



**Dorset Fire Authority Code of Conduct
for Members and
Voting Co-opted Members**

Preamble to the Code of Conduct

The General Principles of Public Life

When this Code of Conduct was adopted by the Fire Authority on 28 September 2012, it was agreed that the following General Principles of Public Life would be incorporated as a preamble to the Code.

The General Principles set out below are not part of the adopted Code of Conduct, but they do underpin the requirements of the Code and define the standards that all Members should uphold.

The Localism Act 2011 requires that all local authorities should embed as a minimum the seven principles listed first below. The Fire Authority considers that all 10 principles should underpin their Code.

The General Principles of Public Life

- **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- **Honesty/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.
- **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- **Respect for others** - Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.
- **Duty to uphold the law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

If any Member requires advice on any issue relating to the Ten General Principles of Public Life or the specific requirements of the Code of Conduct then they should contact Jonathan Mair, Clerk to the Fire Authority and Monitoring Officer or Lisa Pharaoh-Workman, the Deputy Clerk and Deputy Monitoring Officer.

The Code of Conduct for Members

Adopted by Dorset Fire Authority on 28 September 2012 in accordance with Section 28 of the Localism Act 2011.

Part 1 - General Provisions

1. Introduction and interpretation

- (1) This Code applies to **you** as a member of the Fire Authority.
- (2) You should read this Code together with the general principles.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -

"meeting" means any meeting of -

- (a) the Fire Authority;
- (b) Fire Authority's Committees;
- (c) any of the sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a voting co-opted member.

- (5) Members of the three constituent authorities are reminded that they are also bound by the code of conduct of their appointing Authority.

2. Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
 - (a) conduct the business of the Fire Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Fire Authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of the Fire Authority-

- (a) on another relevant authority, you must, when acting on that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting on that other body, comply with the Fire Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

(1) You must treat others with respect.

(2) You must not -

- (a) do anything which may cause the Fire Authority to breach any of the relevant equality enactments
- (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
 - (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; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Fire Authority.

4. You must not -

(a) 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 by law to do so;
- (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 –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Fire Authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Fire Authority into disrepute.

6. You -

- (a) must not 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; and
- (b) must, when using or authorising the use by others of the resources of the Fire Authority –

- (i) act in accordance with the Fire Authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under Local Government legislation.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by -

- (a) the Fire Authority's Chief Financial Officer; or
- (b) the Fire Authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Fire Authority.

Part 2 - Interests

8. Registration of Members' interests

(1) The Monitoring Officer must establish and maintain a Register of Interests of members and co-opted members of the Fire Authority. This will be made available for inspection at all reasonable hours and be published on the website. As a member or voting co-opted member of the Fire Authority you must, before the end of 28 days from the day you become a member, notify the Monitoring Officer of any **disclosable pecuniary interests** existing at that time.

(2) You, as a member, have a **disclosable pecuniary interest** if it is of a description specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, an extract of which is set out in sub paragraph (3) below and if it is either:

(a) **Your** interest or

(b) An interest of

- Your spouse or civil partner;
- A person with whom you are living as husband and wife; or
- A person with whom you are living as if you are civil partners and you are aware of that other person's interest.

NB The Regulations apply the term 'relevant person' to the people listed in paragraphs 8(2)a and (2)b above.

(3) A **disclosable pecuniary interest exists** in the following:

(i) Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried out for profit or gain.
(ii) Sponsorship	Any payment or provision of any other financial benefit (other than from the Fire Authority) made or provided within the period of 12 months ending with the date of the notification in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
(iii) Contracts	Any contract which is made between the 'relevant person' (or a body in which the 'relevant person' has a beneficial interest) and the Fire Authority– (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
(iv) Land	Any beneficial interest in land which is within the area of the Fire Authority.
(v) Licences	Any licence (alone or jointly with others) to occupy land in the area of the Fire Authority for a month or longer.
(vi) Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Fire Authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
(vii) Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the area of the Fire Authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) 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.

This means that if you or the people listed in paragraph 8(2)b above have any of these interests they must be registered. Failure to do so can lead to criminal proceedings against you – see paragraph 9 below.

(4) You must provide notice of any changes regarding these interests in writing (this will include an e-mail) to the Monitoring Officer who will acknowledge receipt in writing and confirm that the interest change is being entered into the Register. You are advised to keep your entries in the Register under regular review.

(5) To help with decisions about what to register in accordance with the Regulations, a number of factors to consider are set out in the Explanatory Note (below) for paragraph 8.

9. Disclosure of Pecuniary Interests

(1) If you as a member or co-opted member of the Fire Authority are present at a meeting of the full Fire Authority, any Committee, Sub Committee or Joint Committee and have a **disclosable pecuniary interest** in any matter to be considered, you:

(a) Must, if the interest is not entered in the Fire Authority's Register, **disclose** the interest to the meeting (unless the provisions on sensitive interests in paragraph 10 below apply).

(b) There is a **discretion** available to ask Members to disclose such an interest even if it is in the register and the Fire Authority's in **this Code requires** Members to do this for the benefit of record keeping at the meeting and to assist the public understanding of why there is a withdrawal from a meeting.

