

## **REVIEW OF MEMBER CODE OF CONDUCT AND MEMBER TRAINING/DEVELOPMENT OPPORTUNITIES**

### SUMMARY

1. The 2013/14 workstreams of the Governance, Audit and Scrutiny Committee included a discussion/review around the Member Code of Conduct and training/development opportunities for Elected Members.
2. With regard to the current Code of Conduct and Procedure supporting this report outlines a proposed technical amendment to the Code but does not raise any issues regarding the current procedure.
3. With regard to training/development opportunities for Elected Members the report sets out some background, considerations and broad options for the Committee to consider and decide whether to make any recommendation to the full Fire Authority.
4. This report was considered by the Governance, Audit and Scrutiny Committee at its meeting on 3 March 2014 when it was recommended that the Fire Authority be informed of the following recommendations/views:
  - (i) That the proposed revised Code of Conduct be approved;
  - (ii) that with regard to the procedure for the investigation and determination of allegations under the Code of Conduct set out in Appendix 2 the Governance, Audit and Scrutiny Committee considers that it is not good practice for the Quorum for meetings of the Panel to be 2 Members and that this should be changed to 3 Members of the Panel (paragraphs 3.7 and 9.12 refer);
  - (iii) that with regard to the procedure for raising concerns about the conduct of Members of the Fire Authority set out in Appendix 2 the Governance, Audit and Scrutiny considers it is not good practice to include the name of individual officers in policy documents as they might change over time and therefore the document should only refer to the Officer's job title;
  - (iv) that with regard to paragraph 13 of the report submitted to the Governance, Audit and Scrutiny Committee, the Independent Co-opted Members do not feel that they need to be approached through the Group Secretaries in considering their views on the report, and
  - (v) the Members of the Governance, Audit and Scrutiny Committee welcomes the intention to include them in the proposed Member Training Needs Analysis.

It is the view of the Acting Secretary/Monitoring Officer that the Fire Authority should accept the recommendations set out in paragraphs 4 (i) and (ii) above.

## RECOMMENDATIONS

5. (a) That the revised Code of Conduct set out in Appendix 3 be adopted,  
  
(b) that the procedure in Appendix 2 to the report be amended in line with the recommendations of the Governance, Audit and Scrutiny Committee (paragraph 4 (ii) and (iii) above refer), and  
  
(c) that Members endorse the intention to circulate the Member Training Needs Analysis form to all Elected Members, and also the Independent Co-opted Members of the Governance, Audit and Scrutiny Committee, for completion at or before the AGM in May 2014.

## REVIEW OF MEMBER CODE OF CONDUCT

6. The Fire Authority at its meeting on 24 July 2012 (Minute 3895) adopted the Authority's current Code of Conduct and Procedure in support (copy attached at Appendices 1 and 2) and agreed that the Code and Procedure be reviewed annually. No review was undertaken in 2013 given the short period of time that had elapsed since the documents were adopted, and in that short time there had been no legislative changes necessitating any changes.
7. It remains the case that there have been no changes in legislation since the Code and Procedure were adopted. The Department for Communities and Local Government did issue some guidance to local authorities in 2013 aimed at clarifying certain aspects regarding the content of Codes of Conduct and drawing attention to an alternative style that had been published by another body. However that information does not raise any matters which would suggest that the Authority should consider amending its current Code.
8. It is however suggested that the Code should be amended by the deletion of paragraph 2.4 which states:  
  
"2.4 In addition to having effect in relation to conduct in your official capacity, this Code also applies at any other time, where your conduct constitutes a criminal offence for which you have been convicted (including an offence you committed before the date you took office, but for which you are convicted after that date)."

A revised Code incorporating this amendment is attached at Appendix 3.

## MEMBER TRAINING AND DEVELOPMENT

9. Currently Elected Members receive ad hoc opportunities around training and development, which tend to be delivered locally (by one of the constituent Unitary Authorities) or within the region (through Local Government Yorkshire and Humber). Within the Service bespoke training has been provided, particularly around standards/conduct.
10. In terms of Fire bespoke issues, then national events are normally attended by the Chairperson and the Vice Chairperson, although depending upon the nature of a conference, then invitations have occasionally been made through the Group Secretaries. Feedback from such conferences, which are normally run by the Local Government Association or Chief Fire Officers' Association, is given at full Fire Authority meetings.
11. Some Members will recall in the past use has been made of a Member needs analysis in the form of a questionnaire. This was not particularly successful and was discussed during the third review of corporate governance.

12. That third review of corporate governance changed the governance structure of the Authority, creating a more Board-like, single decision making body, with an increased use of Member Days to complement that new structure. While the Member Days thus far have focussed primarily on the operational efficiency programme, the Days are also important to provide early briefings upon national, regional and local developments and issues.
13. One of the issues facing the Authority is the frequent changeover of Elected Members. Again, some Members will recall that part of the Member protocol which was proposed to the constituent Unitary Authorities was around induction and training/development of Members. Unfortunately that protocol was not supported by all the Unitary Authorities and while the principles remain relevant and of importance, there is little prospect that such a protocol would be supported by all interested parties. New Members however at the AGM do receive an induction and particular training/development is identified through feedback. And all Member Days have a feedback form to highlight areas for future focus.
14. In terms of options going forward, the induction of new Members is important and this will continue at the AGM, with individual needs identified and supported. Members in terms of broader knowledge of standards and local government receive support and opportunities at their home authorities. Clearly it is important to avoid duplication.
15. It is intended to try and introduce again the Member training needs analysis. An example is attached at Appendix 4. Ideally this would be circulated and completed before or at the AGM. This would also apply to Governance, Audit and Scrutiny Committee Members.
16. At the next cycle of meetings, there will be a report on the governance arrangements and the role of the Governance, Audit and Scrutiny Committee going forward which will give an opportunity to also discuss further Member training and development.
17. In considering this paper, the Governance, Audit and Scrutiny Committee will undoubtedly wish to take the views of the Fire Authority, perhaps through the Group Secretaries and Chairperson in the first instance. Appendix 4 is an example of a type of self-analysis. Members are reminded that when the Committee discussed Member training/development in March 2013 the following views were expressed:

