



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	DSFRA/12/23
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
<b>DATE OF MEETING</b>	30 JULY 2012
<b>SUBJECT OF REPORT</b>	LOCALISM ACT 2011 – NEW MEMBER CONDUCT REGIME
<b>LEAD OFFICER</b>	Clerk to the Authority
<b>RECOMMENDATIONS</b>	<p><i>That the Authority consider this report with a view to approving:</i></p> <p>(a) <i>the Code of Conduct for the Authority as set out at Appendix A to this report, subject to any amendments that may be indicated at the meeting;</i></p> <p>(b) <i>the appointment of Mr. David Watson as “independent person”;</i></p> <p>(c) <i>the arrangements for dealing with alleged Code breaches as set out in Section 4 of this report and specifically:</i></p> <p>(i) <i>delegation to the Monitoring Officer of authority to receive allegations, determine (in consultation with the independent person) whether or not they should be investigated and to arrange for the undertaking of any investigations as required;</i></p> <p>(ii) <i>The Terms of Reference for and appointments to a Determinations and Dispensations Committee (see Appendix B to this report), subject to any amendment that may be indicated at the meeting;</i></p> <p>(d) <i>the proposed arrangements for the registration of interests and granting of dispensations, as set out in Section 5 of this report, together with the form for registering interests as attached at Appendix C to this report; and</i></p> <p>(e) <i>the Clerk being authorised to make consequential changes to Standing Orders as set out in Section 6 to this report.</i></p>

<b>EXECUTIVE SUMMARY</b>	<p>The Localism Act 2011 (“the Act”) introduced a number of significant changes to the operation of local government in England and Wales. The main implications of the Act for this Authority were reported to the meeting on 16 December 2011 (Report DSFRA/11/ ; Minute DSFRA/ refers).</p> <p>The initial report to the Authority in December 2011 covered, briefly, the changes to the Member conduct regime introduced by the Act. This report addresses those changes in greater detail and sets out proposed actions for the Authority to secure statutory compliance.</p>
<b>RESOURCE IMPLICATIONS</b>	Any resource implications (e.g. meeting travel and subsistence expenses of the required “independent person”) will be contained from within existing approved budgets
<b>EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)</b>	Not applicable.
<b>APPENDICES</b>	<ul style="list-style-type: none"> <li>A. Draft Authority Code (based on Devon-wide model).</li> <li>B. Suggested Composition of and Terms of Reference for committee for “arrangements” under the Localism Act 2011.</li> <li>C. Draft Register of Interests Form</li> <li>D. Proposed revision to existing Standing Order 22</li> </ul>
<b>LIST OF BACKGROUND PAPERS</b>	<ul style="list-style-type: none"> <li>A. Localism Act 2011</li> <li>B. Report DSFRA/11/31 (Localism Act 2011) to the meeting of the Authority held on 16 December 2011</li> <li>C. Report DSFRA/12/11 (Localism Act 2011 (New Member Conduct Provisions – appointment of independent person) to the Annual Meeting of the Authority held on 30 May 2012</li> <li>D. The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012</li> <li>E. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012</li> </ul>

## **1. BACKGROUND AND INTRODUCTION**

1.1 The Localism Act 2011 (“the Act”) introduced significant changes to the operation and functions of local government in England and Wales. The main implications of this Act in so far as they impact upon this Authority were reported to the meeting held on 16 December 2011 (Report DSFRA/11/31; Minute DSFRA/58 refers).

1.2 This report mentioned briefly that, amongst other things, the Act swept away the former Standards regime introduced by the Local Government Act 2000 in favour of a far less prescriptive regime and over which individual authorities would be able to exercise far greater control, ostensibly in-keeping with the overall ethos of localism. This report identifies the requirements for this Authority under the Act and proposes measures to ensure statutory compliance.

## **2. CODE OF CONDUCT AND REGISTRATION OF INTERESTS**

2.1 The Authority is required to adopt a Code of Conduct which must, when viewed as a whole, be consistent with the seven Nolan principles as set out in the Act and which must provide for the registration and disclosure of pecuniary interests.

2.2 Two separate indicative Codes have already been issued – one by Bob Neill MP on behalf of the Department for Communities and Local Government (CLG) and one by ACSeS. Both indicative Codes, however, do little more than to set out the required seven “Nolan principles” and - as they were issued prior to publication on the relevant Regulations - are incomplete in that they make no provision for the registration of disclosable interests. It is also suggested that, as the Code and associated “arrangements” cut to the heart of public confidence in democracy, adoption of a less robust Code than the model Code applied under the old regime, would be somewhat of a retrograde step.

