



Shropshire and Wrekin

Fire and Rescue Authority

Section 12

Fire Authority Code of Conduct and Related Documents

Shropshire and Wrekin Fire and Rescue Authority

Members' Code of Conduct

Standards of Conduct

Members (including all voting, co-opted members) of Shropshire and Wrekin Fire and Rescue Authority will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this, Members should:

<p>Serve only the public interest and treat everyone that they deal with equitably and with respect</p>	<p>Selflessness</p>
<p>Not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member</p> <p>Not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends</p> <p>Only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time</p> <p>Declare and resolve their interests in accordance with the law and with the provisions of this Code of Conduct</p> <p>Declare gifts and hospitality that they receive in accordance with the Fire Authority's Protocol on Gifts and Hospitality</p>	<p>Integrity</p>
<p>Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias</p>	<p>Objectivity</p>
<p>Be accountable to the public for their decisions and actions and co-operate fully with any scrutiny appropriate to their particular role or office</p>	<p>Accountability</p>
<p>Be as open as possible about their decisions and actions and give reasons for their decisions and actions. Information should not be withheld from the public, unless there are clear and lawful reasons for doing so and which they can reasonably be expected to know, is either exempt or confidential and is not to be disclosed to protect the wider public interest.</p>	<p>Openness</p>
<p>Holders of public office should be truthful. Declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any conflict in such a way that protects the public interest</p>	<p>Honesty</p>

<p>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</p>	<p>Leadership</p>
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Disclosable Pecuniary Interests

The Monitoring Officer of the Shropshire and Wrekin Fire and Rescue Authority will maintain a Register of Interests which can be found at:

<http://www.shropshirefire.gov.uk/managing-service/fra-members>

or viewed at Shropshire Fire and Rescue Service by contacting either:

Lynn Ince, Executive Support Officer
 Telephone: 01743 260225, email lynn.ince@shropshirefire.gov.uk or

~~Sharon Lloyd, Corporate Support Manager~~
~~Telephone 01743 260210, email sharon.lloyd@shropshirefire.gov.uk~~

What	When	How	Impact on Meetings
Disclosable Pecuniary Interests	Within 28 days of election or re-election (if not already entered)	In writing to the Monitoring Officer, detailing the existence and nature of the interest	Member cannot participate in, or vote on, the matter and will leave the room during debate and voting on the issue
Previously undeclared Disclosable Pecuniary Interest			
Before a meeting	Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting	In writing to the Monitoring Officer, detailing the existence and nature of the interest	Member cannot participate in, or vote on, the matter and will leave the room during debate and voting on the issue

What	When	How	Impact on Meetings
During a meeting	As soon as the Member is aware that they have a Disclosable Pecuniary Interest	Verbally to the meeting, detailing the existence and nature of the interest	Member cannot participate, participate further, vote or further vote on the matter and will leave the room during debate and voting on the issue
Sensitive Interests, i.e. those where the Monitoring Officer agrees with the Member that the disclosure of the interest could lead to the Member being subject to violence or intimidation	As above – depending upon the circumstances	As above, but detailing the existence, not the nature, of the interest	As above

Dispensations can be granted as indicated after considering the relevant circumstances:

The number of Members precluded from transacting the business is so great that it would impede the business of the Fire Authority or any committee	Monitoring Officer
The political balance is affected to the extent that it could affect the outcome of a vote relating to the business.	Monitoring Officer
The dispensation is in the interests of persons living in the area of the Fire Authority.	Standards and Human Resources Committee
It is otherwise appropriate to grant a dispensation.	Standards and Human Resources Committee

Shropshire and Wrekin Fire and Rescue Authority

Undertaking to Observe the Code of Conduct

I.....being a Member of Shropshire and Wrekin Fire and Rescue Authority declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability.

I undertake to observe the code as to the conduct, which is expected of Members of Shropshire and Wrekin Fire and Rescue Authority.

SignedDate.....