*“A Member stated that it was useful if skill sets are declared by Members so that if necessary they can be drawn upon in the workstreams of the Authority. A Member stated that she was in favour of the use of the questionnaire as the role of Elected Members at the Fire Authority is different to that at their home authority. A Member suggested that identifying Members training needs would help identify matters to feed into the Member Days. A Member expressed wholehearted support for the use of the questionnaire and stated that he would like to see it circulated to Unitary Authorities for consideration before they select appointments to the Fire Authority as it might identify the skill sets required. A Member suggested that it would be very useful if Sector could be asked to give some further training on financial matters to Members as they were very good on the previous occasion.”*

The Committee agreed at that meeting that it totally endorses the contents of the report submitted to that meeting and would welcome the opportunity to take the views of the Fire Authority, perhaps through the Group Secretaries and Chairperson in the first instance (Minute 4043 refers).

#### STRATEGIC PLAN COMPATIBILITY

18. Good corporate governance underpins the Strategic Plan. Members who are well trained and developed will be able to provide greater leadership.

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

19. None arising directly.

LEGAL IMPLICATIONS

20. None arising directly.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

21. None arising directly.

CORPORATE RISK MANAGEMENT IMPLICATIONS

22. Corporate Risks will be better monitored and challenged by a well-trained and developed Fire Authority.

HEALTH AND SAFETY IMPLICATIONS

23. None arising directly.

COMMUNICATION ACTIONS ARISING

24. None arising directly.

DETAILS OF CONSULTATION

25. None.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

26. None.

RECOMMENDATIONS RESTATED

27. (a) That the revised Code of Conduct set out in Appendix 3 be adopted,  
(b) that the procedure in Appendix 2 to the report be amended in line with the recommendations of the Governance, Audit and Scrutiny Committee (paragraph 4 (ii) and (iii) above refer), and  
(c) that Members endorse the intention to circulate the Member Training Needs Analysis form to all Elected Members, and also the Independent Co-opted Members of the Governance, Audit and Scrutiny Committee, for completion at or before the AGM in May 2014.

**R HANNIGAN**

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Chief Fire Officer & Chief Executive

Humberside Fire & Rescue Service  
Summergroves Way  
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RH/JS  
3 March 2014

**Humberside Fire Authority**

**MEMBER CODE OF CONDUCT**

**PART I - GENERAL PROVISIONS**

**1. Introduction and Interpretation**

- 1.1 This Code applies to you as a Member of the Fire Authority when you act in your role as a Member. It is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both a positive and negative impact on the Authority.
- 1.3 The public expect Members to act in an open and transparent manner, which reinforces public confidence in the Authority.

**2. Who does this Code apply to and when does it apply?**

- 2.1 This Code applies to all Members of the Authority and to all Co-opted Independent Members.
- 2.2 This Code applies whenever you:
  - 2.2.1 conduct the business of the Authority; or
  - 2.2.2 act, claim to act or give the impression you are acting as a representative of the Authority, and references to your official capacity are construed accordingly.
- 2.3 Subject to paragraphs 2.4 and 2.5, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.4 In addition to having effect in relation to conduct in your official capacity, this Code also applies at any other time, where your conduct constitutes a criminal offence for which you have been convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of the Authority:
  - 2.5.1 on another relevant authority, you must when acting for that other authority, comply with that other authority's code of conduct; or
  - 2.5.2 on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **3. What specific standards of conduct are Members expected to observe?**

- 3.1 You must treat others with respect and courtesy.
- 3.2 You must not bully or intimidate any person.
- 3.3 You must not do anything which may cause the Authority to breach any equality laws.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority, into disrepute.
- 3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 3.6 You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.
- 3.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- 3.8 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:
  - 3.8.1 You have the consent of the person authorised to give it;
  - 3.8.2 You are required to do so by law;
  - 3.8.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
  - 3.8.4 The disclosure is reasonable in the public interest, made in good faith, and you have consulted the Monitoring Officer.

### **4. General principles of Conduct Members are expected to observe**

- 4.1 In carrying out your duties as a Member of the Authority, you are expected to observe the following general principles of conduct (Nolan principles):

#### **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.

## **PART II – MEMBER INTERESTS**

### **5. Personal interests**

5.1 You have a personal interest in any business of the Authority where either it relates to or is likely to affect:

5.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;

5.1.2 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;

5.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### **6. Disclosure of personal interests**

6.1 Where you have a personal interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

6.2 Paragraph 6.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

6.3 Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 5.1.3, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

6.4 Where you have a personal interest but, by virtue of paragraph 10.1, sensitive information relating to it is not registered in the Authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the nature of the interest to the meeting.

## **7. Disclosable Pecuniary interests**

- 7.1 You have a disclosable pecuniary interest in any business of the Authority where you or:
- 7.1.1 Your spouse or civil partner;
  - 7.1.2 A person with whom you are living as husband and wife, or
  - 7.1.3 A person with whom you are living as if he or she were civil partners has an interest of which you are aware or ought reasonably to be aware, and the interest falls within a category of interest identified as a Disclosable Pecuniary Interest specified in regulations made by the Secretary of State from time to time pursuant to Section 30 of the Localism Act 2011. An extract of the current Regulations are appended to this Code at Appendix 1 which sets out where pecuniary interests may exist.