2.3 A proposed Code for adoption is now attached at Appendix A. This Code enshrines the seven “Nolan” principles as required by the Act and reflects requirements in relation to Disclosable Pecuniary Interests.

2.4 The Code supplements these, under General Obligations, with those requirements contained in the former Authority code (itself based on the former Model Code) and which it is contended are entirely consistent with the minimum standards that should be expected of someone in public office. These include, amongst other things:

- safeguards on the stewardship of resources;
- a requirement to uphold the law;
- a requirement to respect others;
- an anti-bullying requirement; and
- a requirement to exercise personal judgment in decision making.

2.5 In addition to reflecting the requirements on disclosable pecuniary interests, the draft Code proposes “other” interests (at paragraph 2.1(B)) which were reflected in the former Code and which, for the reason suggested in paragraph 2.2 above, it is suggested should be incorporated.

### **3. “INDEPENDENT PERSON”**

3.1 The Act requires the Authority to advertise for and approve the appointment of at least one “independent person” whose views:

- must be sought by the Authority before it makes any determination on an allegation it has decided to investigate;
- may be sought “in other circumstances”; and
- may be sought by a Member subject to an allegation.

3.2 In line with the decision taken at its Ordinary Meeting on 30 May 2012 (Minute DSFRA/7 refers), the post of “independent person” has been advertised but no responses received by the indicated closing date. Since that time, however, Regulations made under the Act allow, subject to certain qualifications being met, one of the former Independent Members of the Standards Committee to be appointed as the “independent person”.

3.3 Mr. David Watson, one of the former three Independent Members of the Standards Committee, has indicated that he would wish to be considered for the post of “independent person”. Mr. Watson’s appointment would, if approved, be compliant with the requirements both of the Act and the Regulations made under it subsequently and as such is commended for approval.

### **4. ARRANGEMENTS FOR DEALING WITH ALLEGED BREACHES**

4.1 The Act requires the Authority to put in place arrangements for receiving, investigating and determining, as required, any written allegations of a breach of the approved Code of Conduct. It should be noted at this point that this does not extend to breaches involving disclosable pecuniary interests, which in future will be a criminal offence with prosecutions instigated by the Director of Public Prosecutions and which carry a penalty, on summary conviction, of a fine not exceeding level 5 on the standard scale (currently £5,000).

4.2 It had initially been hoped that agreements could be reached with the constituent authorities to undertake this aspect on behalf of this Authority but regrettably discussions have not borne fruit requiring this Authority to put in place its own arrangements. In essence, there are two stages to the process:

- (a) initial receipt of allegation and determination of whether or not it should be investigated; and
- (b) in the event that an allegation is investigated, consideration and determination of the outcome of the investigation.

These are now explored below.

#### **(a) Receipt of allegation and determination of whether to investigate**

4.3 Guidance produced by the former Standards for England on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It is suggested that it would be sensible to take advantage of the new flexibility afforded by the Act to delegate to the Monitoring Officer:

- in consultation with the “independent person”, taking the initial decision on whether a complaint requires investigation;
- putting in place arrangements to investigate any allegation, as required.

4.4 In instances where the allegation may be particularly sensitive (for example, where the monitoring officer has previously advised the Member on the subject matter of the allegation), it is proposed that the decision to investigate should be made by a small committee established by the Authority as part of its “arrangements” under the Act.

4.5 Any decision not to investigate would be reported back to a future meeting of the Authority, for information purposes.

**(b) Consideration and Determination of Investigation Outcomes**

4.6 It is proposed that this should be delegated to a small Committee, comprising five Members, in consultation with the “independent person”. In terms of possible appointees to this Committee, the Authority may wish to note that, at its Annual Meeting on 30 May 2012, the Authority appointed the following Members to the former Standards Committee until May 2013 or such time as new arrangements under the Localism Act were approved:

Councillors Bown, Gribble, Horsfall, Mills, Randall Johnson and Yeomans.

4.7 Proposed Terms of Reference for this Committee are set out at Appendix B to this report. The Act is silent as to sanctions that may be imposed in the event of a breach being established – the proposed Terms of Reference set out a range of possible sanctions open to the Authority.

4.8 The Act does not provide for any appeals mechanism against decisions where a breach is established and a sanction imposed. Any such decision would, however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Authority had no power to impose.

