

# CODE OF CONDUCT

November 2020



# ROYAL BERKSHIRE FIRE AUTHORITY

## CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

### 1. Introduction

- 1.1 This Code of Conduct is intended to promote high standards of behaviour amongst Members and Co-opted Members of Royal Berkshire Fire Authority “RBFA” in pursuant to the Localism Act 2011.

### 2. Application

- 2.1 This Code of Conduct applies to you when you are acting as a Member or Co-opted Member of RBFA and you have a responsibility to comply with the provisions of this Code. You are expected to:
- 2.2 Represent the community and work constructively with employees as outlined in the [Member /Officer Protocol](#) and partner organisations to ensure the area is a safer place to live, work and visit.
- 2.3 Behave in a manner which is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code.
- Selflessness: act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, family or friends.
  - Integrity: not placing 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: make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals rewards and benefits
  - Accountability: be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
  - Openness: be as open as possible about all the decisions and actions they

take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands.

- Honesty: declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership: promote and support these principles by leadership and example.

2.4 Should a complaint be made against you in your role as a Member or Co-opted Member of RBFA, it will be dealt with in accordance with the provisions of the Localism Act 2011 and its supporting Regulations.

2.5 If allegations are made against you they will be handled by the Monitoring Officer in consultation with Independent Persons appointed by RBFA in accordance with RBFA's adopted procedure. The procedure on How to make a Complaint about a Fire Authority Member is outlined [here](#).

2.6 Where the Authority makes a decision on an allegation of misconduct following formal investigation, a decision notice will be published as soon as possible on its website.

### 3. General Obligations

3.1 When acting in your role as a member of RBFA:-

3.2 You must treat others with respect.

3.3 You must not:-

(a) do anything which may cause RBFA to be in breach of any duty not to discriminate contained in the Equality Act 2010;

(b) bully any person ;

(c) intimidate or attempt to intimidate any person who is or is likely to be –

(i) a complainant

(ii) a witness, or

(ii) involved in the administration of any investigation or proceedings, in relation

to an allegation that a Member (including yourself) has failed to comply with his or her authority's Code of Conduct.

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of RBFA;
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office as a Member or Co-opted Member of RBFA into disrepute;
- (f) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

#### 4. Access to and Disclosure of Information

4.1 Do not disclose information given to you in confidence by anyone or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (i) you have the consent of a person authorised to give it
- (ii) you are required to do so by law
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
- (iv) the disclosure is:-
  - (a) reasonable and in the public interest, and
  - (b) is made in good faith and in compliance with the reasonable requirements of RBFA or its "professional advisers".

4.2 Do not prevent another person from accessing information if that person is entitled to do so by law.

#### 5. Decision Making

5.1 When reaching decisions on any matter you must:-

- (a) have regard to any advice provided to you by the Chief Financial Officer and Monitoring Officer pursuant to their statutory duties and

- (b) give reasons for the decisions in accordance with any legal requirements or any additional requirements imposed by the Fire Authority.

## 6. Resources

- 6.1 When using or authorising the use by others of the resources of RBFA you must:-

- (a) act in accordance with RBFA's requirements, and
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes);

- 6.2 You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

- 6.3 You must not improperly use knowledge gained solely as a result of your role as a member of RBFA for the advancement of your disclosable pecuniary interests.

## 7. Pecuniary Interests

- 7.1 By virtue of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 you must disclose and register disclosable pecuniary interests (DPI) (or that a DPI is 'sensitive') as defined in the aforementioned legislation.

- 7.2 Within 28 days of becoming a Member you must notify the Monitoring Officer of any Disclosable Pecuniary Interests which you have. Where you become a Member as a result of re-appointment the requirement to notify the Monitoring Officer only applies in relation to Disclosable Pecuniary Interests not already notified.

- 7.3 If you are present at a meeting of RBFA, a Committee, Sub- Committee or Joint Committee, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered:-

- (a) if the interest is not registered you must disclose the interest to the meeting and notify the Monitoring officer within 28 days;

- (b) you must not participate in discussion of the matter, or vote on the matter and

you must leave the Chamber/room when the matter is being considered unless you have been granted a dispensation by the Monitoring Officer

- 7.4 Failure to disclose such interests may result in criminal prosecution which upon conviction could result in a fine of up to £5,000 being imposed, and/or by disqualification for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of RBFA.

## 8. Sensitive Interests

- 8.1 If you have a Disclosable Pecuniary Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest.