## **8. Effect of disclosable pecuniary interests on participation**

- 8.1 Subject to paragraph 8.2, where you have a disclosable pecuniary interest in any business of the Authority:
- 8.1.1 you must withdraw from the room or chamber where a meeting considering the business is being held immediately the agenda item is reached:  
  
unless you have obtained a dispensation from the Authority's Monitoring Officer;
  - 8.1.2 you must not seek improperly to influence a decision about that business.
- 8.2 Where you have a disclosable pecuniary interest in any business of the Authority, you may attend a meeting of the Authority or a committee but only for the purpose of answering questions or giving evidence relating to the business, provided that you leave the room before the point at which any discussion or vote in relation to the business takes place.

## **PART III – REGISTRATION OF MEMBERS' INTERESTS**

### **9. Registration of Members' Interests**

- 9.1 Subject to paragraph 10, you must, within 28 days of:
- 9.1.1 this Code being adopted by the Authority; or
  - 9.1.2 nomination as a Member of the Authority (where that is later),
- register in the Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal and disclosable pecuniary interests where they fall within a category mentioned in Part II, by providing written notification to the Authority's Monitoring Officer.
- 9.2 Subject to paragraph 10, you must, within 28 days of becoming aware of any new personal interest or change to any personal or disclosable pecuniary interest registered under paragraph 9.1, register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.



## **10. Sensitive interests**

- 10.1 Where you consider that the information relating to any of your personal interests is sensitive information, and the Authority's Monitoring Officer agrees, you need not include that information in the Authority's register that is made available for inspection.
- 10.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 10.1 is no longer sensitive, notify the Authority's Monitoring Officer asking that the interest be included in the Authority's Register of Members' Interests.
- 10.3 In this Code, a "sensitive interest" means an interest the disclosure of which you and the Authority's Monitoring Officer consider could lead to you, or a person connected with you, being subject to violence or intimidation".

## **PART IV – SCOPE OF THIS MEMBER CODE OF CONDUCT**

### **11. Scope of the Code**

- 11.1 The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority 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.
- 11.2 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural rules set out in the Authority's Constitution.



<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.
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 M in carrying out duties as a member, or towards the election expenses of M.</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<sup>(1)</sup>.</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	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M'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 M'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>

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<sup>(1)</sup> 1992 c. 52.





# HUMBERSIDE FIRE AUTHORITY MEMBER LOCAL CODE OF CONDUCT

## RAISING CONCERNS ABOUT THE CONDUCT OF MEMBERS OF THE FIRE AUTHORITY

Set out below is the procedure to enable concerns regarding the conduct of Members of the Authority to be raised.

### **What this means to you**

If you want to complain about the conduct of a Member of Humberside Fire Authority, you must submit your complaint to:

Mr R D Graham  
The Monitoring Officer  
Humberside Fire Authority  
Fire and Rescue Service Headquarters  
Summergroves Way  
Kingston upon Hull  
HU4 7BB

or email it to [memberconduct@humbersidefire.gov.uk](mailto:memberconduct@humbersidefire.gov.uk)

A form will be sent to you for completion and return (or it is available on line).

Only complaints about the behaviour of a Member will be considered. Complaints about things that are not covered by the Members' Code of Conduct will not be progressed. If you make a complaint it must be about why you think a Member has not followed our Code of Conduct for Members.

Please visit our website at [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk) for more information.

Robin Graham  
Monitoring Officer – Humberside Fire Authority/  
Secretary and Director of People  
February 2014



## MEMBER CONDUCT

### RAISING CONCERNS (COMPLAINT FORM)

#### Your details

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>*Address:</b>	
<b>*Daytime telephone:</b>	
<b>*Evening telephone:</b>	
<b>*Mobile telephone:</b>	
<b>*Email address:</b>	

\* These details will not usually be released unless it is necessary to do so to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer
- The Members of a Member Conduct Panel plus an Independent Person
- Members of the Fire Authority, and Governance, Audit and Scrutiny Committee, via case summaries

We will tell them your name and give them a summary of your complaint, or we will give them full details of your complaint where it is necessary or appropriate for them to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

**Making your complaint**

2. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should identify the specific provisions of the Code that you think may have been breached.

It is important that you provide **all** the information you wish to have taken into account.

Please provide us with full details of your complaint. Continue on a separate sheet if there is not enough space on this form.



Details of your complaint (continued)

**Notes**

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said, when and where.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide all relevant background information and attach all evidence that you seek to rely upon to substantiate your complaint.

**Only complete this next section if you are requesting that your identity is kept confidential**

4. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:
- You would be at risk of physical harm if your identity was disclosed
  - You work closely with the Member concerned
  - There are medical reasons which would justify why disclosure should not take place

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will initially consider the request alongside the substance of your complaint. We will contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide details of why you believe we should withhold your name and/or the details of your complaint

5. Assistance required

Should you require any assistance to complete this application (for example if you have a particular disability or if English is not your first language) kindly contact the Monitoring Officer on (01482) 567443.

6. Disclosure of Relationship with a Humberside Fire Authority Officer or Member

Should you have any relationship with an Officer or Member which could affect in any way the progression of your complaint, then you are asked to disclose that relationship. It may for example be that you are an associate of a Member of the Governance, Audit and Scrutiny Committee or an Officer who may be involved.

7. Diversity and Community Monitoring

We would encourage you to complete the attached diversity monitoring form. We will only use this information for the sole purpose of evaluating which sections of our communities have raised concerns about the conduct of Members. This information may result in, for example, more focused engagement.

