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**The Code of Conduct  
for Members and Co-Opted Members**

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**together with**

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**The Rules for  
Registration of Interests  
and  
Conflicts of Interest**

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*Approved by West Midlands Fire and Rescue Authority on  
25 June 2012*

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# The Code of Conduct for Members of West Midlands Fire and Rescue Authority

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*Prepared pursuant to Chapter 7 of the Localism Act 2011*

## **I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
  - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
  - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.
2. The standards of conduct of Members and co-opted Members of the Authority by reference to the Code as a whole must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## **II. Scope of the Code**

3. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division/constituent district business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
4. The obligations set out in this Code are complementary to those which apply to all Members by virtue of law, the procedural and other rules of the Authority and the rulings of the Chair.
5. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of any related Codes and Protocols of the Authority.

## **III. Public Duties of Members**

6. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act 2011, and to act on all occasions in accordance with the public trust placed in them.

7. Members have an overriding duty to act in the interests of the area covered by West Midlands Fire and Rescue Authority as a whole, but also have a special duty to represent the views of the residents and communities of their ward and constituent districts.

#### **IV. General Principles of Conduct**

8. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Member, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

##### *“Selflessness*

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

##### *Accountability*

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### *Openness*

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

##### *Honesty*

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

##### *Leadership*

Holders of public office should promote and support these principles by leadership and example.”

## **V. Expectations of Conduct**

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
10. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
11. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

## **VI. Registration and Declaration of Interests**

12. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

## **VII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer**

13. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
14. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
15. No Member shall lobby a member of the Authority's Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

# Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members of West Midlands Fire and Rescue Authority

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## **I. Registration of Interests**

1. **Do** fulfil the requirements of the law and the Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, , where it is required or appropriate to do so, in any proceeding of the Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.

### Disclosable Pecuniary Interests

A pecuniary interest is a disclosable pecuniary interest in relation to a Member or of a co-opted Member if it is of a description specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and either:

- (a) it is an interest of the Member, or co-opted Member; or
- (b) it is an interest of -
  - (i) the Member's or co-opted Member's spouse or civil partner;
  - (ii) a person with whom the Member or co-opted Member is living as husband and wife; or
  - (iii) a person with whom the Member or co-opted Member is living as if they were civil partners;and the Member or co-opted Member is aware that that other person has the interest.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify that the following are pecuniary interests.

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<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.

<i>Subject</i>	<i>Prescribed description</i>
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member or co-opted Member in carrying out duties as a member, or towards the election expenses of Member or co-opted Member .</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	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to a Member's or co-opted Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to a Member's or co-opted Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

## II. Disclosure and Duties in Respect of Interests Held by Members

### 1. Declaration of interests not included in the Register

1.1 **Do** ensure, if you have an interest that is not entered in the authority's register, that

(i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's Monitoring Officer has agreed that it is a sensitive interest); and

(ii) you notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)

1.2 **Do** then act accordingly.

### 2. Disclosable Pecuniary Interests

2.1 **Do** ensure, where you

(i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and

(ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting

2.2 **Do** ensure, where you

(i) are to discharge a function of the authority acting alone, and

(ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- 2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1
- 2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act 2011 is a criminal offence.

### 3 General

- 3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you
- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
  - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
- 3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest. To assist you in doing this you may choose to register personal and other pecuniary interests which are not covered under Disclosable Pecuniary Interests.