

West Midlands Fire and Rescue Authority

Appointments, Standards and Appeals Committee

You are summoned to attend the meeting of Appointments, Standards and Appeals Committee to be held on Monday, 14 October 2024 at 14:00

**At Fire Service Headquarters, 99 Vauxhall Road, Nechells, Birmingham B7 4HW
and digitally via Microsoft Teams**

for the purpose of transacting the following business:

Agenda – Public Session

Item No.

- | | | |
|----------|--|----------------|
| 1 | To receive apologies for absence (if any) | |
| 2 | Declarations of interests | |
| 3 | Minutes of the Previous ASA committee held on the 29 April 2024 | 3 - 4 |
| 4 | Member Development | 5 - 18 |
| 5 | Annual Review of Member Code of Conduct | 19 - 38 |
| 6 | Gold Book Pay Review Terms of Reference | 39 - 44 |
| 7 | Training session regarding CEO/CFO recruitment process
[To note that a training session regarding the CEO/CFO recruitment process will occur following the meeting]. | |

Distribution:

Adam Aston - Member, Greg Brackenridge - Member, Simran Cheema - Member, Peter Hogarth - Member, Rizwan Jalil - Chair of Appointments, Standards and Appeals Committee, Basharat Mahmood - Member, Catherine Miks - Member

This meeting of the West Midlands Fire and Rescue Authority will be held at Fire Service Headquarters.

The meeting will also be held digitally via Microsoft Teams allowing observers to access remotely. To access the meeting, please contact a member of the Portfolio, West Midlands Fire Service, who will be able to provide login details (please note that Microsoft Teams is not required to join a meeting) or provide guidance if you wish to attend in person at HQ.

Clerk Name:	Karen Gowreesunker
Clerk Telephone:	0121 380 6678
Clerk Email:	Karen.Gowreesunker@wmfs.net

Agenda prepared by Chandni Patel
Portfolio, West Midlands Fire Service
Tel: 0121 380 6906 email: Chandni.Patel@wmfs.net
This agenda and supporting documents are also available
electronically on the
[West Midlands Fire Service Committee Management Information](#)
[System](#)

Item 3

**Minutes of the Appointments, Standards and Appeals
Committee**

29 April 2024 at 14:00 hours
held at Fire Service Headquarters

Present: Councillor(s) Jalil (Chair), Brackenridge (Vice-Chair), Cllr Hogarth, Cllr Kettle, Cllr Cheema, Cllr Miks

Officers: Karen Gowreesunker, Satinder Sahota, Ray Tomkinson (Independent Member) Alex Oram (CH&I Associates) Chandni Patel

07/23 **To receive apologies for absence (if any)**
No apologies received.

08/23 **Minutes of the Previous Appointments, Standards and Appeals
Committee held on 11 March 2024**

Resolved

1. That the minutes from the previous meeting held on the 11 March 2024 were agreed as an accurate record.

Private Agenda

09/23 **Elected Member Breach of WMFRA Code of Conduct**

It was recommended that the meeting be moved to private sessions. This was agreed by all members.

It was recommended by Councillor Jalil to allow a 5-minute window for the elected member to join the meeting. This was seconded by Cllr Miks.

The meeting recommenced at 14.09

The Monitoring Officer, Independent member and representative from CH&I Associates highlighted key findings of the report and areas where the code of conduct were breached.

It was then recommended that the committee adjourn which was seconded by Cllr Miks

Karen Gowreesunker advised 30 minutes to ensure there was sufficient time for this to be discussed.

The meeting was adjourned at 14.41

The meeting recommenced at 15.14

It was agreed by all members that there was a clear breach of the code of conduct and the relevant recommendations and sanctions were presented.

It was agreed that a decision notice would be published setting out the applicable sanctions.

Councillor Jalil thanked CH&I Associates and Independent for their consideration. He also thanked all members.

The meeting closed at 15.55

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 4

APPOINTMENTS, STANDARDS AND APPEALS COMMITTEE

14 OCTOBER 2024

MEMBER DEVELOPMENT – DRAFT PLAN

Report of the Acting Clerk to the Authority

1. ISSUE

- 1.1. It is necessary to fully refresh the Member Development Plan, which has not been substantially updated since 2013. The plan outlines the compulsory and optional training and development that will be provided to members, and how skills and development will be monitored.

2. RECOMMENDATIONS

- 2.1. THAT Committee approve the draft Member Development Plan 2024-2027 (**Appendix 1**), to be implemented starting October 2024.
- 2.2. THAT Committee members provide any relevant thoughts or suggestions to build on the plan.

