



**Wednesday,
31 January 2018
10.00 am**

**Meeting of
Governance and
Constitution Committee
Fire Service
Winsford**

Contact Officer:
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Cheshire Fire Authority

Notes for Members of the Public

Attendance at Meetings

The Cheshire Fire Authority welcomes and encourages members of the public to be at its meetings and Committees. You are requested to remain quiet whilst the meeting is taking place and to enter and leave the meeting room as quickly and quietly as possible.

All meetings of the Authority are held at Fire Service Headquarters in Winsford. If you plan to attend please report first to the Reception Desk where you will be asked to sign in and will be given a visitors pass. You should return your pass to the Reception Desk when you leave the building. There are some car parking spaces available on site for visitors at the front of the Headquarters Building. Please do not park in spaces reserved for Fire Service personnel.

If you feel there might be particular problems with access to the building or car parking please contact the Reception Desk at Fire Service Headquarters on Winsford (01606) 868700.

Questions by Electors

An elector in the Fire Service area can ask the Chair of the Authority a question if it is sent to the Monitoring Officer at Fire Service HQ to arrive at least five clear working days before the meeting. The contact officer named on the front of the Agenda will be happy to advise you on this procedure.

Access to Information

Copies of the Agenda will be available at the meeting. A copy can also be obtained from the contact officer named on the front of the Agenda. Alternatively, individual reports are available on the Authority's website (www.cheshirefire.gov.uk)

The Agenda is usually divided into two parts. Members of the public are allowed to stay for the first part. When the Authority is ready to deal with the second part you will be asked to leave the meeting room, because the business to be discussed will be of a confidential nature, for example, dealing with individual people and contracts.

This agenda is available in large print, Braille, audio CD or in community languages upon request by contacting; Telephone: 01606868414 or email: equalities@cheshirefire.gov.uk

Recording of Meetings

Anyone attending the meeting should be aware the Authority audio-records its meetings. There is a protocol on reporting at meetings which provides further information. Copies are available on the Service's website www.cheshirefire.gov.uk or alternatively contact Democratic Services for details

Fire Evacuation

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**MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE
WEDNESDAY, 31 JANUARY 2018**

Time : 10.00 am

Lecture Theatre - Sadler Road, Cheshire

AGENDA

Part 1 - Business to be discussed in public

1 PROCEDURAL MATTERS

1A Recording of Meeting

Members are reminded that this meeting will be audio-recorded.

1B Apologies for Absence

1C Declarations of Members' Interests

Members are reminded that the Members' Code of Conduct requires the disclosure of Statutory Disclosable Pecuniary Interests, Non-Statutory Disclosable Pecuniary Interests and Disclosable Non-Pecuniary Interests.

1D Minutes of the Governance and Constitution Committee

(Pages 1 - 6)

To confirm as a correct record the Minutes of the meeting of the Governance and Constitution Committee held on 8th November 2017.

ITEMS REQUIRING DISCUSSION / DECISION

2 Statement of Assurance - Action Plan Progress Update 2017-18

(Pages 7 - 10)

3 Revised Members' Code of Conduct

(Pages 11 - 30)

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MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 8 November 2017 at Lecture Theatre - Fire Headquarters, Cheshire at 10.00 am

PRESENT: Councillors D Beckett, M Biggin, D Marren, R Polhill, S Wright and Independent (Non-Elected) Member L Thomson

1 PROCEDURAL MATTERS

A Recording of Meeting

Members were reminded that the meeting would be audio-recorded.

B Apologies for Absence

Apologies for absence were received from Councillor E Johnson.

C Declarations of Members' Interests

There were no declarations of Members' interests.

D Minutes of the Governance and Constitution Committee

RESOLVED: That

[1] the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 5th July be confirmed as a correct record.

2 REVIEW OF MEMBERS' CODE OF CONDUCT

The Director of Governance and Commissioning introduced the report which provided Members with the opportunity to consider proposed changes to the Members' Code of Conduct (the Authority's Code).

He informed Members that the Localism Act 2011 (the Act) introduced the current standards regime. He highlighted the principles listed in paragraph 3 of the report which were incorporated into the Authority's Code.