8. Please tell us which group best describes you:

- Member of the public
- An elected Member or co-opted Member of the Humberside Fire Authority
- An elected or co-opted Member of a constituent authority of the Humberside Fire Authority area (i.e. East Riding of Yorkshire Council, North East Lincolnshire Council, Hull City Council, North Lincolnshire Council)
- Member of Parliament
- Monitoring Officer
- Senior Officer of the Humberside Fire Authority
- Other Officer of the Humberside Fire Authority



# Humberside Fire Authority

## MEMBER COMPLAINTS – COMMUNITY DIVERSITY ANALYSIS

Your ethnic origin is recorded as \_\_\_\_\_ (from the list below)

**Asian or Asian British**

Indian AI  
 Pakistani AP  
 Bangladeshi AB  
 Any other Asian background AO

**Mixed**

White & Black Caribbean MWBC  
 White & Black African MWBA  
 White & Asian MWA  
 Any other Mixed background MO

**Black or Black British**

Caribbean BC  
 African BA  
 Any other Black background BO

**White**

British WB  
 Irish WI  
 Any other White background WO

**Chinese or other ethnic group**

Chinese CH Other O

**My age is:**

< 25     25-34     35-44     45-54     55-64     65+

**I am:**

Male     Female     Prefer not to say

**What is your religion or belief?**

<input type="checkbox"/> Christian	<input type="checkbox"/> Hindu
<input type="checkbox"/> Muslim	<input type="checkbox"/> Sikh
<input type="checkbox"/> Buddhist	<input type="checkbox"/> Prefer not to say
<input type="checkbox"/> Jewish	<input type="checkbox"/> Other religion
	(please specify) _____

**I live in one of the following administrative areas:**

East Riding of Yorkshire     North East Lincolnshire     Other \_\_\_\_\_  
 Hull     North Lincolnshire    \_\_\_\_\_

**I am:**

Heterosexual

Lesbian or gay

Transsexual

Bisexual

Prefer not to say

**Do you have a disability?**

Yes

No

Prefer not to say

The information disclosed shall be used for the sole purpose of monitoring which sections of our communities make complaints concerning Member Conduct. The information may be used to focus increased training or perhaps greater engagement, perhaps to ensure that the role of the Humberside Fire Authority is fully understood.

**Name:** \_\_\_\_\_ (if willing to specify)

# **HUMBERSIDE FIRE AUTHORITY**

## **Procedure for the investigation and determination of allegations under the Code of Conduct against Members of the Humberside Fire Authority (including Independent Co-opted Members)**

### **1. Introduction**

- 1.1 The procedure applies to complaints about alleged breaches by Members of the Humberside Fire Authority Code of Conduct.
- 1.2 For the purposes of this procedure, the person who makes the complaint is described as “the Complainant”; and the person about whom the complaint is made is “the Subject Member”.
- 1.3 The Monitoring Officer (“the MO”) may arrange for any MO functions under this procedure to be carried out by any other person.

### **2. Initial handling of complaints**

- 2.1 Any complaint received in any part of the Authority which appears to allege a direct breach by a Member of the Code of Conduct must be referred to the MO.
- 2.2 Following receipt of a written complaint which the MO considers to relate to the conduct of a Member and allege a specific breach of the Code of Conduct, the MO will convene a meeting of the Member Conduct Panel.
- 2.3 The complaint must be in writing and in the form required.
- 2.4 The MO may seek any clarification upon the complaint submitted, including any necessary supporting evidence.
- 2.5 The MO shall be entitled to reject any purported complaint which does not disclose a breach of the Code of Conduct or appears to be of a malicious or vexatious nature. Complaints which are rejected shall be reported to Humberside Fire Authority (which may however elect to establish a Panel and ask that such a complaint be investigated).
- 2.6 The MO will determine whether to advise the Subject Member that a complaint has been received. In some circumstances the MO will not advise the Subject Member of the receipt of the complaint. This will involve an assessment of whether the risk of the case being prejudiced (e.g. the risk of intimidation of a complainant or witnesses or the destruction of any evidence) may outweigh the fairness of notifying the Subject Member (e.g. the ability of the Subject Member to preserve evidence) or whether doing so might prejudice a criminal investigation.

### **3. Member Conduct Panel**

#### **The report to the Panel**

- 3.1 The MO will prepare a summary report for consideration by the Panel to enable the Panel to determine whether:
  - (a) There are any continuing grounds for not providing to the Subject Member a summary of the complaint;

- (b) If the Complainant so requests, the Complainant's identity should be withheld from the Subject Member;
- (c) The complainant should be referred to the MO for investigation;
- (d) No action should be taken in respect of the complaint; and
- (e) Whether any other informal action may be appropriate.

3.2 The summary report of the MO will:

- (a) Set out the complaint;
- (b) Identify any confirmation of the facts of the complaint which has been obtained without formal investigation.

### **Access to the meeting of the Panel**

3.3 Meetings of the Panel are unlikely to be open to the press and public who shall be excluded from the meeting. However, this will be a matter for the Panel to determine.

3.4 The MO will arrange for a meeting of the Panel to take place. The meeting should ordinarily take place within 20 working days from the date of receipt of the complaint. The Panel will meet during the day and will aim to complete the hearing in one sitting. If the Panel is unable to reach a decision within 20 days, the Complainant and the Subject Member (if appropriate) will be informed of this.

### **Membership of the Panel**

3.5 The Panel will be chaired by a Member selected at the Panel meeting.

3.6 The Panel will comprise at least three Elected Members of the Fire Authority nominated by Group Secretaries plus the Independent Elected Member of the Authority.

3.7 The quorum for the Panel will be two.

3.8 An Elected Member shall not sit on the Panel if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

3.9 Each member of the Panel shall have one vote, but the Chair shall have a casting vote in the event of equality of votes.