Name:	
Authority:	Shropshire and Wrekin Fire and Rescue Authority
Address:	
Telephone: E-mail:	

Every Member¹ is required to register and disclose certain interests **and those of their Partner²** where they are aware of the existence of such interests.

<p>Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain by you or your partner</p>	
<p>Sponsorship Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period³ in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. 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>	
<p>Contracts Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest⁴) and the Authority — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>	

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- 1 "member" means a member of the authority and includes a co-opted member
 - 2 Partner includes your spouse, civil partner or person, with whom you are living, as if they were your spouse or civil partner
 - 3 "relevant period" means the period of 12 months ending with the day, on which you give a notification of its existence
 - 4 "body in which the relevant person has a beneficial interest" means a firm, in which you or your partner is a partner or a body corporate, of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest; and "director" includes a member of the committee of management of an industrial and provident society

<p>Land Any beneficial interest in land⁵, which is within the area of the Authority⁷</p>	
<p>Licences Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer</p>	
<p>Corporate tenancies Any tenancy where (to your knowledge): (a) the landlord is the Authority; and (b) the tenant is a body in which you or your partner has a beneficial interest.</p>	
<p>Securities Any beneficial interest in securities⁶ of a body where: (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	

Notes on sensitive interests

An interest is sensitive if you and the Monitoring Officer agree that its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation. The nature of your sensitive interest will not appear in the published register of interests but it may be recorded that you have a sensitive interest.

I understand that I must write to the Monitoring Officer to tell him about any disclosure of a disclosable pecuniary interest made at a meeting which is not already included above within 28 days of making the disclosure.

Signed:

Dated:

**Please return to Corporate Support Manager, Shropshire Fire and Rescue Service
Headquarters, St Michaels Street, Shrewsbury, Shropshire, SY1 2HJ.**

- 5 "land" excludes an easement, servitude, interest or right in or over land, which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
- 6 "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
- 7 "Authority" in the context of disclosable interests includes the area of both Shropshire Council and Telford & Wrekin Council

Shropshire and Wrekin Fire and Rescue Authority

Guidance on Code of Conduct and Interests

For further information and guidance on issues relating to the Members Code of Conduct and / or the declaration of personal interests, please contact one of the following at the Civic Offices, Telford & Wrekin Council:

Jonathan Eatough
Clerk and Monitoring Officer to the Fire Authority
Telephone: 01952 383200
Email: jonathan.eatough@telford.gov.uk

Matthew Cumberbatch
Deputy Monitoring Officer to the Fire Authority
Telephone: 01952 383233
Email: matthew.cumberbatch@telford.gov.uk

A guide to Members' personal interests can be accessed on the Communities and Local Government website via the following link:

<http://www.communities.gov.uk/publications/localgovernment/personalinterestsguide>



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

March 2013
Department for Communities and Local Government

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This document/publication is also available on our website at www.gov.uk/dclg

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that '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 declare and resolve any interests and relationships.**'⁴

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Shropshire and Wrekin Fire and Rescue Authority

Protocol on Gifts and Hospitality for Members

1 Introduction

This Protocol applies to Members of the Fire Authority and Independent Persons appointed by the Fire Authority.

2 General Caution

Treat with extreme caution any offer or gift, favour or hospitality, which is made to you personally. Your reputation and that of the Fire Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not, however, always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality, which has been offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3 Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do or forbear to do anything in respect of any transaction involving the Fire Authority. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract, or applying for funding, from the Authority, or involved in any legal or enforcement proceedings with the Authority.

4 Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as presents), which are not related to your position as a Member. You should, however, question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Fire Authority.
- Gifts given to the Fire Authority, which you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

5 Meaning of Gifts and Hospitality

The words 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. They do, however, include:

- The free gift of any goods or services;
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- The opportunity to obtain goods or services not available to the general public; and
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books and flowers. Members should, however, be cautious when making purchases, if additional services, privileges or advantages are offered, which might be related to their position as a Member.

