

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

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 nonpecuniary, 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.

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.

9. *Bullying and Harassment*

- (a) You must not bully or harass any person, including other councillors, officers of the Authority or members of the public.
- (b) Bullying is defined by ACAS as "offensive, intimidating, malicious or insulting behaviour, an abuse of power through means that undermine, humiliate, denigrate or injure the recipient."

- (c) Harassment is defined in the Equality Act 2010 as “unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”
- (d) Examples of bullying and harassment include:
- Spreading malicious rumours or insulting someone by word or behaviour
 - Copying emails that are critical about someone to others who do not need to know
 - Exclusion or victimisation
 - Ridiculing or demeaning someone-picking on them or setting them up to fail
 - Deliberately undermining a competent worker by constant criticism
 - Unwelcome sexual advances

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; or
 - 1.2 you are required by law to do so; or
 - 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.

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. 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 comply with the Gifts and Hospitality Guidance.

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.

11. Breaches of the Code

- 11.1 Any complaint about a breach of this Code will be investigated under the Authority's Procedure for Handling Complaints and if upheld, a sanction may be applied.
- 11.2. Members must show respect for the process and comply with any standards investigation.
- 11.3 Members must not seek to misuse the complaints process, for example, by making trivial or malicious allegations against other Members.

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	<p>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.</p> <p>Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</p>
Close Associate of Yours	<p>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.</p> <p>Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</p>
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.

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.

Members must be aware that there are offences relating to Disclosable Pecuniary Interests contained within the Localism Act 2011.

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) within the area of the Fire Authority.
SECURITIES	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: The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

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).