Officers had undertaken a review of the Authority's Code which focused on three areas: a review of legislation to ensure any changes had been captured; consideration of a small number of codes of conduct from local authorities and fire authorities; and a discussion about the actual and potential areas where Members' interests have and/or are likely to arise. The Director of Governance and Commissioning informed Members that the law had not changed to any significant degree since the regime was introduced. He indicated that a separate report on the use of social media would be brought to the Committee for discussion.

He referred Members to Appendix 2 to the report which contained extracts from the codes of conduct from other authorities. He informed the Committee that the extracts could be utilised to enhance the Authority's Code concerning declarations of interests and participation in meetings (Section 4 of the Authority's Code) and confidential information (Section 2, paragraph 5b).

Members discussed the proposals and it was agreed that the extracts in Appendix 2 to the report should be incorporated into the Authority's Code. It was also agreed that the Director of Governance and Commissioning should bring back the updated Code to Members at the next meeting of the Committee, along with the Authority's form for Members' declarations of interests, to allow further review and approval.

RESOLVED: That

- [1] the proposed changes to the Members' Code of Conduct be incorporated into Sections 2 and 4; and**
- [2] the updated Code be brought back to the Committee along with the Authority's form for Members' declarations of interests for further review and approval.**

3 DISPENSATIONS

The Director of Governance and Commissioning introduced the report which asked Members to extend the benefit of the existing dispensations to new Members of the Fire Authority. This would allow them to take part in debates and votes on the setting of the Council Tax precept and approval of the Members' Allowance Scheme (and any changes and/or additions to it).

Due to a change in his circumstances, Councillor Tarr now required the dispensation concerning the setting of the Council Tax precept to be extended to him (he had not required the dispensation when it was granted to Members on 5th October 2016).

Appendix 1 to the report contained a copy of Section 33 of the Localism Act 2011 which contained the provisions concerned with the granting of dispensations.

The report continued that the following Members had requested that the dispensations be extended so that they could benefit from them:

- Councillors Biggin, Beckett and Jones
- Councillor Tarr had requested that the benefit of the dispensation concerned with the setting of Council Tax be extended to him.

RESOLVED: That

- [1] the dispensations granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillors Biggin, Beckett and Jones thereby allowing them to take part in the debates and votes on setting the Council Tax precept, and approval of the Members' Allowance Scheme (and any**

changes and/or additions to it): and

- [2] the dispensation granted to Fire Authority Members on 5th October 2016 in respect of the setting of the Council Tax precept be extended to benefit Councillor Tarr thereby allowing him to take part in the debates and votes on the setting of the Council Tax precept.**

4 RECRUITMENT OF INDEPENDENT PERSON

The Director of Governance and Commissioning introduced the report which required Members to agree the process for the appointment of an Independent Person to the Authority.

He informed Members that Section 28(7) of the Localism Act 2011 placed a duty on the Fire Authority to appoint at least one Independent Person to assist the Authority in handling complaints about breaches of the Members' Code of Conduct. The act required the Authority to advertise and secure applications for this role.

Two Independent Persons were initially appointed on 12th December 2012 for a three year term following a recruitment process which was overseen by the Committee. The appointments were extended until December 2018 by the Authority on 16th December 2015. Since the extension was agreed, Independent Person David Sayer had stepped down from his appointment leaving the Authority with only one Independent Person. The Director of Governance and Commissioning informed Members that, although there was no statutory requirement to have two Independent Persons, it was recommended that a second individual be appointed to ensure that an Independent Person was still available should one step down.

An application pack was attached as Appendix 1 to the report for Members to review. A Member referred the Committee to Annex 4 within Appendix 1 – 'Complaints about a Breach of the Members' Code of Conduct – Procedure for Handling Complaints'. He queried whether elements of the procedure should be reviewed, such as: it falling to the Monitoring Officer's discretion as to whether details of a complaint should be disclosed to the Member who is the subject of the complaint; the outcome of the complaint normally being determined purely on the written documentation; and there currently being no facility for an appeal. Members discussed the procedure further and highlighted the importance of ensuring transparency throughout the process.