### **Procedure**

3.10 The Chair will explain that the Panel may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or clarification on any point.

3.11 The procedure for dealing with the report about the Member shall be as set out in this guidance, subject to the Chair of the Panel being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing.



- 3.12 The Panel will examine the MO's report. The Panel can move on to consider its findings on the basis of the MO's report and responses to questions.
- 3.13 The Subject Member will play no role in the proceedings of the Panel.
- 3.14 The MO will identify an Independent Person who shall be entitled to provide their views upon the complaint before the Panel reaches its decision concerning the complaint.

### **Evaluation Criteria**

- 3.15 In considering a complaint, the Panel will consider the following questions:
- (a) Is the complaint against one or more Members of the Authority?
  - (b) Was the Member in office at the time of the alleged conduct and was the Code of Conduct in force at the time?
  - (c) If proven, would the complaint be a breach of the Code of Conduct?

If the Panel is not satisfied in relation to any one of these questions the complaint cannot be investigated as a breach of the Code of Conduct and the Complainant must be informed that no action will be taken in respect of the complaint.

- 3.16 In assessing a complaint, the Panel will assess the complaint with regard to the following criteria:
- (a) Has the Complainant submitted enough information to satisfy the Panel that the complaint should be referred for investigation or other action?
  - (b) Is the complaint about someone who is no longer a Member of the Authority, but is a Member of another Authority? If so, does the Panel wish to refer the complaint to the Monitoring Officer of that other Authority?
  - (c) Has the complaint already been the subject of an investigation or other action relating to the Authority's Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
  - (d) Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - (e) Is the complaint not sufficiently serious to warrant further action?
  - (f) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

### **Consideration in respect of retention of anonymity**

- 3.17 In relation to requests for anonymity the Panel shall have regard to the following considerations:
- (a) Does the Complainant have reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed?
  - (b) Is the Complainant an Officer who works closely with the Subject Member? If so, is the Complainant afraid of the consequences if their identity is disclosed?

- (c) Does the Complainant suffer from a serious health condition, meaning that there are medical risks associated with their identity being disclosed? In such circumstances, the Panel may wish to request medical evidence of the Complainant's condition.
- (d) Should the Complainant be given the option of requesting a withdrawal of the complaint?
- (e) Is it possible to investigate the complaint without making the Complainant's identity known?
- (f) Are there any other exceptional reasons why the Complainant's identity should not be disclosed?

### **Decision of the Panel**

3.18 If it is accepted that the complaint is within its jurisdiction, the Panel will reach one of the following decisions:

- (a) Referral of the complaint to the MO for investigation;
- (b) Referral of the complaint to the MO for other action;
- (c) That no action be taken.

Any decision of the Panel in its evaluation of the complaint to take no action shall be final.

3.19 The Panel will agree a written summary of the main points which they have considered, the conclusions they have reached on the complaint and their reasons for those conclusions. Unless the Panel has concluded that to send the summary to the Subject Member is not in the public interest or would prejudice any subsequent investigation, this summary will be sent to the Subject Member and will be made available to the public for inspection and on the Authority's website.

3.20 The MO will write to the Complainant, advising of the Panel's decision. The MO will also write to the Subject Member, advising of the decision.

## **4. Action following initial evaluation**

4.1 If the decision was to refer the matter to the MO for other action, the MO will notify all parties and will take that action. As soon as practicable the MO will report the outcome of that action to a further meeting of the Panel, which may give further directions.

## **5. Investigations**

5.1 If the decision was to refer the matter for investigation, the MO will carry out or arrange that investigation. The MO will inform all parties accordingly.

5.2 At any stage during the investigation, the MO may refer that matter back to the Panel if:

- (a) As a result of new evidence or information, the MO is of the opinion that the matter is –

- (i) materially less serious than may have seemed apparent to the Panel when they decided to refer the matter for investigation, and
  - (ii) that the Panel would have made a different decision had they been aware of that new evidence or information; or
- (b) the Member –
  - (i) has died; or
  - (ii) is seriously ill; or
  - (iii) has resigned from the Authority;

and the MO is of the opinion that in the circumstances it is no longer appropriate to continue with an investigation.

5.3 The MO shall, on completion of the investigation,

- (a) Make a finding –
  - (i) that there has been a failure to comply with the Authority’s Code of Conduct (“a finding of failure”); or
  - (ii) that there has not been a failure to comply with the Authority’s Code of Conduct (“a finding of no failure”);
- (b) Prepare a written report of the investigation which contains a statement as to the findings;
- (c) Send a copy of that report to the Member;
- (d) Refer the report to
  - (i) the Panel; and
  - (ii) the Independent Person.

## **6. Consideration of report of investigation**

6.1 The MO will convene a meeting of the Panel (the Independent Person may attend this meeting in an observer capacity) which will decide whether

- (a) That they accept the MO’s finding of no failure (“a finding of acceptance”); or
- (b) That the matter should be considered at a hearing;

before reaching a decision the Panel shall take the views of the Independent Person into account.

6.2 If the Panel make a finding of acceptance, the MO will notify all parties and, unless the Member requests otherwise, will also publish the finding.

6.3 If the Panel consider that the matter should be considered at a hearing, the MO shall arrange to convene a meeting of the Panel drawn by random selection from Members who have not previously been involved in evaluating the complaint. Membership may be drawn from the whole membership of the Authority.

- 6.4 The Panel hearing the complaint will follow this procedure to regulate Hearings unless, on the advice of the MO – and after prior notice to the Member of any proposed changes and the reasons for them, the Panel agree that the procedure should be modified.