3. TIMELINE

- 3.1. The last substantive update to the Authority Member Development Plan occurred in 2013, and expectations and relevant guidance has changed significantly in the intervening period.
- 3.2. The new plan, including specified training sessions, will be implemented as soon as practicable following the agreement of the Appointments, Standards and Appeals committee.

- 3.3. It is proposed that the new plan be for a specific period of three years, to be fully reviewed in 2027, but kept under annual view during this period.

4. BACKGROUND

- 4.1. As a joint authority, all Fire Authority members will already be subject to their “home” authority’s member development process. As a result, the WMFRA Member Development Plan is designed to supplement this and offer additional insight and expertise relating to Fire Authority specific skills and understanding.
- 4.2. Article 2, Section 2.2.1 paragraph h) states that members are required “to ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Strategy.”
- 4.3. The new Member Development Plan sets out an annual programme of compulsory and voluntary training opportunities for all members and for specific committee members, as well as additional resources members can access and utilise in their own time.
- 4.4. It additionally sets out how member skills and development will be monitored, and how Authority leaders will support members with their development.

5. EQUALITY IMPACT ASSESSMENT

- 5.1. No Initial Equality Impact Assessment is required in relation to this report.

- 5.2. In-house Equity, Diversity and Inclusion training will form part of the Member Development Plan, to be delivered annually to all members.

6. LEGAL IMPLICATIONS

- 6.1. While specific training is not legally mandated, Authority members are required to maintain certain understanding and capabilities, including maintenance of conduct and standards, audit, scrutiny and oversight.
- 6.2. As covered within the Background section of this report, members also have a Constitutional requirement to engage with Member Development.

7. FINANCIAL IMPLICATIONS

- 7.1. It is expected that the provision of additional external training will include costs of approximately £5,000 to £10,000 per annum, depending on the number of new members and member take up. Training and development is already planned for within the existing Democratic Services budget.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1. There are no environmental implications from this report.

9. BACKGROUND PAPERS

- [Archived Member Development Strategy – 2013](#)
- [LGA Guidance – Planning your councillor development programme](#)
- [WMFRA Constitution – June 2024](#)

The contact for this report is Tom Embury, tom.embury@wmfs.net

Tom Embury
Acting Clerk to the Authority



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

MEMBER DEVELOPMENT PLAN

2024-2027

Purpose

Effective leadership and clearly defined roles and responsibilities are crucial for organisations to work well. Members who are appropriately skilled and developed are better equipped to carry out their role, which in turn leads to role satisfaction and improved organisational performance.

We recognise that all members will receive development and training support in their “home” authorities and this plan aims to supplement these with service and sector specific training and development opportunities.

The aim of this strategy is to ensure that all Members of West Midlands Fire and Rescue Authority (WMFRA) are provided with appropriate support and development opportunities to enable them to carry out their roles effectively.

Responsibilities

The Chair and Opposition Group Leaders have responsibility for supporting their respective members to assess their training and development needs, and regularly oversee that members undertake necessary development and are able to perform their roles on the Authority adequately.

All members are required by the Constitution to ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Plan.

The Clerk, supported by other officers, is responsible for developing and ensuring the delivery of an effective programme of training and development opportunities for all members, and supporting the Chair and Opposition Group leaders to undertake their roles in supporting member’s personal development.

Member Induction

Each year, following the Authority AGM held in June, the Authority will hold and induction session open to all members. It will be compulsory for all new members or those returning after a period away from the Authority. All other members are encouraged to attend this session for their own development.

The Member induction will be delivered by the Head of Paid Service (CEO/CFO), Section 151 Officer (Treasurer), Monitoring Officer and Clerk, and will cover the following topics:

- Service structure, strategy, vision and purpose
- Key service developments
- Financial environment
- Interests and Gifts and Hospitality
- Code of Conduct
- Governance processes and Constitution

This will also serve as an opportunity for members to ask questions about any aspect of their role and the function of the authority and fire service. Following the annual induction session, all members will be provided with

Mandatory Training

The following training sessions will be mandatory for relevant members, but also open to all members if they wish to attend.

Members	Training Type	Frequency
All Authority (inc. Co-opted members)	Standards and Code of Conduct	Annual
	Effective Scrutiny and Oversight	
	Equity, Diversity and Inclusion	
All Authority Chairs and Vice Chairs	Effective Chairing	Annual
New Members	Member Induction	Annual – with bespoke provision for those joining mid-year
Appointments, Standards and Appeals Committee	Interviewing and recruitment	Per recruitment process
	Pensions Law	Annual
Audit and Risk Committee members	Fraud	Annual
	Treasury Management	Annual

Station Visits

To aid member's development and as a core part of their role as local representatives, all elected Authority Members are expected to visit fire stations within their local area at least twice per year.