6 Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member. These include:

- Civic hospitality provided by another public authority;
- Normal and modest refreshment in connection with any meeting in the course of your work as a Member (e.g. tea, coffee and other normal beverages and refreshments);
- Tickets for sporting, cultural and entertainment events, which are sponsored or promoted by the Fire Authority or bodies, to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion;
- Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens;
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Fire Authority business, e.g. inclusion in a round of drinks after a meeting;
- Modest meals provided as a matter of courtesy in the office or meeting place of a person, with whom the Fire Authority has a business connection; and
- Souvenirs and gifts from other public bodies intended as personal gifts, e.g. arising from Leonardo visits and other civic events.

7 Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality from:
 - a) Parties involved with the Fire Authority in a competitive tendering or other procurement process;
 - b) Applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - c) Parties involved in legal proceedings with the Fire Authority.
- Do not accept a gift or hospitality, if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

8 Equality and Diversity Considerations

It is recognised that there are various cultural and religious practices, which would be difficult to accommodate prescriptively within this Protocol. In some instances it may even be considered insulting to refuse a gift or hospitality. In such circumstances a Member should advise the Monitoring Officer immediately after acceptance of the gift or hospitality to ensure that appropriate action is taken.

9 Registration of Gifts and Hospitality

The Fire Authority’s Code of Conduct provides that Members should:

‘Not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member’.

If you are in doubt as to the motive behind any gift or hospitality, it is recommended that you register it as a matter of good practice and in accordance with the principles of openness and accountability in public life or, at least, seek advice from the Monitoring Officer.

A form for registering receipt of a gift or hospitality is attached at Appendix A to this Protocol, although an email providing the details requested in the form would be acceptable.

10 Reporting of Inappropriate Gifts and Hospitality Offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a Member of the Fire Authority. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you and you may subsequently be required to assist the Police in providing evidence.

11 Reporting of Gifts and Hospitality Declined

It is advised that, even where a gift or hospitality is declined, this should be recorded to protect you from any later accusations of impropriety.

A form for registering details of a gift or hospitality declined is attached at Appendix B to this Protocol, although an email providing the details requested in the form would be acceptable.

12 Enforcement

Allegations of any failure to meet this Protocol must be made in writing to the Monitoring Officer.

The Standards and Human Resources Committee has responsibility for overseeing compliance with this Protocol.

13 Advice

If in doubt, always seek advice from the Monitoring Officer or his/her Deputy.

Shropshire and Wrekin Fire and Rescue Authority Declaration of Receipt of Gifts or Hospitality

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Do you have any contact in your role as Member with the person or organisation providing the gift or hospitality?	
Signed	Date

Please complete and return this form to:

The Corporate Support Manager, Shropshire Fire and Rescue Service,
Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

**Shropshire and Wrekin Fire and Rescue Authority
Declaration of Gifts or Hospitality Refused**

Name	
Address	
What was the gift or hospitality refused?	
What is your best estimate of its market value or cost?	
Who offered it?	
When and where did they offer it?	
How did you refuse it (verbally, in writing etc.) and what reason did you give?	
Do you have any contact in your role as Member with the person or organisation offering the gift or hospitality?	
Signed	Date

Please complete and return this form to:
The Corporate Support Manager, Shropshire Fire and Rescue Service,
Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

Shropshire and Wrekin Fire and Rescue Authority

Protocol on Member / Officer Relations

1 Introduction

- 1.1 The relationship between Members and officers is essential to the successful working of Shropshire and Wrekin Fire Authority and its service, Shropshire Fire and Rescue Service. This relationship is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly.

Nothing in this Protocol is intended to change this relationship. Its purpose is rather to help Members and officers perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.

Responsibility for the operation of this Protocol lies with the Chief Fire Officer.

- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2 Roles of Members and Officers

- 2.1 The respective roles of Members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another but their responsibilities are distinct. Members are nominated by their constituent authority (either Telford & Wrekin Council or Shropshire Council) and serve only as long as their term of office lasts.

