

CODE OF CONDUCT

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS ROYAL BERKSHIRE FIRE AUTHORITY

1. INTRODUCTION

1.1 This Code of Conduct was adopted by the Fire Authority at its meeting on 28 June 2012 pursuant to the Localism Act 2011 and its duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Fire Authority.

1.2 The effective date of operation of this Code is 28 June 2012

2. APPLICATION

2.1 This Code of Conduct applies to you when you are acting or purporting to act as a Member or Co-opted Member of the Fire Authority and you have a responsibility to comply with the provisions of this Code.

2.2 Throughout this Code “Member” shall be deemed to refer also to Co-opted Members.

2.3 This Code of Conduct is consistent with and based upon the following principles:-

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The above terms are expanded in the Annexe to this Code under the heading ‘The Principles’.

2.4 Should a complaint be made against you in your role as a Member of the Fire Authority, it will be dealt with in accordance with the provisions of the Localism Act 2011 and it’s supporting Regulations.

3. GENERAL OBLIGATIONS

3.1 When acting or purporting to act in your role as a member of the Fire Authority:-

3.2 You must treat others with respect.

3.3 You must not:-

- (a) do anything which may cause the Fire Authority to be in breach of any duty not to discriminate contained in the Equality Act 2012;
- (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

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- (iii) 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 the Fire Authority;
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office as a Member or Co-opted Member of the Fire Authority 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 the Fire Authority 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 the Fire Authority you must:-
- (a) act in accordance with the Fire Authority's requirements, and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes);

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- 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 the Fire Authority for the advancement of your disclosable pecuniary interests

7. PECUNIARY INTERESTS AND INTERESTS OTHER THAN 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) as defined in the aforementioned legislation. 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 the Fire Authority.

7.2 You have a Disclosable Pecuniary Interest if it falls within the description set out below and either:-

- (a) it is your interest, or
- (b) it is an interest of your spouse or civil partner, a person with whom you are living as husband and wife/as if you were civil partners AND you are aware that such other person has an interest. ('Relevant Person')

Disclosable Pecuniary Interests are defined by Regulations as:-

- (i) any employment office trade profession or vocation carried on for profit or gain;
- (ii) any payment or provision of any other financial benefit (other than from the Fire Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.

This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

- (iii) Any contract which is made between a relevant person (or a body in which a relevant person has a beneficial interest and the Fire Authority
 - (a) under which goods and services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged
- (iv) Any beneficial interest in land which is within the area of the Fire Authority
- (v) Any licence (alone or jointly with others) to occupy land in the Fire Authority's area for a month or longer
- (vi) Any tenancy where to the Member's knowledge
 - (a) the landlord is the Fire Authority; and
 - (b) the tenant is a body in which a relevant person has a beneficial interest

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- (vii) Any beneficial interest in securities of a body where :-
 - (a) that body (to the Member's knowledge) has a place of business or land in the area of the Fire Authority; and
 - (b) either
 - (1) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (2) 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.
- 7.3 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-election or re-appointment the requirement to notify the Monitoring Officer only applies in relation to Disclosable Pecuniary Interests not already notified.
- 7.4 If you are present at a meeting of the Fire Authority, 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

Personal Interests

- 7.5 The following are Personal Interests and should be registered on the Fire Authority's Register of Member's interests:-
 - (a) your membership of or being in a position of general control or management where you are appointed/nominated by the Fire Authority;
 - (b) your membership of or being in a position of general control or management of any body:-
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes, or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
 - (c) any person from whom you have received a gift or hospitality with an estimated value of at least £25.00 in your capacity as a member of the Fire Authority;
- 7.6 You also have a Personal Interest in relation to a matter if it can reasonably be regarded as affecting your well-being or financial position of a relevant person (as defined below) to a greater extent than the majority of other Council tax payers, rate payers or inhabitants in your Unitary Authority.
- 7.7 Subject to paragraphs 7.8 to 7.10 (inclusive), where you have a Personal

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Interest in any business of your authority and you attend a meeting of the Council, a Committee or Sub-Committee, at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 7.8 Where you have a Personal Interest in any business of your authority which relates to or is likely to affect a person described in 7.5(a) or 7.5(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 7.9 Where you have a Personal Interest in any business of the authority of the type mentioned in paragraph 7.5(c), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 7.10 Paragraph 7.7 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

Sensitive Interests

- 7.11 If you have a Disclosable Pecuniary Interest or a Personal 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 or a Personal Interest (as the case may be).

Definitions

'the Act' means the Localism Act 2011

'relevant person' is:-

- your spouse or civil partner,
- a person with whom you are living as husband and wife/
- a person with whom you are living as if you were civil partners
- AND you are aware that such other person has an interest.

'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

'member' includes as co-opted member

'co-opted member' means

a person who is not a member of the authority but who:-

- is a member of any committee or sub-committee of the authority or
- is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority

and who is entitled to vote on any question that fails to be decided at

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any meeting of that committee or sub-committee.

'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 and other securities of any description, other than money deposited within a building society

'relative' is a relative of another person if the relative is:-

- a) the other person's spouse or civil partner
- b) living with the other person as husband or wife or as if they were civil partners
- c) a grandparent of the other person
- d) a lineal descendant of the grandparent of the other person
- e) a parent, sibling or child of a person within (a) or (b)
- f) the spouse or civil partner of a person within paragraph (c), (d) or (e) or
- g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners

'other interests' means

interests other than DPI's which a member is required (by law) to disclose.

'meeting' means any meeting of

- the Fire Authority
- any of the Council's sub-committees, joint committees, joint sub-committees or working parties

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

'bullying and intimidating behaviour' means

offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group.

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THE PRINCIPLES

- **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

- **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

- **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

- **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

- **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

- **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Processing Complaints: Code of Conduct: Localism Act 2011