Every effort should be made to visit every station in their area over a reasonable timescale – members should not only visit stations closest to their own wards. It is recognised that some members cover a much wider number of stations than others, and it is expected that visits will be shared between all representatives for each local authority area.

Members may arrange these directly with their local station via their Ops Commander, or with the Democratic Services team.

A station visit will typically include an opportunity to meet with the on-duty crew, tour the station facilities, and discuss relevant local issues. Most visits will take at least two hours. Members can be accompanied by a senior officer or arrange their visit for an existing senior officer engagement session if they wish.

Members are encouraged to invite other councillors from their local authority to join them on station visits.

It is asked that members do not make unannounced visits to stations, and instead make arrangements with the Democratic Services team or their local Ops Commander.

When visiting stations members should be mindful of the [Member Code of Conduct](#) and [Protocol for Member and Employee Relations](#).

Annual Skills Audit

At the beginning of each year, Members will be asked to complete a skills audit (see [Appendix 1](#)), where they provide details of existing skills and experience, and identify additional training needs against a range of key skills.

This will form the basis of each member's one-to-one meeting with their Group Leader as part of their Personal Development.

Personal Development

Stage 1

In July of each year, members will be expected to attend a one-to-one meeting with their Group Leader to discuss their personal development objectives and identify any development requirements for the forthcoming municipal year.

As part of the Personal Development process, members will also be asked to look at their own individual learning styles to ensure that training and development activities can be delivered in a way that complements their identified learning style.

Personal Development meetings will be confidential. The Clerk will receive feedback on the training and development needs identified to enable a suitable programme of additional training and events to be developed that will meet members' needs beyond those compulsory sessions.

Stage 2

In January/February of each year, Members will be asked to look back on their performance and development over the year (i.e. since their Stage 1 PDR meeting and reviewing their Skills Audit) and review the progress they have made. This will be a paper exercise/self-assessment only; but members should discuss their progress with their Group Leader (which can be by way of a further one to one meeting if the member prefers). Group Leaders will need to alert the Clerk to any additional training and development needs that have been identified.

Additional Resources

Members are encouraged to make use of the wide range of resources available to support members online.

LGA E-learning

The LGA offers a range of online modules on [their e-learning platform](#), accessible to all councillors through free registration. These include:

- Audit Committees
- Councillor Code of Conduct
- Equality, Diversity and Inclusion
- Facilitation and conflict resolution
- Influencing skills
- Local government finance
- Scrutiny for councillors
- Stress management and personal resilience

LGA Workbooks

The LGA also provide [downloadable workbooks](#) which members can complete when convenient. Many are linked to the e-learning modules. These include:

- Chairing skills
- Effective opposition in local government
- Equality, Diversity and Inclusion
- Scrutiny of Finance
- Influencing Skills
- Local government finance

Centre for Governance and Scrutiny

The CfGS produce an authoritative publication on [effective audit and scrutiny of risk](#), as well as other research and resources.

Appendix 1 – West Midlands Fire and Rescue Authority Member Skills Grid

Member Name:

Authority Skills

Please include details of training or qualifications undertaken or relevant experience against each of the relevant areas. This can be from your time on the Fire Authority, from your Local Authority, or from other roles. Also provide details of any perceived training and development needs in those areas.

Area	Existing Training/Experience	Relevant Dates	Training and Development Needs
Fire Service Legislation, Structure and Strategy			
Scrutiny and Oversight			
Finance, Audit, Fraud etc. (including Firefighter and Local Government Pensions)			
Chairing Meetings			

Risk			
Equality, Diversity and Inclusion			
Code of Conduct, Standards and Ethics			
Communications, Press engagement etc.			
Appointments and interviewing			

Other Training and Skills

Please list any other relevant skills assessments, qualifications or training undertaken in the table below.

Qualification/Training/Experience	Relevant Dates

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 5

APPOINTMENTS, STANDARDS AND APPEALS COMMITTEE

14 OCTOBER

ANNUAL REVIEW OF MEMBER CODE OF CONDUCT

Report of the Monitoring Officer

1. ISSUE

- 1.1. As part of good practice, the standards committee should review the code of conduct on an annual basis. This report allows members to consider potential change.