**5. REGISTRATION OF INTERESTS AND GRANTING OF DISPENSATIONS**

**(a) Registration of Interests**

5.1 Regulations made under the Act provide for the registration and disclosure of certain types of “disclosable pecuniary interests”. As stated previously, failure to comply with these aspects is now a summary offence, which may only be instigated by the Director of Public Prosecutions and which carries, on conviction, a maximum penalty of a fine not exceeding level 5 on the standard scale (currently £5,000).

5.2 The Act leaves it to the discretion of individual authorities to determine what other interests it would wish registered. There is, however, a requirement for the new Register of Interests to be maintained by the Monitoring Officer and published on the Authority’s website.

5.3 The draft Code attached at Appendix A reflects – as is required by the Act – those disclosable pecuniary interests which it is required to register and also proposes – at Section 2B - other interests which the Authority may wish to see registered. A revised form for the declaration of interests is attached at Appendix C.

**(b) Dispensations**

5.4 In future, dispensations under the Act may be granted where the authority concerned, having had regard to all the relevant circumstances, considers one of the following applies:

- (a) that so many Members of the decision-making body have DPIS in a matter that it would “impede the transaction of the business”; and/or

- (b) that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; and/or
- (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area; and/or
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

5.5 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

5.6 The Act is silent, however, on the mechanism for the granting of dispensations. This could, for example, feature delegation to the monitoring officer. In light of this, it is proposed that ground (a) in paragraph 5.4 above is sufficiently objective that it could be delegated to the monitoring officer alone to grant a dispensation in those circumstances. Grounds (b) to (d) inclusive, however, are somewhat more subjective and it is proposed that the granting of dispensations in these circumstances should be delegated to the small Committee referred to in Section 4 above.

## **6. REVISIONS TO STANDING ORDERS**

6.1 The abolition of the new regime brought about by the Localism Act will require the following revisions to Standing Orders, primarily to remove reference to the former regime:

- Deletion of Standing Order 4 (Independent Members)
- Deletion of Part 3 of Standing Orders in its entirety (Standing Orders applying to Standards Committee); and
- Amendment to existing Standing Order 22 to reflect changes in the registration and declaration of interests.

6.2 It is proposed that the Clerk be authorised to make these amendments and any consequential amendments (namely, renumbering of Standing Orders) arising from them.

**MIKE PEARSON**

**Clerk and Monitoring Officer to the Authority**



**DEVON & SOMERSET FIRE & RESCUE AUTHORITY MEMBERS' CODE OF CONDUCT**

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## **SECTION A. GENERAL PROVISIONS**

### **1. Public Duty and Private Interests: An introduction**

- 1.1 This Code applies to you as a Member or a Co-opted Member of the Devon & Somerset Fire & Rescue Authority
- 1.2 When acting in your capacity as a Member or Co-opted Member of the Authority, you should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal Judgment, Respect for others, Duty to Uphold the Law, Stewardship and Leadership.
- 1.3 When acting in your capacity as a Member or Co-opted Member of the Authority:
  - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person;
  - (b) 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;
  - (c) 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;
  - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
  - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority or contained in its constitutional governance documents;
  - (f) you must declare any private interests, whether disclosable or personal, 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 in a manner conforming with the procedures set out at Section B of this Code;
  - (g) you must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Authority's reasonable requirements;
  - (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Authority;
  - (i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 Do nothing as a Member which you could not justify to the public.



- 1.6 The reputation of the Authority depends on your conduct and what the public believes about your conduct.
- 1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 1.8 It is your responsibility to comply with the provisions of this Code.

## 2. Definitions

2.1 In this Code the following terms have the meanings indicated:

TERM	MEANING
<i>"interest or interests"</i>	have the meanings set out in Section B of this Code
<i>"Relevant person"</i>	<ul style="list-style-type: none"> <li>• you; or</li> <li>• your spouse or civil partner; or</li> <li>• a person with whom you are living as husband and wife or as if they were civil partners and you are aware that that other person has an interest</li> </ul>
<i>"relevant period"</i>	a period of 12 months ending with the date on which you notified the Monitoring Office of an interest
<i>"meeting"</i>	any meeting of any meeting of the full Authority or any of its Committees, Sub-Committees, Working Parties etc. as may from time to time be established
<i>"member"</i>	includes a co-opted member

## 3. Scope

- 3.1 You must comply with this Code whenever you are acting in your official capacity, when:
- (a) you are engaged on the business of the Authority; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Authority.