The Director of Governance and Commissioning informed Members that there was currently no rush to recruit an Independent Person and it was agreed that a workshop should be arranged to further discuss potential amendments to the application pack (in particular the procedure for handling complaints) before finalising the recruitment process.

RESOLVED: That

- [1] a workshop be arranged to further discuss the application pack, in particular Annex 4 – Complaints about a Breach of the Members' Code of Conduct, before finalising the recruitment of an Independent Person.**

5 RECRUITMENT OF INDEPENDENT (NON-ELECTED) MEMBER

The Director of Governance and Commissioning introduced the report which sought Members' approval for the recruitment process for an independent (non-elected) member (IM) following the resignation of one of the current IMs.

He informed Members that in February 2016 the Authority had approved a recommendation from the Committee to reduce the number of IMs appointed to the Authority from three to two and introduce a term of office of four years. It was agreed that the process used for the initial recruitment of IMs used in March 2016 would be followed as recommended in the report and detailed below:

Timelines:

Advert placed: by 30th November 2017

Closing date: 5th January 2018

Review/sift application forms: 12th January 2018

Interview dates: w/c 22nd January 2018

Appointments confirmed at Fire Authority: 14th February 2018

The Director of Governance and Commissioning informed Members that it was proposed that a panel of three members of the Committee should be appointed to sit as the selection and interview panel and make recommendations to the Authority. It was agreed that Councillors Wright, Beckett, Biggin and Marren would be appointed to act as the selection and interview panel.

RESOLVED: That

- [1] the recruitment process and timelines detailed in the report be approved; and**
- [2] Councillors Wright, Beckett, Biggin and Marren be appointed to act as the selection and interview panel.**

6 GOVERNANCE ARRANGEMENTS - NORTH WEST FIRE CONTROL

The Director of Governance and Commissioning introduced the report which provided further reassurance to Members about the governance arrangements associated with North West Fire Control (NWFC).

He informed Members that the Committee initially considered the governance arrangements for NWFC in April 2015. An extract from the April 2015 report was attached as Appendix 1 to the report.

Four authorities were the original owners of NWFC: Cumbria County Council, Lancashire Combined Fire Authority, Greater Manchester Fire and Rescue Authority and Cheshire Fire Authority. Earlier this year responsibility for fire and rescue services in Greater Manchester passed from Greater Manchester Fire and Rescue Authority (GMFRA) to the Mayor of Greater Manchester Combined Authority (GMCA). The Director of Governance and Commissioning informed Members that

continuity provisions were contained in the Order which provided the legal framework for the transfer. Key aspects of the concerned with continuity were explained:

- All property, rights and liabilities of GMFRA transferred to GMCA
- The abolition of GMFRA and transfer of its functions to GMCA did not affect the validity of anything done before the abolition of GMFRA
- GMCA is substituted for the GMFRA in any instrument, contract or legal proceedings.

RESOLVED: That

[1] the report be noted.

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 31ST JANUARY 2018
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: CHRIS ASTALL

SUBJECT: STATEMENT OF ASSURANCE - ACTION PLAN
PROGRESS UPDATE 2017-18

Purpose of Report

1. To provide Members with an update on the small number of actions identified in the Statement of Assurance Action Plan 2017-18.

Recommended: that Members

[1] note the attached progress report.

Background

2. The 'Fire and Rescue National Framework for England', 2012 (the National Framework) includes a requirement for fire and rescue authorities to, "...provide assurance on financial, governance and operational matters and show how they have had due regard of the expectations set out in their Integrated Risk Management Plan and the requirements included in this Framework." In order to do so authorities are required to publish a Statement of Assurance annually.
3. The Statement of Assurance 2016-17 also included the Annual Governance Statement (AGS) which highlighted a small number of governance areas for improvement during 2017-18 and an action plan was put in place to address the issues. The Action Plan is attached as Appendix 1 to this report and contains a progress update on three areas highlighted for improvement.

Information

4. In June 2017 the Governance and Constitution Committee was presented with the initial draft of the Statement of Assurance 2016-17 which highlighted a few areas for improvement.
5. Given the small number of areas identified, it was agreed that Members would receive an update on progress every six months.