## **7. Role of the Monitoring Officer and other Officers**

7.1 The MO will ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The MO may adopt the role either of Investigating Officer or of legal adviser to the Panel. If the MO acts as Investigating Officer, the MO will ensure that the role of MO is undertaken by another appointed person not in the employment of Humberside Fire Authority. The MO will take responsibility for ensuring the effective overall conduct of the matter and advising the Panel. In this situation, references to the MO in the following paragraphs of this procedure will, where appropriate, apply to that appointed person.

7.2 The role of the MO is to:

- (a) Make sure all parties to the hearing understand the procedures to be followed and the powers available to the Panel;
- (b) Make sure that the hearing is fair and allows the matter to be dealt with as efficiently and effectively as possible;
- (c) Provide advice to the Panel during the hearing and their deliberations; and
- (d) Help the Panel to produce a written decision and a summary of that decision.

## **8. Notifying the Subject Member and the Complainant**

8.1 Within five working days of the completion of a report into an investigation, the MO will send a copy of the report to all Members of the Panel, to the Subject Member and, where appropriate, to the Complainant. The report will, at this stage, be provided on a confidential basis, and an undertaking of confidentiality will be sought from the Complainant, the Subject Member and where needed, the Panel.

## **9. Obtaining a response from the Subject Member**

9.1 When notifying the Subject Member of the complaint against him or her and providing the Subject Member with the report, the MO will ask the Subject Member for a written response, within fifteen working days, stating whether he or she:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented at any Hearing, at their own expense, by a barrister or solicitor or, subject to the consent of the Panel, some other person;
- wants to give evidence at any Hearing, either verbally or in writing;
- wants to call any relevant witnesses to give evidence to any Hearing, and if so, who they are;

- wants any part of a Hearing to be held in private, explaining the reasons;
  - wants any part of the report or other relevant documents to be withheld from the public, explaining the reasons.
- 9.2 The MO will also ask the Subject Member to identify, in the Subject Member's response, all those matters within the report which the Subject Member disputes. The MO will notify the Subject Member that the Panel has the power to refuse to hear any new areas of dispute raised at the hearing but not notified prior to it, or may adjourn the hearing to enable the Investigating Officer to respond to them.
- 9.3 Upon receipt of a response from the Subject Member, the MO will send it to the Investigating Officer for comment. The Investigating Officer will be asked specifically to say whether or not he or she:
- wants to attend the hearing;
  - wants to call relevant witnesses to give evidence at the hearing;
  - wants any part of the hearing to be held in private and the reasons for this;
  - wants any part of their report or other relevant document to be withheld from the public and the reasons for this.

#### **Calling a meeting of the Panel**

- 9.4 The MO is authorised to convene any necessary meeting.
- 9.5 Although the Subject Member and the Investigating Officer are entitled to request that any witness be called to give evidence, the MO may limit the number of witnesses if the MO believes the requests of any party are unreasonable and/or that some witnesses will be repeating evidence which will be given by earlier witnesses and/or will not provide any evidence at all to help the Panel reach a decision. The MO or the Panel may also call any additional witnesses if they will assist the Hearing in reaching a decision.
- 9.6 The MO will:
- identify the main facts of the case that are agreed between the Investigating Officer and the Subject Member;
  - identify the main facts of the case that are not agreed between the Investigating Officer and the Subject Member;
  - identify which witnesses will give evidence;
  - outline the proposed procedure for the hearing, specifying for which parts of the hearing (if any) a request has been received for it to take place in private; with the reasons for that request; and
  - arrange to provide this information and the Agenda to everyone involved as a party in the hearing (including the Independent Person) at least five working days before the date of the hearing. Where any part of the meeting is, or is likely, to be held in private, all recipients will be advised to keep the papers strictly confidential.

9.7 The agenda papers will include the following information:

- the date, time and place of the hearing;
- the summary of the allegation;
- a list of the main facts of the case which are agreed;
- a list of the main facts of the case which are not agreed;
- a note about whether the Subject Member and/or the Investigating Officer (if any) will attend the hearing and give evidence;
- a list of witnesses, if any, who will attend the hearing and give evidence; and
- an outline of this procedure for the hearing.

9.8 The meeting of the Panel will be open to the press and public unless confidential or exempt information under Part VA of the Local Government Act 1972 and Regulations is likely to be disclosed. The Panel will go into private session if the Panel resolves to do so.

#### **Convening the Panel**

9.9 The MO will arrange for a meeting of the Panel and indicate the preferred time, place and date of the meeting. The meeting should take place within three months from the date of completion of the Investigating Officer's report. The Panel will meet during the day and will aim to complete the hearing in one sitting (i.e. avoiding the need to reconvene on another date part way through hearing the evidence)

#### **The composition of the Panel hearing the complaint**

9.10 The Panel will be chaired by a Member of the Authority.

9.11 The Panel will comprise three Members appointed by the Authority and the Independent Elected Member.

9.12 The quorum for the Panel will be two.

9.13 A Member of the Panel may not adjudicate in the hearing if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

9.14 The Panel will decide, on the balance of probabilities, whether the grounds for complaint are upheld, i.e. whether, on the evidence presented to the hearing in writing and orally (if any), it is more likely than not that the Member is in breach of the Code of Conduct.

9.15 Each Member of the Panel shall have one vote, but the Chair shall have a casting vote in the event of equality of votes.