2. RECOMMENDATIONS

- 2.1. THAT members approve the existing Code of Conduct.(Appendix 1) with no additional changes.
- 2.2. THAT members consider any additional training or explanation which may support the successful implementation of the code.

3. TIMELINE

- 3.1. Authorities are recommended to review their code of conduct on an annual basis. The WMFRA Code was last reviewed and updated between October – December 2023 and is therefore due for review.

4. BACKGROUND

- 4.1. The ASA Committee considered and approved a significant update to the Member Code of Conduct in October 2023. This update took account of the latest LGA Model Code of Conduct and best practices from constituent local authorities. The update closely mirrored the LGA Model Code with specific changes for a Fire Authority context.

- 4.2. The LGA Code of Conduct has not changed since 2023, and it is felt that the existing WMFRA Code of Conduct remains up to date. Members will be aware that the Code was utilised in relation to a Standards issue in April 2024 and was found to be effective.

5. EQUALITY IMPACT ASSESSMENT

- 5.1. An Equality Impact Assessment was not necessary in producing this report.

6. LEGAL IMPLICATIONS

- 6.1. The Fire Authority is required by Chapter 7 of the Localism Act 2007 to promote high standards of Conduct by members and Co-Opted members. This includes a requirement to adopt the Code of Conduct.

7. FINANCIAL IMPLICATIONS

- 7.1. There are no direct Financial Implications as a result of this report.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1. There are no direct environmental implications as a result of this report.

9. BACKGROUND PAPERS & APPENDICES

- Appendix 1 WMFRA Code of Conduct December 2023

The contact for this report is Satinder Sahota who can be contacted at satinder.sahota@wmfs.net

Satinder Sahota
Monitoring Officer



WMFS
West Midlands
Fire Service

Item 5

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

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

December 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 1**)

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. More information on conduct with Officers can be found in the Protocol for Member and Employee Relations published on the Fire Authority website.

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 2**, 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. More detail can be found in the Protocol on Gifts and Hospitality published on the Authority's website. If you are unsure, contact your Monitoring Officer for guidance.

Appendix 1

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 2

Declaration of Interests

1. 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)**.
 - a. **"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.
 - b. **"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.
2. 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.
3. 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.
4. 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

5. 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.
6. 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

7. 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

8. 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.

9. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. 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.

10. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the area affected by the decision and;
 - b. 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.

11. 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> <p>the landlord is the fire authority; and</p> <p>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.</p>

OFFICIAL

Securities	<p>Any beneficial interest in securities** of a body where—</p> <p>that body (to the member's knowledge) has a place of business or land in the West Midlands area; and either—</p> <p>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>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.</p>
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* '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:

- any unpaid directorships
- 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
- any body
- exercising functions of a public nature
- directed to charitable purposes or
- 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

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 6

APPOINTMENTS, STANDARDS AND APPEALS COMMITTEE

14 OCTOBER 2024

GOLD BOOK TERMS OF REFERENCE REVIEW

Report of the Acting Clerk to the Authority

1. ISSUE

- 1.1. It is necessary to undertake a review of Brigade Manager pay within the service, in accordance with good practice and Scheme of Conditions of Service of the National Joint Council for Brigade Managers of Fire and Rescue Services (the Gold Book).

2. RECOMMENDATIONS

- 2.1. THAT Committee approve the Terms of Reference (**Appendix 1**) for a Review of Gold Book terms and conditions for Brigade Manager, to be undertaken by the Head of People and Clerk to the Authority.
- 2.2. THAT Committee members provide any relevant thoughts or suggestions to guide the review.

3. TIMELINE

- 3.1. Gold Book pay and conditions have not been revised from the Authority side in a number of years. It is therefore a reasonably urgent requirement that we undertake such a review to ensure pay and conditions are appropriate.
- 3.2. Subject to Appointments Committee approval, the review and benchmarking exercise will be undertaken in October and November 2024. It will be for Fire Authority to accept, reject or

modify the findings and recommendations of the review in December 2024.

