

Ethical Framework Matters

Report of the Chief Fire Officer

For further information about this report please contact Rod Hammerton, Chief Fire Officer, on 01743 260201.

1 Purpose of Report

This report deals with a number of ethical framework matters, including a review of the Members' Code of Conduct and related documents.

2 Recommendations

Members are asked to:

- a) Note the review of, and the proposed amendments to, the Members' Code of Conduct;
- b) Note the review carried out by officers of related procedures and documents; and
- c) Make recommendations accordingly to the Fire Authority.

3 Background

It is considered good practice to review the Members' Code of Conduct annually and this action is included in the Committee's Work Plan. The work plan up to October 2017 also sets out that officers will review the following procedures and documents and report to the Committee, if significant changes are required:

- Code of Conduct complaints procedure;
- Complaints form;
- Disclosable pecuniary interest form; and
- Dispensations procedure.

4 Members' Code of Conduct

Attached as an appendix to this report is the Fire Authority's current Code of Conduct, which takes into account the Nolan Principles.

Having reviewed the Code, Officers recommend the inclusion of additional wording to add clarity with regard to Disclosable Pecuniary Interests and their disclosure. These amendments are shown in bold italics in the appendix to the report.

5 Related Procedures and Documents

Officers have reviewed the following procedures and documents, which do not require any significant changes. .

Code of Conduct Complaints Procedure

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/complaint-about-member/guidance-complaints-about-members>

Code of Conduct Complaints Form

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/complaint-about-member>

Disclosable Pecuniary Interest Form

<https://www.shropshirefire.gov.uk/sites/default/files/00%20-%20Section%2012%20frontsheet.pdf>

Dispensations Procedure

Specific reference to dispensation rules and procedure are contained in both the Code of Conduct and the Dispensations Procedure. The latter can be found at the following link:

<https://www.shropshirefire.gov.uk/sites/default/files/00%20-%20Section%204%20Frontsheet.pdf>

6 Complaints relating to Breach of the Code of Conduct

The Committee will be pleased to note that since the last meeting of this Committee the Fire Authority has not received any complaints relating to breaches of its Code of Conduct by any of its Members. Indeed, there have not been any such complaints since the very first version of the Code was adopted in February 2002.

The Monitoring Officer continues to be available to Fire Authority members, officers and members of the public if they have a query about the Code of Conduct or the complaints process.

7 Financial Implications

There are no financial implications arising from this report.

8 Legal Comment

The statutory requirements for the Code of Conduct and ethical framework for Members is set out at part 1, chapter 7 of the Localism Act 2011. The Fire Authority's Code of Conduct is compliant with this legislation. Any proposed changes to the Code must be formally adopted by the full Fire Authority and publicised.

9 Initial Impact Assessment

An Initial Impact Assessment is not required.

10 Appendix

Shropshire and Wrekin Fire and Rescue Authority
Members' Code of Conduct

11 Background Papers

The Localism Act 2011

Shropshire and Wrekin Fire and Rescue Authority Members' Code of Conduct Standards of Conduct

Members (including all voting, co-opted members) of Shropshire and Wrekin Fire and Rescue Authority will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this, Members should:

Serve only the public interest and treat everyone that they deal with equitably and with respect	Selflessness
Not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member Not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends Only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time Declare and resolve their interests in accordance with the law and with the provisions of this Code of Conduct Declare gifts and hospitality that they receive in accordance with the Fire Authority's Protocol on Gifts and Hospitality	Integrity
Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias	Objectivity
Be accountable to the public for their decisions and actions and co-operate fully with any scrutiny appropriate to their particular role or office	Accountability
Be as open as possible about their decisions and actions and give reasons for their decisions and actions. Information should not be withheld from the public, unless there are clear and lawful reasons for doing so and which they can reasonably be expected to know, is either exempt or confidential and is not to be disclosed to protect the wider public interest.	Openness

Holders of public office should be truthful. Declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any conflict in such a way that protects the public interest	Honesty
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour, wherever it occurs	Leadership

Disclosable Pecuniary Interests

Registration of Disclosable Pecuniary Interests

The Monitoring Officer of the Shropshire and Wrekin Fire and Rescue Authority will maintain a Register of Interests which can be found at:

<http://www.shropshirefire.gov.uk/managing-service/fra-members>

or viewed at Shropshire Fire and Rescue Service by contacting either:

Lynn Ince, Executive Support Officer
 Telephone: 01743 260225, email lynn.ince@shropshirefire.gov.uk or

Germaine Worker, Head of Human Resources and Administration
 Telephone 01743 260210, email germaine.worker@shropshirefire.gov.uk

You will have a Disclosable Pecuniary Interest (DPI) under this Code if:-

(a) such interest meets the definition prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012; and

(b) It is either an interest of yourself; or it is an interest of:-

(i) Your spouse or civil partner; or

(ii) A person with whom you are living as husband and wife; or

(iii) A person with whom you are living as if you were civil partners;

and you are aware that the other person has the interest.

Disclosure of Interests

What	When	How	Impact on Meetings
Disclosable Pecuniary Interests	Within 28 days of election or re-election (if not already entered), <i>or of becoming aware of any new disclosable pecuniary interest, or changes to existing disclosable pecuniary interest</i>	In writing to the Monitoring Officer, detailing the existence and nature of the interest	Member cannot participate in, or vote on, the matter and will leave the room during debate and voting on the issue
Previously undeclared Disclosable Pecuniary Interest			
Before a meeting	Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting	In writing to the Monitoring Officer, detailing the existence and nature of the interest	Member cannot participate in, or vote on, the matter and will leave the room during debate and voting on the issue
During a meeting	As soon as the Member is aware that they have a Disclosable Pecuniary Interest	Verbally to the meeting, detailing the existence and nature of the interest	Member cannot participate, participate further, vote or further vote on the matter and will leave the room during debate and voting on the issue
Sensitive Interests, i.e. those where the Monitoring Officer agrees with the Member that the disclosure of the interest could lead to the Member being subject to violence or intimidation	As above – depending upon the circumstances	As above, but detailing the existence, not the nature, of the interest	As above

Dispensations can be granted as indicated after considering the relevant circumstances:

The number of Members precluded from transacting the business is so great that it would impede the business of the Fire Authority or any committee	Monitoring Officer
The political balance is affected to the extent that it could affect the outcome of a vote relating to the business.	Monitoring Officer
The dispensation is in the interests of persons living in the area of the Fire Authority.	Standards and Human Resources Committee
It is otherwise appropriate to grant a dispensation.	Standards and Human Resources Committee