6. It is anticipated that the way the Statement of Assurance is prepared could change as a result of the new inspection regime.

Financial Implications

7. There are no financial implications.

Legal Implications

8. There are no specific legal implications.

Equality and Diversity Implications

9. There are no differential impacts on any particular section of the community arising from this report.

Environmental Implications

10. There are no specific impacts on the environment arising from this report.

BACKGROUND PAPERS: None

Appendix 1 – Statement of Assurance Action Plan

Statement of Assurance – Action Plan 2017-18

Improvements areas Identified for 17-18	Action Update - January 2018
Policy Management – build on the work undertaken in 2017 and complete comprehensive review of all corporate key policies	Review of all key policies has commenced as part of the preparation of the Statement of Assurance. Work is continuing in 2018 to review all remaining policies populated on CorpDocs to ensure they are still relevant.
Relaunch of the Partnership Toolkit; Policy and Governance model	Following an internal audit of Partnerships in 2017, work is currently ongoing to make improvements and amendments to the Partnership policy and governance model. The Partnership toolkit is being updated via the Cheshire Planning System to make it easier for Prevention partnerships to be recorded, reviewed and terminated via a central platform. This information will automatically be populated into a partnership register sat within Cheshire Planning System.
Focus on initiatives highlighted in the Environmental Strategy 2014-20 supporting achievement of 40% carbon emissions target by 2020	The Service is currently showing a reduction in carbon emissions from baseline levels of 808 Tonnes CO ₂ e. This represents a 27% reduction from baseline, which is an average reduction of 135 Tonnes per annum. The Service needs to reduce carbon emissions by a further 381 Tonnes CO ₂ e by 2020 in order to hit the 40% reduction target. At the current rate the prediction is that the carbon emission figure for 2019/20 will be 1,759 Tonnes representing a 41% reduction. Therefore the Service is currently on track to hit their 2020 carbon reduction target, based on project carbon reduction initiatives being implemented as planned.

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 31ST JANUARY 2018
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: REVISED MEMBERS' CODE OF CONDUCT

Purpose of Report

1. To present an updated draft of the Members' Code of Conduct (the Code) for consideration.
2. To present an updated version of the Declaration of Interest Form (the Form) for review.

Recommended: That Members

- [1] approve the revised Code of Conduct and refer it to the Fire Authority for adoption; and
- [2] approve the revised Declaration of Interest Form.

Background

3. The Committee considered a report on the Code at its meeting in November 2017. Members agreed that the Code should be updated as outlined in the report and asked that at the same time the Form should be submitted to the Committee for review.

Information

4. The Code (which is attached as Appendix 1 to this report) has been updated and now includes: wording concerned with information and confidentiality; and a revised section dealing with declarations of interests and participation in meetings. There have also been some minor drafting changes and reordering of small elements of the Code. Changes which are of any significance are highlighted.
5. The Form (which is attached as Appendix 2) has been updated with a view to making it a little easier to understand. However, it is substantially the same as the version in current use.

Financial Implications

6. There are no financial implications arising from this report.

Legal Implications

7. There are criminal offences associated with failures to declare certain interests. The Code and Form provide clarity about these.

Equality and Diversity Implications

8. There are no equality and diversity implications arising from this report.

Environmental Implications

9. There are no environmental implications arising from this report.

CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: NONE

Appendix 1

DRAFT UPDATED MEMBERS' CODE OF CONDUCT

SECTION 8 – CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Contents

1. Introduction
2. General Obligations
3. Registration of Disclosure Interests
4. Declaration of Disclosure Interests in the Participation and Decision Making
5. Dispensations
6. Sensitive Interests
7. Publication of Register of Members' Interests
8. Gifts and Hospitality
9. Member/Officer Protocol
10. Constitution