(c) Must, if the interest is not entered in the Fire Authority's Register and is not the subject of a notification already made by you to the Monitoring Officer, notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

(d) May not participate in any discussion of the matter at the meeting, participate in any vote taken on the matter at the meeting, or take any steps in relation to the matter (except for enabling the matter to be dealt with by another person).

(e) Must leave the meeting in accordance with the Fire Authority's Standing Order which excludes a member from a meeting while any discussion or vote takes place in respect of which you may not participate.

(2) The Fire Authority has adopted a procedure for a dispensation to be sought to enable you to speak and/or vote if you have a disclosable pecuniary interest. Details are available from the Monitoring Officer.

(3) In accordance with the Localism Act 2011, an offence is committed if without reasonable excuse you fail to comply with any of the obligations regarding members' interests in paragraphs 8 and 9 (except 9(1)b) of this Code. An offence is also committed if you provide information that is false or misleading (knowingly or recklessly as to whether the information is true). The offence can be prosecuted by or on behalf of the DPP and can attract, if there is a conviction, a fine not exceeding level 5 on the standard scale.

10. Sensitive interests

Where a Member or Co-opted Member of the Fire Authority has an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that the Member and the Monitoring Officer consider the disclosure could lead to the member or a person connected with the member being subject to violence or intimidation, special rules apply to registration of the interest. The elements of the Register of Interests that are in the public domain must not include details of the interest but will instead refer to the details being withheld in accordance with section 32 of the Localism Act. If there is a need to disclose the interest at a meeting, the disclosure is

limited to a statement that the Member has a disclosable pecuniary interest and falling within an exemption in the Act without further details being given.

11. Gifts and Hospitality

The Fire Authority has exercised a **discretion** to maintain a public Register of Gifts and Hospitality to you as a Member which exceed an estimated £50 in value on any one occasion. Members are asked to keep this Register up to date by notifying (in writing) the Monitoring Officer within 28 days of any receipt of such a gift or hospitality so that this can be entered in the Register. Such matters are not included in the Regulations for disclosable pecuniary interests and therefore will not require a disclosure and withdrawal at a business meeting.

Explanatory Note

Paragraph 1 of the Code provides that the Code applies to any Member of the Fire Authority and that it is the responsibility of each Member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a Member is acting in his or her official capacity, and in relation to conduct in a Member's private capacity the Code only applies where such conduct has resulted in a criminal conviction. Additionally, where a Member is acting as a representative of the Fire Authority, he or she must continue to observe the Code, unless he or she is subject to another relevant authority's Code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that Members must treat others with respect and not do anything which may cause the Fire Authority to breach equality legislation, or which compromises the impartiality of those who work for the Fire Authority or bully anyone or intimidate persons involved in Code of Conduct cases.

Paragraph 4 of the Code provides that Members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a Member must not conduct himself or herself in a manner which could bring the Fire Authority into disrepute.

Paragraph 6 of the Code provides that a Member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the Fire Authority's resources, he or she must act in accordance with the Fire Authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a Member must have regard to advice given by the Chief Finance Officer and Monitoring Officer of the Fire Authority (not in this context those of the constituent authorities) and must give reasons for decisions made.

Paragraph 8 of the Code sets out the requirements for notification of Members' interests to the Monitoring Officer for entry in the Register. The list of disclosable pecuniary interests has been set

out in Regulations under section 30 of the Localism Act 2011 which requires a Member or voting Co-Opted member, on taking office, to notify the authority's Monitoring Officer of any disclosable pecuniary interest which that person has at the time of the notification. In completing the Register of Interests, further points to note are:

- (i) Employment - It would be wise to think about including the name of the employer and to include such interests where they attract not just wages/salary, but also expenses or allowances.
- (ii) Sponsorship - This appears to require registration of a financial benefit from a political party. This also appears to require registration of payments made by other local authorities of which you are a member, including the constituent authorities.
- (iii) Contracts - "The 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. If you are aware that a contractual arrangement is about to be concluded with the Authority you may wish to include this.
- (iv) "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.
- (v) "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(b) and other securities of any description, other than money deposited with a building society.

Paragraph 9 of the Code sets out the circumstances in which such an interest must be disclosed at meetings as required by section 30 (3) of the Localism Act. This paragraph also makes reference to the Fire Authority's procedure whereby a dispensation to speak and/or vote, even where there is a disclosable pecuniary interest, can be sought from the Clerk.

Paragraph 10 of the Code explains the criteria by which an interest can be classified as a sensitive interest and how such interests are to be dealt with. Disclosure at a meeting can be limited to say that there is a disclosable pecuniary interest, but falling within an exemption in the Act.

Paragraph 11 A decision has been made to keep a Register of Gifts and Hospitality received by the Member (not the wider group of individuals covered by "relevant person") to the value of £50 or more on any one occasion. A separate form is available from Democratic Services for completion and updating. These entries do not come within the description of disclosable pecuniary interest but this register will provide a transparent record of a member's engagement with the particular body at any point in time.

LGA Guidance Note on Conduct

The LGA has provided the following guidance note to help Members address the requirements of the principles of public life (which are set out in the preamble to this Code) - the guidance is set out below.

- ◆ Championing the needs of residents - the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- ◆ Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- ◆ Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Dorset Fire Authority or the good governance of the Fire Authority in a proper manner.
- ◆ Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
- ◆ Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- ◆ Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- ◆ Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it
- ◆ Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- ◆ Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- ◆ Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- ◆ Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.