9.16 The Panel may at any time seek legal advice from the MO.

## **How the hearing will be run**

- 9.17 Where the Panel decides that it will not exclude the press and public, the MO will at that point arrange to provide copies of the reports to any press and public who are present.
- 9.18 The Chair will explain that the Panel may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or undertake further investigation on any point.
- 9.19 The procedure for dealing with the report about the Subject Member shall be as follows, subject to the Chair of the Panel being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing:

(a) *Examination of the reports and written representations:*

- (i) The Panel will examine the written report, the Member's response to it and any further response from the Investigating Officer (should one have been appointed). The Panel may ask the Investigating Officer and/or the Subject Member questions about the contents of their reports.
- (ii) If there is no disagreement about the facts, the Panel can move on to consider its findings.

(b) *Examination of oral evidence*

- (i) Where the facts of the case are not agreed, the Investigating Officer will be asked to make any representations to support the findings of fact in the report relevant to the areas of disagreement, by calling witnesses as agreed by the Chair of the Panel.
- (ii) At the end of the Investigating Officer's representations, the Subject Member, the Complainant or Members of the Panel may ask questions.
- (iii) The Subject Member will then be asked to make any representation to support his or her version of the disputed facts in the report, calling any supporting witnesses as agreed by the Chair of the Panel.
- (iv) At the end of the Subject Member's representations, the Complainant, the Investigating Officer or Members of the Panel may ask questions.
- (v) Where the Subject Member disputes any matter in the report but which he or she has not given prior notice of his or her intention to dispute, the Investigating Officer must draw this to the attention of the Panel which may then decide:
- not to hear the fact(s) in dispute;
  - to hear the fact(s) in dispute but invite the Investigating Officer to respond; or
  - to adjourn the meeting to enable the Investigating Officer to investigate and report on the disputed fact(s).

## **Representations on sanctions**

- 9.20 If the Panel finds the complaint to be made out, the Subject Member will have an opportunity to make a statement in mitigation of any sanction which the Panel may impose.

## **The decision of the Panel**

- 9.21 The Panel will retire into private session to consider their findings. The Panel may at any time seek legal advice from the MO. At any time the Panel may return to ask for questions of the Investigating Officer or the Subject Member, or to seek any further information or advice they require.

- 9.22 They may find one of the following:

- That the Member did not fail to comply with the Code of Conduct;
- That the Member has failed to comply with the Code of Conduct but that no action needs to be taken;
- That the Member has failed to comply with the Code of Conduct and should be the subject of:
  - (1) Formal motion to censure;
  - (2) A formal letter setting out that the Member has failed to comply with the Code;
  - (3) A recommendation to the Authority and/or the Member's Group Secretary as regards future conduct and appropriate sanction which may be permitted;
  - (4) Appropriate press release/other publicity.

- 9.23 The Panel will return from private session to enable the Chair to announce the decision of the Panel and the reasons for it.

## **10. Confidentiality and the disclosure of information**

- 10.1 No Member of the Authority shall disclose any information he or she has obtained in the course of an investigation or as a result of this procedure unless:
- the disclosure is made to enable the Monitoring Officer or any Investigating Officer to carry out his or her functions, or to enable the Panel to carry out their functions in relation to the matter;
  - the disclosure is made following receipt of a statutory requirement for disclosure;

## **11. Notice of findings**

- 11.1 The MO will make available the notice of findings as soon as reasonably practicable.
- 11.2 A full written draft of the decision and the reasons for it will be prepared and finalised in consultation with the Chair of the Panel and circulated within 10 days of the hearing to the Subject Member, the Complainant (where appropriate) and the Authority.



**DRAFT**

## **Humberside Fire Authority**

### **MEMBER CODE OF CONDUCT**

#### **PART I - GENERAL PROVISIONS**

##### **1. Introduction and Interpretation**

- 1.1 This Code applies to you as a Member of the Fire Authority when you act in your role as a Member. It is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both a positive and negative impact on the Authority.
- 1.3 The public expect Members to act in an open and transparent manner, which reinforces public confidence in the Authority.

##### **2. Who does this Code apply to and when does it apply?**

- 2.1 This Code applies to all Members of the Authority and to all Co-opted Independent Members.
- 2.2 This Code applies whenever you:
  - 2.2.1 conduct the business of the Authority; or
  - 2.2.2 act, claim to act or give the impression you are acting as a representative of the Authority, and references to your official capacity are construed accordingly.
- 2.3 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.4 Where you act as a representative of the Authority:
  - 2.4.1 on another relevant authority, you must when acting for that other authority, comply with that other authority's code of conduct; or
  - 2.4.2 on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

##### **3. What specific standards of conduct are Members expected to observe?**

- 3.1 You must treat others with respect and courtesy.
- 3.2 You must not bully or intimidate any person.

- 3.3 You must not do anything which may cause the Authority to breach any equality laws.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority, into disrepute.
- 3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 3.6 You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.
- 3.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- 3.8 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:
  - 3.8.1 You have the consent of the person authorised to give it;
  - 3.8.2 You are required to do so by law;
  - 3.8.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
  - 3.8.4 The disclosure is reasonable in the public interest, made in good faith, and you have consulted the Monitoring Officer.

#### **4. General principles of Conduct Members are expected to observe**

- 4.1 In carrying out your duties as a Member of the Authority, you are expected to observe the following general principles of conduct (Nolan principles):

##### **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.

**PART II – MEMBER INTERESTS****5. Personal interests**

5.1 You have a personal interest in any business of the Authority where either it relates to or is likely to affect:

5.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;

5.1.2 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;

5.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

**6. Disclosure of personal interests**

6.1 Where you have a personal interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

6.2 Paragraph 6.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

6.3 Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 5.1.3, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- 6.4 Where you have a personal interest but, by virtue of paragraph 10.1, sensitive information relating to it is not registered in the Authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the nature of the interest to the meeting.

