or suspicion of misconduct is involved. Likewise, it may be reasonable for you to represent London TravelWatch at a social function or event organised by outside persons or bodies, provided that there is a benefit to London TravelWatch in your doing so.
- 21 The offer of free travel to undertake London Travel Watch business should usually be declined, unless it has been approved in advance by the Chief Executive of London TravelWatch as part of a pre-arranged study visit of facilities provided by a particular operator.
- 22 You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in the work of London TravelWatch. You must **always** report the offer or the receipt of gifts or invitations to the Chief Executive of London TravelWatch so that it can be recorded in a hospitality book. Gifts over the value of £50 should always be declined. In accepting goods of a lesser value, you should be mindful that the public use of pens, diaries etc with a company's logo could be seen as endorsement of that company's product.

Expenses and Allowances

- 23 There are rules enabling you to claim expenses and allowances in connection with your membership of London TravelWatch. These rules must be scrupulously observed.

Use of Facilities

- 24 You have a responsibility to ensure that any facilities (such as transport, stationery or secretarial services) provided for use of London TravelWatch are used strictly for those duties and for no other purpose.

Appointment to Other Bodies

- 25 You may be appointed to other bodies as a representative of London TravelWatch. You must always observe the provisions of this guidance note in carrying out your duties on those bodies in the same way as you would on London TravelWatch.

Implications of Breach of this Guidance

- 26 Observance of this Guidance Note is a condition of appointment to London TravelWatch and a breach of it may lead to your appointment being terminated. You should also note that certain types of breach might also involve sanctions under criminal law.

Declaration of Acceptance of the Guidance

- 27 Once approved all existing members of London TravelWatch will be required to sign the declaration set out in annex C accepting all its terms and that compliance with those terms is a condition of continued membership of London TravelWatch. All new members will be required to sign the declaration on appointment.

Involvement in local transport users groups

The following guidance is provided to assist members ensure that links with local transport users groups are beneficial and avoid risking conflicts of interest.

The most important thing to remember is that as a member of London TravelWatch you are appointed not just to represent the area in which you live, or in which any group with which you are involved operates. You are responsible for looking after the interests of transport users in the whole of London TravelWatch's area. You will bring detailed knowledge of your own area, and that is good, but you must be willing to spend time on London TravelWatch considering wider issues.

There may be times when London TravelWatch will decide something that you do not agree with. This is inevitable because as a Committee, members will be asked to determine the greater good and this may be to the disbenefit of a particular community. Members will fully understand your need to speak for your community and, if you feel it appropriate, to vote against the majority view. You are free to ask for your opposition to a particular decision or policy to be recorded in the minutes of a meeting.

It is important for you to make it clear to people when you are speaking as a representative of London TravelWatch and when you are speaking as a representative of your local users group. The two should not be muddled up and although it would be reasonable for you to say in a newsletter that you intend to raise an issue with London TravelWatch it would not be reasonable for you to write articles and then sign them off as a member of London TravelWatch which could imply that the article had the backing of London TravelWatch, or reflected its policy.

If asked to speak locally on behalf of your local group, the same principles apply. You should do so as an office holder, or representative of your group. You can, of course, refer in speaking to your membership of London TravelWatch and refer to London TravelWatch policy, but you should avoid any confusion as to roles. Also, if you write on behalf of your local group, you should not sign as a member of London TravelWatch. If appropriate you may refer in such letters to your membership of London TravelWatch and to its policy on the issue(s) concerned. Thus, if you refer to a local campaign there should be no suggestion that London TravelWatch is involved, or supports it, unless you are sure that such a campaign is already London TravelWatch policy.

If you are asked to speak at a meeting specifically as a member of London TravelWatch, then you should let the Secretariat know in advance and ask for a briefing on local matters of concern that are known to London TravelWatch.

London TravelWatch benefits from having cross-membership with local transport users groups. If managed properly London TravelWatch and the groups can both gain. If it is not managed so well, there is a risk of conflict. If in doubt ask the Chair or Chief Executive for advice.

Category A Companies

London TravelWatch does not make decisions which are likely to impact on the share value of a company. Neither is the information which it receives, such that members are likely to benefit from it to any degree. The main concern about shareholding is, therefore, that the public perception is addressed. To this end, the prohibition on shareholding is a simple one. It relates solely to companies with which London TravelWatch has a statutory link.

Companies falling into this category are:

- Train Operating Companies and their parent companies which operate any passenger services in London TravelWatch's area

The definition provided is for guidance and clarification purposes only. The responsibility for not trading, or acting, in an ill-advised way, lies with individual members. In the event of doubt, members should always discuss individual cases with the Chief Executive of London TravelWatch.

Category B Companies

Companies falling into this category are:

Any company which is not a Category A company but whose whole, major or main activity is:

- to provide maintenance services* for the national railway;
- to provide station services* for the national railway;
- to provide network services* for the national railway;
- to provide tram, bus, river and other services under contract to or licence issued by either Transport for London or any subsidiary of Transport for London;
- Infrastructure Operating Companies (Infracos) of the London Underground

* = as defined by section 82 of the Railways Act 1993

This list deliberately comprises categories of companies that members must register any holding in, rather than the names of companies that comprise those categories. Changes in company ownership would render a company-specific list quickly out-of-date. Members should always seek advice from the Chief Executive of London TravelWatch if in doubt about whether they need to register share holdings in any company or companies.

August 2016

London TravelWatch

Guidance Note Acceptance

I,

- have read the Guidance Note for Members of London TravelWatch dated August 2016
- understand that I am required to abide by the guidance and by my terms and conditions of appointment

Signed.....Date.....