Definitions

Appendix 1 – Statutory Disclosable Pecuniary Interests

Appendix 2 – Non-Statutory Disclosable Pecuniary Interests

Appendix 3 – Disclosable Non-Pecuniary Interests

Appendix 4 – Law Relating to Statutory Disclosable Pecuniary Interests

1. Introduction

- 1.1 Cheshire Fire Authority (the Authority) has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the Authority and its Members and co-opted Members.
- 1.2 The Code has been adopted as required by Section 27 of the Localism Act 2011 and is based around the following core principles contained in Section 28 of the Localism Act 2011 - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of Members Co-opted Members and Independent Members of the Authority, together with provisions about registering and declaring interests.
- 1.3 The Authority benefits from the input of Independent Members (non-political, non-councillors) who act in an advisory capacity. Whilst the criminal sanctions in the Act do not apply to Independent Members, Members decided that it was important that Independent Members were caught by certain parts of this Code.
- 1.4 Accordingly, Independent Members must, when acting in an advisory capacity take heed of Section 2 and disclose, at any meeting that they attend, any interests of the type outlined in Appendices 1, 2 and 3 of this Code and comply with the requirements relating to participation as if they were Members of the Authority.

2. General obligations

2.1 Whenever you are acting as a Member or co-opted Member of this Authority you must act in accordance with the following obligations:

1. *Selflessness*

- (a) You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

2. *Integrity*

- (a) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (b) You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

3. *Objectivity*

- (a) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (b) You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the Authority's officers, into consideration.

4. *Accountability*

- (a) You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.
- (b) You must not bring your office or the Authority into disrepute whilst acting in your official capacity.

5. *Openness*

- (a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your Authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.
- (b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

6. *Honesty*

- (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in the Appendices to this Code.
- (b) You must only use or authorise the use of the Authority's resources in accordance with the Authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. *Respect for others*

- (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
- (b) You must not do anything which may cause your Authority to breach any equality laws.
- (c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the Authority.
- (d) You must not bully any person, including other councillors, officers of the Authority or members of the public.

8. *Leadership*

- (a) You must promote and support high standards of conduct when serving as Member or co-opted Member of the Authority, by leadership and example, championing the interests of the community.
- (b) You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

2.2 Information and Confidentiality

- (a) You must not disclose information given to you in the course of your role as a Member of the Fire Authority or information acquired by you when in that role which you believe, or ought reasonably to be aware, is confidential in nature, except where:

- 1.1 you have the consent of a person authorised to give it;

- 1.2 you are required by law to do so;
- 1.3 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
- 1.4 the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority.

(b) You must not prevent another person from gaining access to information to which that person is entitled by law.

3. Registration of Disclosable of Interests

3.1 You must within 28 days of:

- (a) this Code being adopted by the Authority or
- (b) your appointment to the Authority or
- (c) a change to the descriptions of Disclosable Interest incorporated into this Code or
- (d) a declaration of a Disclosable Interest at a Meeting which has not previously been disclosed

3.2 Tell the Monitoring Officer in writing about the Disclosable Interests described in Appendices 1 and 3 of this Code that you have.

3.3 You must within 28 days of becoming aware of:

- (a) any new Disclosable Interests or
- (b) any change to a Disclosable Interest

of the kind described in Appendices 1 and 3 of this Code tell the Monitoring Officer in writing about the Disclosable Interests.

~~4. Declaration of Disclosable Interests/Participation in Decision Making~~

~~4.1 If you are present at a meeting and have a Disclosable Interest you must declare it in such a way as to make it clear what kind of Disclosable Interest it is and what you intend to do as a result of the declaration. You must not seek improperly to influence a decision and must comply with the following requirements.~~

~~4.2 You must make an oral declaration if an item of business affects or relates to a Disclosable Interest before the item of business is considered or as soon as it becomes apparent the item of business affects or relates to the Disclosable Interest.~~

~~4.3 When you declare a Statutory Disclosable Pecuniary Interest (as set out in Appendix 1) or a Non-Statutory Disclosable Pecuniary Interest (as set out in Appendix 2) you must leave the meeting when the matter related to the Statutory Disclosable Pecuniary Interest or Non-Statutory Disclosable~~

~~Pecuniary Interest is being considered and cannot take part in any discussion, nor vote.~~

~~4.4 When you declare a Disclosable Non-Pecuniary Interest (as set out in Appendix 3) and the matter being considered by the Authority could significantly affect the financial interests of the body in which you have an interest or relates to any kind of regulatory matter concerning that body you must not take part in any discussion, nor vote, though you can remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the agenda item (the length of which will be determined by the Chair).~~

4. Declaring of Interests and Participation in Meetings

Disclosable Pecuniary Interests

4.1 If you are present at a meeting and you have a Disclosable Pecuniary Interest (Statutory or Non-Statutory):

- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (b) you must not participate in the item at the meeting;
- (c) you must not vote on the item;
- (d) you must leave the room where the meeting is held during the item.