## 4. General obligations

- 4.1 You **must** –
- (a) treat others with courtesy and respect,
  - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest **and** have reasonable regard to any relevant advice provided to you by an officer of the Authority.

4.2 You **must not** –

- (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) do anything which may cause the Authority to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
- (d) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant; or
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any Member has failed to comply with the Authority's Code of Conduct; or
- (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;
- (f) 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:
    - A. in the public interest; and
    - B. made in good faith; and
    - C. in compliance with the reasonable requirements of the Authority;
- (g) prevent another person from gaining access to information to which that person is entitled by law;
- (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Authority into disrepute.

## SECTION B. INTERESTS

### 1. Registration of Interests

- 1.1 You must, within 28 days of:
- (a) this Code being adopted by, or applied to, the Authority; or
  - (b) your taking office as a Member or Co-opted Member of the Authority, whichever is the later, and annually thereafter, provide written notification to the Authority's Monitoring Officer of:
    - (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and
    - (ii) any other personal interest laid down by the Authority, as set out at paragraphs 2.1A and 2.1B below;
- 1.2 Details of any interests so registered be recorded in the Authority's Register of Members' Interests and made available for public inspection including on the Authority's website at:
- 1.3 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.
- 1.4 Whether or not an interest within paragraphs 2.1A and 2.1B below has been entered onto the Authority's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 3.1 below, where the matter is not a 'sensitive interest'.
- 1.5 Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 1.6 In relation to disclosable pecuniary interests, in this Section of the Code the terms in the left hand column below have the meanings attributed to them in the right hand column:

TERM	MEANING
<i>"body in which the relevant person has a beneficial interest"</i>	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
<i>"director"</i>	includes a member of the committee of management of an industrial and provident society
<i>"land"</i>	includes an easement, servitude, interest, or right 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
<i>"relevant authority"</i>	means the authority of which you are a member

“ <i>relevant person</i> ”	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
“ <i>securities</i> ”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

## 2. Interests which **MUST** be registered

### 2.1 The interests you **must** register are:

- A. those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:
- (1) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
  - (2) any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - (3) any contract which is made between you or, so far as you are aware, a relevant person (as defined at Para 2 above) (in which the relevant person has a beneficial interest) and the 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
  - (4) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within the administrative area of the Authority;
  - (5) any licence (alone or jointly with others) to occupy land in the administrative area of the Authority for a month or longer
  - (6) any tenancy where (to your knowledge):
    - (a) the landlord is the Authority; and
    - (b) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

- (7) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:
- (a) that body (to your knowledge) has a place of business or land in the administrative area of the 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.

B. those other personal interests laid down by the Authority, namely your membership of any body to which you have been appointed by the Authority or exercising functions of a public nature directed to charitable purposes or whose principal purposes include influence of public opinion or policy, your membership of any other local authority and of any political party or trade union.

2.2 In addition to those interests listed at 2.1 (A) and (B) above which you are required to register, you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as an Authority Member, such as membership of the Freemasons or any similar body.

2.3 Where the Authority's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*" – namely, information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation - you need not include that information when registering that interest, or, as the case may be, any change to that interest.

2.4 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Authority's Monitoring Officer asking that the information be included in the Authority's Register of Members' Interests.

### **3. Declaration of Interests - Meetings**

3.1 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at paragraph 2.1A above and you must also observe any restrictions the Authority may place on your involvement in matters where you have any interest as defined by the Authority and shown at paragraph 2.1B above.

3.2 Where you have any interest in any business of the Authority and you attend any meeting at which that business is to be considered, you must:

- a. disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
- b. disclose any interest in accordance with the Authority's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

- c. where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - d. not seek to influence improperly any decision about that business;
- unless you have obtained a dispensation from the Authority's Monitoring Officer.

**DETERMINATIONS AND DISPENSATIONS COMMITTEE**

Proposed composition: Five Members to be appointed by the Authority

To meet as and when required.

**Terms of Reference**

To consider the outcomes of investigations into an alleged breach of the Authority's approved Code of Conduct, affording the Member subject to the allegation a right of hearing, and – in consultation with the "independent person" - to determine whether or not a breach of the approved Code has been established.