## **7. Disclosable Pecuniary interests**

- 7.1 You have a disclosable pecuniary interest in any business of the Authority where you or:
- 7.1.1 Your spouse or civil partner;
  - 7.1.2 A person with whom you are living as husband and wife, or
  - 7.1.3 A person with whom you are living as if he or she were a civil partner has an interest of which you are aware or ought reasonably to be aware, and the interest falls within a category of interest identified as a Disclosable Pecuniary Interest specified in regulations made by the Secretary of State from time to time pursuant to Section 30 of the Localism Act 2011. An extract of the current Regulations are appended to this Code at Appendix 1 which sets out where pecuniary interests may exist.

## **8. Effect of disclosable pecuniary interests on participation**

- 8.1 Subject to paragraph 8.2, where you have a disclosable pecuniary interest in any business of the Authority:
- 8.1.1 you must withdraw from the room or chamber where a meeting considering the business is being held immediately the agenda item is reached:  
  
unless you have obtained a dispensation from the Authority's Monitoring Officer;
  - 8.1.2 you must not seek improperly to influence a decision about that business.
- 8.2 Where you have a disclosable pecuniary interest in any business of the Authority, you may attend a meeting of the Authority or a committee but only for the purpose of answering questions or giving evidence relating to the business, provided that you leave the room before the point at which any discussion or vote in relation to the business takes place.

## **PART III – REGISTRATION OF MEMBERS' INTERESTS**

### **9. Registration of Members' Interests**

- 9.1 Subject to paragraph 10, you must, within 28 days of:
- 9.1.1 this Code being adopted by the Authority; or
  - 9.1.2 nomination as a Member of the Authority (where that is later),
- register in the Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal and disclosable pecuniary interests where they fall within a category mentioned in Part II, by providing written notification to the Authority's Monitoring Officer.

- 9.2 Subject to paragraph 10, you must, within 28 days of becoming aware of any new personal interest or change to any personal or disclosable pecuniary interest registered under paragraph 9.1, register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.

## **10. Sensitive interests**

- 10.1 Where you consider that the information relating to any of your personal interests is sensitive information, and the Authority's Monitoring Officer agrees, you need not include that information in the Authority's register that is made available for inspection.
- 10.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 10.1 is no longer sensitive, notify the Authority's Monitoring Officer asking that the interest be included in the Authority's Register of Members' Interests.
- 10.3 In this Code, a "sensitive interest" means an interest the disclosure of which you and the Authority's Monitoring Officer consider could lead to you, or a person connected with you, being subject to violence or intimidation".

## **PART IV – SCOPE OF THIS MEMBER CODE OF CONDUCT**

### **11. Scope of the Code**

- 11.1 The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority 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.
- 11.2 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural rules set out in the Authority's Constitution.



<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.
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 M in carrying out duties as a member, or towards the election expenses of M.</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<sup>(2)</sup>.</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	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M'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 M'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>

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<sup>(2)</sup> 1992 c. 52.





**Humberside Fire Authority**

**Member Training and Development Questionnaire  
2013/14**

**Name:** .....

**Training and Development Needs Priority Ratings**

<b>Low Priority</b>	<b>Moderate Priority</b>	<b>High Priority</b>
Not necessary to be addressed in order to perform your role/s	Needs to be addressed in order to perform your role/s to a higher standard but is not urgently required	Needs to be addressed urgently in order to perform your role/s competently

A training and development need does not necessarily arise from a total lack of knowledge or skill in a particular area. It can also arise where you already have skill or knowledge but feel you need to improve to achieve a higher standard or you wish to undertake further training for your own personal development.

Please consider each of the skill / knowledge areas listed on the following pages and circle which priority rating (High - H, Medium - M, or Low - L) is appropriate in order for you to perform your role/s within the Fire Authority.

Skills / Knowledge	Development Need Priority Low/Medium/High
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<b>Core skills / knowledge for all Members</b>	
Fire Authority funding	L M H
Budget setting and budgetary process	L M H
Treasury Management	L M H
Governance structure of the Authority	L M H
Equality and diversity	L M H
Ethics and standards, including Code of Conduct	L M H
Vision	L M H
Strategic Plan	L M H
Integrated Risk Management Plan (IRMP)	L M H
Community Safety Strategy	L M H
Operations Strategy	L M H
People Strategy	L M H
Strategic projects generally	L M H
Internal governance structure	L M H
Knowledge of national Fire & Rescue	L M H
Knowledge of Directorates and structures	L M H
Service Performance	L M H
The Operational Efficiency Programme – out to engagement	L M H
Dealing with the Media	L M H

<b>Skills / Knowledge</b>	<b>Development Need Priority Low/Medium/High</b>
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<b>Appeals Committee</b>	
Appeals Committee procedures	L M H
Disciplinary procedures	L M H

<b>Chairs and Vice-Chair</b>	
Chairing meetings	L M H

<b>Chair and Vice-Chair of Fire Authority</b>	
Interview skills	L M H
Conducting personal development reviews	L M H
Developing positive relationships with officers	L M H
Dealing with the media	L M H

**Please list below other areas, which you feel should be addressed, and give any general comments you would like to make.**

**Do you have any skills or specialist knowledge, which you feel would be useful for other Members of the Fire Authority and which you would be prepared to impart either through mentoring or leading a development session?**

## Member Days

The Fire Authority holds a number of Member Days during the year (around 7). These are designed to be information and informal discussion sessions, in order to complement the formal decision making structure of the Authority.

Are there particular topics or areas which you would like to explore at a future Member Day?

**Signed:** .....

**Date:** .....

*Many thanks for completing the questionnaire.*

*Please return to: Robin Graham  
Secretary to Fire Authority/Director of People  
Humberside Fire & Rescue Service  
Summergroves Way  
Hull. HU4 7BB*