Note: if the interest is statutory and is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Disclosable Non-Pecuniary Interests

4.2 If you are present at a meeting and you have a Disclosable Non-Pecuniary Interest:

- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest at or before the item is considered or as soon as the interest becomes apparent
- (b) you may participate in and vote on the item of business unless the circumstances in (c) below apply
- (c) if the item involves something that significantly affects the financial interests of the body in which you have an interest or relates to a licensing or regulatory matter concerning that body
 - (i) you must declare your interest;
 - (ii) you must not participate in the item at the meeting;

(iii) you must not vote on the item.

Note: You are able to remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the item (the length of which will be determined by the Chair).

Note: If your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer within 28 days.

5. Dispensations

- 5.1 The Governance and Constitution Committee may provide a dispensation to allow Members to take part in a debate if the effect of compliance with this Code would be to cause a disproportionate number of members of a political group and/or a constituent Authority to be required to withdraw from a debate and be unable to vote after they had disclosed and/or declared a Disclosable Interest.

6. Sensitive Interests

- 6.1 Where you consider that disclosure of the details of a Disclosable Interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a "sensitive interest", you need only declare the fact that you have a Disclosable Interest but not the details of that Disclosable Interest. Copies of the public register of interests may state that you have an interest the details of which are withheld.

7. Publication of the Register of Members' Interests

- 7.1 The Disclosable Interests that you disclose will be published by the Authority in a Register of Members' Interests. The Register will be made up of copies of the notice of disclosable interests that you have provided but will not include personal information related to anyone but you and will not include your signature.

8. Gifts and Hospitality

- 8.1 You must within 28 days of receipt notify the Monitoring Officer of any gift benefit or hospitality with an estimated value of £50 or more which you have accepted as a Member from any person or body other than the Authority. The notification will be entered on a public register of gifts and hospitality.

9. Member/Officer Protocol

- 9.1 You must observe the requirements of any Member/officer protocol that is in existence from time to time.

10. Constitution

- 10.1 Because this Code forms part of the Authority's Constitution it not only enhances the statutory position set out in the Localism Act 2011 (and secondary legislation associated with that Act) but means that Members are specifically required to comply with it.

Definitions

Member	A Councillor appointed to Cheshire Fire Authority by a Constituent Authority. And a Co-opted Member.
Co-opted Member	A person who is not a member of the Authority but either is a member of any of its committees or sub committees or a member of and represents the Authority on a joint committee or joint sub committees of the Authority and who is entitled to vote at such meetings.
Independent Member	A person who acts in an advisory role (who is not a Member or Co-opted Member).
Meeting	Any meeting of the Authority or any of its committees, sub committees, joint committees or joint sub committees.
Disclosable Interests	Means those interests described in Appendices 1, 2, and 3 of this Code.
Constituent Authority	Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council and Warrington Borough Council.
Member of your Family	This will include a parent in-law, a son or daughter, a stepson or step daughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people.
Close Associate of Yours	Is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects the close associate of yours. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.
Partner	Your spouse or civil partner, a person you live with as husband and wife or a person you live with as if you are civil partners.
Sensitive Interests	This is described in the Localism Act 2011 as an interest whose disclosure could lead to the Member or Co-opted Member or a person connected with the Member or Co-opted Member being subject to violence or intimidation.

