

APPENDIX B TO REPORT SC/19/1



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

**TABLE OF CONTENTS**

<b>1.</b>	<b>INTRODUCTION – GENERAL PRINCIPLES OF PUBLIC LIFE .....</b>	<b>1</b>
<b>2.</b>	<b>DEFINITIONS .....</b>	<b>2</b>
<b>3.</b>	<b>APPLICATION OF THIS CODE .....</b>	<b>3</b>
<b>4.</b>	<b>GENERAL OBLIGATIONS.....</b>	<b>4</b>
<b>5.</b>	<b>INTERESTS .....</b>	<b>5</b>
(a).	Registration of Interests .....	5
(b).	Disclosable Pecuniary Interests .....	6
(c).	Personal Interests .....	6
(d).	Non-Registerable Interests.....	7
(e).	Declaration of Interests at Meetings.....	7
(f).	“Sensitive” Interests.....	8

## 1. INTRODUCTION – GENERAL PRINCIPLES OF PUBLIC LIFE

- 1.1 This Code has been locally developed for and adopted by the Authority in support of its duty under the Localism Act 2011 to promote and maintain high standards of conduct by Authority Members. It is your responsibility as a Member of the Authority to comply fully with this Code.
- 1.2 Underpinning the Code are the following Principles of Public Life which you must always have regard to when acting in your capacity as a Member of the Authority
- (1) **Selflessness** - 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;
  - (2) **Honesty and Integrity** – you should never place yourself in a position where your honesty and integrity might be called in question. For example, 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;
  - (3) **Objectivity** - 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;
  - (4) **Accountability** - you are accountable for your decisions to the public and you must co-operate fully and honestly with whatever scrutiny is appropriate to your office;
  - (5) **Openness** - 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;
  - (6) **Personal Judgment** – while you may take account of the views of others (including those of any political groups to which you may belong and your appointing constituent authority), you should always reach your own conclusions on Authority issues before you and act in accordance with those conclusions;
  - (7) **Respect for Others** – you should promote equality and not discriminate against any person, treating all people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Authority's statutory officers and its other employees;
  - (8) **Duty to Uphold the Law** – you should always uphold the law and on all occasions act in accordance with the trust the public is entitled to place in you
  - (9) **Stewardship** - you should do everything within your power to ensure that the Authority's resources are used prudently and in accordance with the law;
  - (10) **Leadership** – you should lead by example when serving in your public post in promoting high standards of conduct as reflected in the above principles.

- 1.3 The reputation of the Authority depends on your conduct and what the public believes about your conduct. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct. In essence, you should do nothing as a Member which you could not justify to the public.

## 2. DEFINITIONS

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

TERM	MEANING
<i>“close association”</i>	an affiliation, more than just a passing casual acquaintance, which a reasonable person, aware of all the facts, would consider so significant as to prejudice your ability to act in the public interest.
<i>“family”</i>	includes any relative, whether by blood or by marriage, with whom you have a close association.
<i>“disclosable pecuniary interest”, “personal interest” and “non-registerable interest”</i>	have the meanings set out in the relevant sections of this Code
<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>	Any Councillor appointed to serve on the Authority by one of its constituent authorities (Devon and Somerset County Councils; Plymouth City Council and Torbay Council) and also includes any person co-opted to membership of the Authority
<i>“appropriate third party”</i>	means either a qualified legal practitioner or qualified accountant.
The following definitions are derived from The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) – <b>See Section 5(b) below</b>	
<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

TERM	MEANING
<i>“land”</i>	excludes any 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 <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</li> </ul> and you are aware that that other person has an interest
<i>“relevant period”</i>	a period of 12 months ending with the date on which you notified the Monitoring Office of an interest
<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

### 3. APPLICATION OF THIS CODE

- 3.1 This Code should be read together with the preceding general principles of public life.
- 3.2 You must comply with this Code whenever you are acting in your official capacity as a Member of the Devon & Somerset Fire & Rescue Authority, that is when:
- (1) you are engaged on the business of the Authority; or
  - (2) you behave so as to give a reasonable person the impression that you are acting as a representative of the Authority.
- 3.3 Where you act as a representative of this Authority:
- (1) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority’s Code of Conduct; or
  - (2) on any other body, you must, when acting for that other body, comply with this Code of Conduct **except in so far as** conflicts with any lawful obligations to which that other body may be subject.
- 3.4 In relation to your membership of other local authorities, you must ensure that you comply with the Code of Conduct in place for the authority concerned when acting in your capacity as member of that authority. Please note that your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice on this can be sought from the Monitoring Officer or Democratic Services.

## 4. GENERAL OBLIGATIONS

### 4.1 You **must** –

- (1) conduct yourself in a manner consistent with the Authority's duty to promote and maintain high standards of conduct by its Members;
- (2) treat others with courtesy and respect;
- (3) when reaching decisions on any matter:
  - (a). do so solely on the merits of the case; and
  - (b). act in the public interest; and
  - (c). have reasonable regard to any relevant advice provided to you by an officer of the Authority (e.g. the Chief Financial Officer and the Monitoring Officer); and
  - (d). give reasons for all decisions in accordance either with statutory requirements or any reasonable requirements consistent with serving the public interest;
- (4) have regard to statutory or other requirements relating to local authority publicity (e.g. the Local Authority Code of Publicity);
- (5) ensure you use any Authority resources in accordance with any reasonable requirements of the Authority and do not use any Authority resources improperly (e.g. for purely personal or party political purposes);
- (6) comply and co-operate fully and openly in any formal standards investigation in which you are either the Subject Member or a witness.