4. **BACKGROUND**

- 4.1. The salary structure for Brigade Managers is a matter for determination by the Authority in accordance with the National Conditions of Service (the Gold Book). Good practice and the Gold Book state that the Authority should conduct a regular review of the remuneration of Principal Officers. Any locally determined changes in Principal Officer remuneration are subject to full Authority approval.
- 4.2. Nationally, the employers' side of the National Joint Council for Brigade Managers considers annual cost of living increase claims for all those covered by the national agreement and determines any pay settlement. Such increases are applied automatically. The latest pay settlement for 2024 was 3.0%, applied from 1 January 2024.
- 4.3. All other decisions about pay levels and remuneration should be taken locally by full Authority, based on a range of information regarding local pay and conditions, and service specific considerations.
- 4.4. The Gold Book indicates that "when determining the appropriate level of salaries for all Brigade Managers, the fire and rescue authority should refer to the relevant minimum salary of the Chief Fire Officer and the most relevant benchmark data." Generally, pay is determined for the Chief Fire Officer/Chief Executive Officer, and other Brigade Managers set as a proportion of that level.
- 4.5. The relevant minimum salary of the Chief Officer is set each year by the NJC for Brigade Managers and differs depending on Fire Service size. West Midlands Fire Service falls into Population Band 4, which has a minimum rate of pay of £144,337 as agreed within the 2024 Gold Book Pay Award.

- 4.6. Any approach to Gold Book pay must be in line with the Service's Pay Policy statement, the latest version of which was published in April 2024. This, alongside Gold Book recommendations, will be the basis of the review of Gold Book pay and conditions.
- 4.7. A draft term of reference for a pay review and benchmarking exercise is included in **Appendix 1**.

5. EQUALITY IMPACT ASSESSMENT

- 5.1. No Initial Equality Impact Assessment has been undertaken in framing the terms of reference but will be undertaken as part of the pay review itself, subject to approval.

6. LEGAL IMPLICATIONS

- 6.1. The Fire Authority is required by the Localism Act 2011 to publish an annual Pay Policy Statement. The latest statement was approved and published in April 2024.

7. FINANCIAL IMPLICATIONS

- 7.1. Any financial implications from the review and benchmarking, including and potential recommendations to increase or reduce pay, will be considered as part of the report to Fire Authority in December 2024.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1. There are no environmental implications

9. BACKGROUND PAPERS

- [National Joint Council for Brigade Managers of Fire and Rescue Services, Constitution and scheme of conditions of service](#). [LGA Log in required]
- [WMFRA 2024/25 Pay Policy Statement](#)

The contact for this report is Tom Embury, tom.embury@wmfs.net

Tom Embury
Acting Clerk to the Authority

Appendix 1**Gold Book Pay Review - Terms of Reference****Benchmarking**

The review will primarily focus on Chief Fire Officer/Chief Executive Officer, with other principal officer pay considered as a proportion of CFO/CEO pay. In line with Gold Book recommendations, the benchmarking exercise for the CFO/CEO Salary will consider:

- a. minimum salary levels for Chief Fire Officers and Chief Executive Officers in similarly sized fire authorities.
- b. the relationship of current salary to the appropriate illustrative national benchmark;
- c. The top management structure and size of management team compared to those of other fire and rescue authorities of similar type and size;
- d. market rates of pay for senior managers in a range of private and public sector organisations.
- e. comparative information to be supplied by the Joint Secretaries on salaries in other similar authorities;

Other Considerations

The review will also consider the following factors in comparing the role of CFO to other similar roles:

- a. any special market considerations.
- b. any substantial local factors not common to fire and rescue authorities of similar type and size e.g. London weighting; complex local, regional or national responsibilities which bring added value;

Deputy and Assistant Chief Officer roles – proportion of Chief Officer pay

Deputy Chief Fire Officer pay is currently set at 80% of the CFO pay with ACFO salary set at 75% of CFO pay.

The review will consider whether these proportions remain appropriate and in line with equivalent local services as part of the benchmarking exercise.

Pay Points

WMFS does not currently use a pay point approach for Principal Officers, but this is common in other FRS. The review will consider whether such an approach, which would see pay increase between pay points over a three-year period, should be utilised within WMFS.

Non-Operational CEO/DCEO/ACEO Roles

Currently pay for principal officers is not differentiated if they are operational or non-operational. The exception is the current interim CEO, where the salary has been set at £180,000, in recognition that the role carries less operational responsibility than a uniformed Chief Fire Officer. However, this is only an interim arrangement.

In line with the Gold Book, it is proposed that incident command responsibility and the requirement to provide operational cover within the employing authority and beyond be considered as part of the benchmarking exercise, and a consideration of whether a differentiation between operational and non-operational principal officer roles is required.

Consultation

In undertaking this review, the Head of People and Clerk to the Authority will consult with affected parties relating to the above considerations and benchmarking. This will include all senior officers subject to Gold Book conditions.

Bonuses and Performance Related pay

WMFS does not currently use performance related pay or award bonuses to Principal Officers – the review will not consider a change to this approach.