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Appendices

Disclosable Interests

Appendix 1 – Statutory Disclosable Pecuniary Interests

Statutory Disclosable Pecuniary Interests relate to you and your partner

YOU			
YOUR PARTNER where you are aware of your partner's interest	Partner means: Your spouse or civil partner	Partner means: A person who you live with as husband and wife	Partner means: A person who you live with as if you are civil partners

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by YOU or YOUR PARTNER.
SPONSORSHIP	Any payment or provision of any other financial benefit (other than from the Fire Authority) in respect of expenses incurred by YOU in carrying out your duties as a Member, or towards the election expenses incurred by YOU. (this includes any payment or financial benefit from a trade union)
CONTRACTS	Any contract between YOU or YOUR PARTNER (or a body in which YOU or YOUR PARTNER have a beneficial interest) and the Fire Authority. (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land which is within the area of the Fire Authority that YOU or YOUR PARTNER has.
LICENCES	Any licence to occupy land which is within the area of the Fire Authority that YOU or YOUR PARTNER has.
CORPORATE TENANCIES	Any tenancy of land which is within the area of the Fire Authority where (YOU know) that the Fire Authority is the landlord and the tenant is a body in which YOU or YOUR PARTNER have a beneficial interest.
SECURITIES	Any beneficial interest in the securities of a body that YOU or YOUR PARTNER has where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either: The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

(These matters are prescribed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Appendix 2

Non-Statutory Disclosable Pecuniary Interests

Non-Statutory Disclosable Pecuniary Interests relate to a Member of your Family (other than your Partner – who is covered by the Statutory Disclosable Pecuniary Interests) or a Close Associate of Yours and are listed in the table below:

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by a Member of Your Family or a Close Associate of Yours.
CONTRACTS	Any contract between a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours has a beneficial interest) and the Fire Authority (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land which is within the area of the Fire Authority that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has.
LICENCES	Any licence to occupy land which is within the area of the Fire Authority that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest.
CORPORATE TENANCIES	Any tenancy where (YOU know) that the Fire Authority is the landlord and the tenant is a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest within the area of the Fire Authority..
SECURITIES	<p>Any beneficial interest in the securities of a body in which a Member of Your Family or a Close Associate of Yours have a beneficial interest where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either:</p> <p>The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.</p>

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Appendix 3

Disclosable Non-Pecuniary Interests

Disclosable Non Pecuniary Interests relate to or are likely to affect:

Any body of which you are a member or in a position of general control or management which:

- exercises functions of a public nature, and/or
- is directed to a charitable purpose, and/or
- has a principal purpose of influencing of public opinion or policy (including any political party or trade union), and/or
- you are appointed to or nominated for by the Authority

Note: A Member that donates to a charity will not be deemed to have a Disclosable Interest in that charity solely because of the donation or donations (i.e. whether it is a one-off or continuing arrangement).

Appendix 4

Law Relating to Statutory Disclosable Pecuniary Interests

Section 34 of the Localism Act sets out certain offences relating to Statutory Disclosable Pecuniary Interests. It appears below with annotations which reference extracts of other sections of the Act.

34 Offences

- (1) A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to comply with an obligation imposed on the person by section 30(1) (*See below – Extract Number 1*) or 31(2) (*See below – Extract Number 2*), (3) (*See below – Extract Number 3*) or (7) (*See below – Extract Number 4*),
 - (b) participates in any discussion or vote in contravention of section 31(4), (*See below – Extract Number 5*).or
 - (c) takes any steps in contravention of section 31 (8) (*See below – Extract Number 6*).
- (2) A person commits an offence if under section 30(1) (*See below – Extract Number 1*) or 31(2) (*See below – Extract Number 2*), (3) (*See below – Extract Number 3*) or (7) (*See below – Extract Number 4*) the person provides information that is false or misleading and the person:-
 - (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years –
 - (a) after the commission of the offence, or
 - (b) in the case of a continuous contravention, after the last date on which the offence was committed.

Notes

Level 5 on the standard scale is currently £5,000.

Sections 30(1), 31(2), 31(3), 31(4), 31(7) and 31(8) are reproduced below:

Extract Number 1 – Disclosure of pecuniary interests on taking office

- 30(1) *A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.*

Extract Number 2 – Pecuniary interests in matters considered at meetings or by a single member

- 31(2) *If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).*

Extract Number 3 – Pecuniary interests in matters considered at meetings or by a single member

- 31(3) *If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.*

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Extract Number 4 – Pecuniary interests in matters considered at meetings or by a single member

- 31(7) *If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.*

Extract Number 5 – Pecuniary interests in matters considered at meetings or by a single member

- 31(4) *The member or co-opted member may not –*

- (a) participate, or participate further, in any discussion of the matter at the meeting, or*
- (b) participate in any vote, taken on the matter at the meeting*

but this is subject to section 33.