### 4.2 You **must not** –

- (1) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (2) accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity;
- (3) treat others in a way that amounts to, or which may be reasonably construed as, unlawfully discriminating against them;
- (4) bully or harass 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. "Harassment" may be defined as any unwanted behaviour which the individual subject to that behaviour finds offensive or which makes them feel intimidated or humiliated. Examples of unwanted behaviour include:
  - spoken or written words or abuse;
  - offensive tweets, e-mails or comments on social networking sites;
  - images and graffiti;
  - physical gestures;
  - facial expressions; and

- jokes;

- (5) in relation to any allegation that any Member has failed to comply with the Authority's Code of Conduct, intimidate or attempt to intimidate any person who is or is likely to be either a complainant; or a witness; or is otherwise involved in the administration of any investigation or proceedings in respect of the allegation;
- (6) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;
- (7) 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 (including exempt information as defined in Schedule 12A [as amended] to the Local Government Act 1972), except where:
  - (a). you have the consent of a person authorised to give that consent; **or**
  - (b). you are required by law to do so; **or**
  - (c). the disclosure is made to an appropriate third party for the purpose of obtaining professional legal or accountancy advice **provided that** the third party has agreed in writing not to disclose the information to any other person before the information is provided to them; **or**
  - (d). the disclosure is:
    - (i). in the public interest; **and**
    - (ii). made in good faith; **and**
    - (iii). the disclosure is made in compliance with the reasonable requirements of the Authority, where these requirements are demonstrable by reference to an adopted policy, procedure or similar document of the Authority or evidenced by advice provided by the Monitoring Officer or his nominee.
- (8) prevent another person from gaining access to information to which that person is entitled by law;
- (9) 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;
- (10) make trivial allegations against a fellow Member (or Members) of the Authority.

## 5. INTERESTS

### (a). *Registration of Interests*

5.1 You **must**, within 28 days of:

- (1) this Code being adopted by, or applied to, the Authority; **or**
- (2) 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:
  - (a). 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 – see Section 5(b) below; **and**

- (b). any **personal interest** as may be specified from time to time by the Authority – see Section 5(c) below;

5.2 Details of any interests so registered will, unless the Monitoring Officer has agreed that they are “sensitive” (see Section 5(e) below), be recorded in the Authority’s Register of Members’ Interests and made available for public inspection including on the Authority’s website at:

<https://fireauthority.dsfire.gov.uk/uuCoverPage.aspx?bcr=1?siteCategoryId=10>

5.3 You **must also**, within 28 days of becoming aware of any new disclosable pecuniary or registerable personal interest, or change to any such interest already registered, provide written notification to the Authority’s Monitoring Officer of that new interest (or change in interest already registered, as the case may be).

**(SEE ALSO PARAGRAPH 5.11 BELOW)**

**(b). Disclosable Pecuniary Interests**

5.4 Disclosable pecuniary interests, as currently defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464), are:

- (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 made between the Authority and you or a relevant person (or body in which you or the relevant person has a beneficial interest):
  - (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 a relevant person where the land 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 a relevant person has a beneficial interest;
- (7) any beneficial interest that you or 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.

**(c). Personal Interests**

5.5 You are also required to register the following personal interests:

- (1) Your membership of a trades union; and
- (2) your membership of any body to which you have been appointed by the Authority; and
- (3) your membership of any other public body or authority (e.g. County or District Council; Parish Council etc.); and
- (4) your membership of any other body influencing public opinion (e.g. political party);
- (5) your directorship or membership (within the meanings of the Companies Act 2006) of any company, where such directorship or membership **does not** constitute a disclosable pecuniary interest;
- (6) any contract made between the Authority and you or a relevant person (or body in which you or the relevant person has a beneficial interest):
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged;but where neither you nor the relevant person has a disclosable pecuniary interest.

5.6 Your participation in discharging the following functions of the Authority does not constitute a personal interest requiring either registration or disclosure at meetings:

- (1) the setting of any Authority allowance, payment or indemnity to Members; and
- (2) the setting of the Authority budget and associated Council Tax precept.

**(d). Non-Registerable Interests**

5.7 You have a non-registerable interest where a decision in relation to a matter being determined, or to be determined:

- (1) might reasonably be regarded as affecting the financial position or well-being of either yourself; or a member of your family; or any person with which you have a close association; or any body or group of which you are a member, more that it might affect the majority of council tax payers or inhabitants of the area served by the Devon & Somerset Fire & Rescue Authority; **and where**
- (2) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest to be so significant that it is likely to prejudice your judgement of the public interest.

5.8 Business relating to the following functions **will not** give rise to a non-registerable interest:

- (1) setting of the council tax; and
- (2) any allowance, payment or indemnity given to Members.



**(e). Declaration of Interests at Meetings**

- 5.9 If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest ***in any matter being considered or to be considered at the meeting then***, unless you have a current and relevant dispensation in relation to the matter, you must:
- (1) ***disclose*** at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest (see Section 5(f) below) – the nature of that interest; ***and then***
  - (2) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.
- 5.10 Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation.
- 5.11 Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.

**(f). “Sensitive” Interests**

- 5.12 You must notify the Monitoring Officer of the details of any interests which you consider are “sensitive” - namely, details which, should they be made available for inspection by the public, would be likely to create a serious risk that any person may be subjected to violence or intimidation.
- 5.13 Where the Authority’s Monitoring Officer agrees that any information relating to your interests is “sensitive” then the details of such interests will not be included in any published version of the register.
- 5.14 Similarly, the requirement to disclose interests at meetings shall, in relation to “sensitive” interests, be limited to declaring the existence of such interests and the detail of the “sensitive” interests need not be disclosed.
- 5.15 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer “sensitive”, notify the Authority’s Monitoring Officer asking that the information be included in the Authority’s Register of Members’ Interests.