

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

APPOINTMENTS, STANDARDS AND APPEALS COMMITTEE

16 OCTOBER 2023

1. **REFRESHED MEMBER CODE OF CONDUCT**

Report of the Monitoring Officer and Clerk to the Authority

RECOMMENDED

- 1.1. THAT Members approve the updated Member Code of Conduct included in **Appendix A** for submission to full fire authority for approval.
- 1.2. THAT Members approve the proposed authority training on the updated Member Code of Conduct.

2. **PURPOSE OF REPORT**

- 2.1. To agree a revised Member Code of Conduct for approval by the Authority.
- 2.2. To agree the proposed training schedule on the Code of Conduct and relevant matters, such as declaration of interests.

3. **BACKGROUND**

- 3.1. The WMFRA Member Code of Conduct was last substantially reviewed by the Authority in June 2012. In 2020, the Local Government Association (LGA) have published an updated Model Code of Conduct, with some substantial changes in style and content.
- 3.2. In particular the new model code of conduct directly incorporates requirements around the disclosure and registration of interests, gifts and hospitality.

- 3.3. Only very minor changes have been made in the version proposed in **Appendix A** to make this relevant to a fire authority context.
- 3.4. If the committee approve the new code of conduct, and it is approved by the Fire Authority, it is proposed that a specific training session for all members will be developed to follow the December 2023 meeting of the Fire Authority.
- 3.5. Such training will also form a part of a refreshed Member Development Strategy to be implemented in the 2024/25 municipal year and will take the form of annual refresher training for all members delivered in July each year.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1. As the proposed Code of Conduct is based substantially on the existing LGA Model Code of Conduct, no initial EIA is required. The revised Code makes specific references to Authority member's duties under the Equalities Act and stipulates that authority members must "promote equalities and [...] not discriminate unlawfully against any person".

5. **LEGAL IMPLICATIONS**

- 5.1. All local authorities are required to have a Code of Conduct as set out within Chapter 7 of the Localism Act 2011. This Code has been adapted from the LGA Model Councillor Code of Conduct, which meets the requirements of the legislation. The Local Government Act 2000 requires that a Code of Conduct be approved by the full Authority.

6. **FINANCIAL IMPLICATIONS**

- 6.1. There are no financial implications from the update to the Member Code of Conduct.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1. There are no environmental implications from the update of the Member Code of Conduct.

8. **BACKGROUND PAPERS**

- [Current WMFRA Member Code of Conduct](#)
- [LGA – Councillor conduct and standards](#)
- [The Seven Principles of Public Life](#)
- [Localism Act 2011 – Chapter 7](#)

The contact for this report is Tom Embury, Portfolio Policy Advisor

Satinder Sahota
Monitoring Officer

Karen Gowreesunker
Clerk to the Authority

Appendix A

**WEST MIDLANDS FIRE
AND RESCUE AUTHORITY**

**CODE OF CONDUCT FOR MEMBERS
AND CO-OPTED MEMBERS
including
RULES FOR REGISTRATION OF
INTERESTS**

October 2023

Joint statement

The role of elected member across all tiers of local government is a vital part of our country's system of democracy. It is important that as elected members we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct affects the reputation of all elected members. We want the role of elected member to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors and other elected members.

As elected members, we represent local residents and our local authorities, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

All local authorities are required to have a Code of Conduct under Part III of the Local Government Act 2000. This Code has been adapted from the Local Government Association (LGA) Model Councillor Code of Conduct. The Appointments, Standards and Appeals Committee will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, LGA guidance and changes in legislation.

Definitions

For the purposes of this Code of Conduct, an “elected member” means a councillor or other person appointed to the fire authority by one of the constituent local authorities or the Police and Crime Commissioner, with the power to vote on authority matters.

A “co-opted member” is not a statutory co-opted member as defined by the 2000 Act, but a non-elected person appointed to the Authority to provide external expertise. Co-opted members do not have voting rights.

The terms “member” and “fire authority member” is used to refer to both of the above collectively.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them. It is also to protect authority members, the public, officers and the reputation of local government and the fire service in general. It sets out general principles of conduct expected of all members and the specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of elected members and local government.

General principles of member conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, elected members, local authority officers and fire service officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles (see **Appendix A**)

Building on these principles, the following general principles have been developed for the role of fire authority member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of fire authority member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my fire authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you are appointed to the fire authority or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member of the fire authority.