In the event that a Code breach is established, to consider the imposition of a sanction for the Member concerned from the following:

- reporting the finding to the Authority for information and publishing the finding in local media;
- a recommendation to the Authority that the Member concerned be removed from any or all Committees or Sub-Committees of the Authority;
- instructing the Monitoring Officer to arrange training for the Member;
- removing the Member concerned from all outside appointments to which s/he has been appointed or nominated by the Authority;
- withdrawing facilities provided to the Member by the Authority, such as e-mail and Internet access; or
- Excluding the Member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

In the event of "sensitive" allegations of Code breach (e.g. where the Monitoring Officer may have previously advised the Member subject to the allegation on the matter concerned), to determine, following consultation with the independent person, whether or not an allegation should be investigated.

To consider, following submission in writing to the Monitoring Officer by the Member concerned, any request for a dispensation either to talk or to talk and vote in relation to a disclosable pecuniary interest in the following circumstances:

- that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This would seem to assume, however, that Members are predetermined to vote on party lines on the matter in which case it would be inappropriate to grant a dispensation to enable them to participate;
- That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- That the authority considers that it is otherwise appropriate to grant a dispensation.



**DEVON & SOMERSET FIRE & RESCUE AUTHORITY  
MEMBERS' CODE OF CONDUCT  
GENERAL NOTICE OF REGISTERABLE INTERESTS  
2012/13**

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I,

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being a Member/Co-opted Member of the Devon & Somerset Fire & Rescue Authority,

give notice below of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the Devon & Somerset Fire & Rescue Authority's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife and also, in relation to categories 3 - 6, and so far as you are aware of any or relevant person, as defined in the Authority's Code of Conduct.

**1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION**

**Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest.**

|                                                                                                                                                                   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Description of employment, job, vocation, trade or business                                                                                                       |  |
| Name of Employer, body, firm or company by which you are employed or in which you are a partner or a remunerated Director in which you have a beneficial interest |  |



**2. SPONSORSHIP**

Please give details of any person or body (other than the Authority) who has made any payment to you in respect of your election as a Councillor on a constituent authority or any expenses you have incurred in carrying out your duties as a Member of the Authority.

**3. SECURITIES: INTERESTS IN COMPANIES**

Please give details of any body which has a place of business or owns land in the Authority's area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100<sup>th</sup> of the total share issue of that body (whichever is the lower) or if there is more than one class of share, the total nominal value of shares in any class of that body of more than 1/100<sup>th</sup> of the total shares of that class

*Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.*

**4. CONTRACTS: FOR GOODS, WORKS OR SERVICES WITH THE AUTHORITY**

Please give details of any current, existing contracts for goods, works or services between the Authority and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

**5. LANDHOLDINGS AND LICENSES IN THE AREA**

Please give the address or other description (sufficient to identify the location) of any land or property in the Authority's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

You must include the land and house you live in and for example any allotments you own or use.

**6. CORPORATE TENANCIES: LAND LEASED FROM THE AUTHORITY**

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Authority by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

**7. MEMBERSHIP OF OTHER BODIES**

Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.

Any Body or Organisation to which you have been appointed or nominated by the Authority as its representative

Any other body exercising functions of a public nature  
(e.g. County, District or Parish Council; Health, Police or Quasi Autonomous Non-Governmental Body)

|                                                                                                                    |  |
|--------------------------------------------------------------------------------------------------------------------|--|
| <p>Any body directed to charitable purposes<br/>(e.g., an Industrial and Provident Society or Charitable Body)</p> |  |
|--------------------------------------------------------------------------------------------------------------------|--|

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Any body whose principle purpose is to influence public opinion or policy <u>or</u> which, in your view, might create a conflict of interest for you in carrying out your duty as a Member of the Authority<br/>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB; Greenpeace or membership of the Freemasons or similar body)</p> |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

**9. DECLARATION**

I recognise that if I fail to comply with the Code of Conduct for Members of the Devon & Somerset Fire & Rescue Authority or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the Authority of any changes to this Notice or new interests I acquire,

this may give rise to a criminal offence and/or the matter may be referred for investigation by the Authority.

Signed : .....

**FOR OFFICE USE ONLY**

Received: ..... Update  
.....

**22. REGISTRATION AND DISCLOSURE OF INTERESTS**

- (1) Members **MUST** notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of being appointed to the Authority or, if the interest arises subsequently, within 28 days of becoming aware of the interest.
- (2) Where you have a disclosable pecuniary or “other” interest as defined in the Authority’s approved Code of Conduct in any business of the Authority and you attend any meeting at which that business is to be considered, you must:
  - (a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
  - (b) disclose any interest in accordance with the Authority’s reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (d) not seek to influence improperly any decision about that business;unless you have obtained a dispensation from the Authority’s Monitoring Officer.