Extract Number 6 – Pecuniary interests in matters considered at meetings or by a single member

- 31(8) *The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by members).*

Appendix 2

CHESHIRE FIRE AUTHORITY – REGISTER OF MEMBERS' INTERESTS

NOTICE OF DISCLOSABLE INTERESTS

This form relates to Disclosable Interests as defined in the Localism Act 2011, The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Cheshire Fire Authority's Members' Code of Conduct (which was adopted at its meeting on INSERT RELEVANT DATE).

**I, COUNCILLOR BEING A MEMBER
OF CHESHIRE FIRE AUTHORITY GIVE NOTICE THAT**

STATUTORY DISCLOSABLE PECUNIARY INTERESTS

I have set out the interests that fall into the descriptions of Statutory Disclosable Pecuniary Interests under the appropriate headings below (and inserted 'none' where I have no Statutory Disclosable Pecuniary Interests of that description)*

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by YOU or YOUR PARTNER.
YOU	
YOUR PARTNER	

SPONSORSHIP	Any payment or provision of any other financial benefit (other than from Cheshire Fire Authority) in respect of expenses incurred by YOU in carrying out your duties as a Member, or towards the election expenses incurred by YOU. (this includes any payment or financial benefit from a trade union)
YOU	
YOUR PARTNER	
CONTRACTS	Any contract between YOU or YOUR PARTNER (or a body in which YOU or YOUR PARTNER have a beneficial interest) and Cheshire Fire Authority. (for which goods or services are to be provided or works to be carried out and which has not been completed)
YOU	
YOUR PARTNER	
LAND	Any beneficial interest in land which is within the area of Cheshire Fire Authority that YOU or YOUR PARTNER has.
YOU	
YOUR PARTNER	

LICENCES	Any licence to occupy land which is within the area of Cheshire Fire Authority that YOU or YOUR PARTNER has.
YOU	
YOUR PARTNER	
CORPORATE TENANCIES	Any tenancy of land which is within the area of the Fire Authority where (YOU know) that Cheshire Fire Authority is the landlord and the tenant is a body in which YOU or YOUR PARTNER have a beneficial interest.
YOU	
YOUR PARTNER	
SECURITIES	Any beneficial interest in the securities of a body that YOU or YOUR PARTNER has where (YOU know) that the body has a place of business or land within the area of Cheshire Fire Authority and either: The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.
YOU	
YOUR PARTNER	

Note:

‘Your Partner’ includes: your spouse or civil partner, a person who you live with as husband and wife and a person who you live with as if you are civil partners.

DISCLOSABLE NON-PECUNIARY INTERESTS

I have set out the interests that fall into the description Disclosable Non-Pecuniary Interests below (or inserted 'none' if I have no Disclosable Non-Pecuniary Interests).

Note: Please provide information about the nature of your interest e.g. role, kind of membership.

I understand that there are criminal offences in Section 34 of the Localism Act 2011 which are concerned with Statutory Disclosable Pecuniary Interests.

I further understand that the Members' Code of Conduct places obligations upon me to disclose and declare Disclosable Interests and I have familiarised myself with the requirements of the Code.

I sign below to confirm that this Notice is completed to the best of my ability and is true to the best of my knowledge and belief.

**Signed: (Councillor appointed to
Cheshire Fire Authority by.....Borough Council)**

Date:

Notes: Members are able to access the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 at www.legislation.gov.uk

Members providing notice of Disclosable Interests should contact the Head of Legal and Democratic Services if they believe that any Disclosable Interests are sensitive and need to be excluded from the Register of Members' Interests that is published.

Members who are uncertain about the disclosure of interests are encouraged to contact the Fire Authority's Monitoring Officer.

**[Received on
to be completed by Democratic Services]**

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