This Code of Conduct applies to you when you are acting in your capacity as a fire authority member which may include when:

- You misuse your position as a councillor or fire authority member
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or fire authority member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and always show leadership when acting as a fire authority member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as an authority member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As an authority member:

- 1.1. I treat other authority members and members of the public with respect.
- 1.2. I treat fire authority employees, employees and representatives of partner organisations and those volunteering for the fire authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As an authority member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in authority members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Code of Conduct, and fire authority employees, where concerns should be raised in line with the authority's Member-Officer Protocol.

2. Bullying, harassment and discrimination

As an authority member

- 2.1. I do not bully any person.
- 2.2. I do not harass any person.
- 2.3. I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on

social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Authority members have a central role to play in ensuring that equality issues are integral to the fire authority and fire service's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the fire authority

As an authority member:

- 3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the fire authority.

Officers work for the fire authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As an authority member:

- 4.1. I do not disclose information:
 - 4.1.1. given to me in confidence by anyone
 - 4.1.2. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - I have received the consent of a person authorised to give it;
 - I am required by law to do so;
 - the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

- the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the fire authority; and
 - I have consulted the Monitoring Officer prior to its release.
- 4.2. I do not improperly use knowledge gained solely as a result of my role as a authority member for the advancement of myself, my friends, my family members, my employer or my business interests.
- 4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities, including fire authorities, must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the fire authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations or prosecutions.

5. Disrepute

As an authority member:

- 5.1. I do not bring my role or fire authority into disrepute.

As an elected member, you are trusted to make decisions on behalf of your community and all authority member actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other authority members and/or your fire authority and may lower the public's confidence in your or your fire authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your fire authority into disrepute.

You are able to hold the fire authority and fellow authority members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As an elected member or co-opted member:

- 6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as an elected member of the fire authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

Although co-opted members have more limited decision making ability, you also have certain opportunities and privileges as a result of your position and you should not take advantage of these to further your own or others' private interests.

7. Use of fire authority resources and facilities

As an authority member:

- 7.1. I do not misuse authority or fire service resources.
- 7.2. I will, when using the resources of the fire authority or authorising their use by others:
 - 7.2.1. act in accordance with the fire authority's requirements; and
 - 7.2.2. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the fire authority or of the office to which I have been elected, appointed or co-opted.

You may be provided with resources and facilities by the fire authority to assist you in carrying out your duties as an authority member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of fire authority buildings and rooms.

These are given to you to help you carry out your role as an authority member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the fire authority's policies regarding their use.

8. Complying with the Code of Conduct

As an authority member:

- 8.1. I undertake Code of Conduct training provided by the fire authority
- 8.2. I cooperate with any Code of Conduct investigation and/or determination
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as an authority member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the fire authority or its governance. If you do not understand or are

concerned about the fire authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the fire authority

9. Interests

As an authority member:

- 9.1. I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, fire authority employees and fellow authority member know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises.

The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other authority members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1** within **Appendix B**, is a criminal offence under the Localism Act 2011.

Appendix B also sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As an authority member:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the fire authority or from persons who may apply to the fire authority for any permission, licence or other significant advantage.
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

To protect your position and the reputation of the fire authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably

believe to be) offered to you because you are a fire authority member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a fire authority member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as an authority member. If you are unsure, contact your Monitoring Officer for guidance.

Appendix A

Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

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.

Appendix B

Declaration of Interests

Within 28 days of becoming a member or your re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at an authority meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as chair of the authority or a committee, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- 8.1. your own financial interest or well-being;
- 8.2. a financial interest or well-being of a relative or close associate; or
- 8.3. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - 9.1. to a greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and;
 - 9.2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as chair of the authority or as chair of a committee, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the fire authority or your council) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of**) and the fire authority under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
Land and Property	<p>Any beneficial interest in land which is within the West Midlands area.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the West Midlands area for a month or longer
Corporate tenancies	<p>Any tenancy where (to the member's knowledge)—</p> <ul style="list-style-type: none"> • the landlord is the fire authority; and • the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil

	partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest in securities** of a body where— that body (to the member's knowledge) has a place of business or land in the West Midlands area; and either—</p> <ul style="list-style-type: none"> • the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or • 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 member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

** '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 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by the fire authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Of which you are a member or in a position of general control or management.