Employees are responsible to the Fire Authority. Their job is to give advice to Members and the Fire Authority, and to carry out the Fire Authority's work under the direction and control of the Fire Authority, its committees, panels and working groups. Mutual respect between Members and officers is essential to good local government.

2.2 Members

The main areas of Member responsibility are to set the Fire Authority's budget, determine its policy and give it political leadership and to represent the Fire Authority externally. It is not the role of Members to involve themselves in the day-to-day management of the Fire and Rescue Service.

2.3 Chairs and Vice-Chairs

Chairs and Vice-Chairs of the Fire Authority, its committees, panels and working groups have additional responsibilities and their relationships with officers may, therefore, differ from, and be more complex than, those of Members without those responsibilities. This is recognised in the expectations they are entitled to have.

2.4 Opposition Members

As individual Members of the Fire Authority, all Members have the same rights and obligations in their relationship with officers and should be treated equally. Where, however, a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Members and to implement the policies determined by the Fire Authority.

Certain employees, such as the Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer), have responsibilities in law over and above their obligations to the Fire Authority and its Members, which they must be allowed to discharge.

3 Expectations

3.1 Members can expect from officers:

- A commitment to the Fire Authority as a whole, and not to any political group
- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- A timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees
- Regular, up-to-date information on matters, which can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities they have and positions they hold
- Awareness of, and sensitivity to, the political environment
- Respect, dignity and courtesy

- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by officers outside agreed procedures
- That officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly

3.2 Officers can expect from Members:

- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- Political leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels
- That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- That Members will at all times comply with the Fire Authority's Code of Conduct for Members

4 Provision of Information to Members

4.1 Every Member has the right to information, explanation and advice reasonably required to enable them to perform their duties as a Member of the Fire Authority (the 'need to know') but not where:

- The information is primarily needed for a non-Fire Authority purpose; or
- There is a conflict of interest; or
- There is an overriding individual right of confidentiality, for example in an employment matter; or
- The resources needed to supply the information would be unreasonable.

Members should direct initial requests for advice, information and officer support to the Chief Fire Officer.

Members need not state a “need to know” when requesting information. It may, however, be necessary to justify the request – mere curiosity alone does not create a need to know. Any relevant interests should be declared at the time of the request. If a Member is dissatisfied with a refusal, it should be discussed with the Chief Fire Officer. If, following that discussion, the Member is still dissatisfied, the Monitoring Officer may be asked to determine entitlement.

Officers should not automatically assume that a Member has a “need to know” but the burden of showing a “need to know” is not high. If there is any doubt, then the Member should be asked to explain why they wish to see the document(s) and, in cases of doubt, the Monitoring Officer may be consulted. An officer must seek clearance from the Chief Fire Officer before embarking on a significant amount of work to provide information.

4.2 Members are normally entitled to be given information on a confidential basis (i.e. the fact that the Member has requested, and been provided with, the information will be kept confidential by officers), the exceptions being:

- An overriding Fire Authority interest, for example protecting its legal and financial position); and
- Natural justice, for example giving an individual the chance to respond to allegations.

Correspondence between individual Members and an officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy correspondence to another Member, the original Member will be advised. In other words, a system of “silent copies” will not be employed.

4.3 Members must respect the confidentiality of confidential Fire Authority information and must use such information only for the purpose it is given.

“Managed Access” may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld. The officer must be clear as to whether any information is confidential and state this in writing.

4.4 Members with a particular role may have a special “need to know” arising from that role, for example party leaders.

5 If Things Go Wrong

5.1 Procedure for Officers

From time to time the relationship between Members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by a senior manager or Member, officers will have final recourse to the Chief Fire Officer or to the Fire Authority's Monitoring Officer, as appropriate to the circumstances. In the first instance an initial approach may be made by a concerned officer to the Deputy Chief Fire Officer or the Assistant Chief Fire Officer – Corporate Services.

In the event of a complaint being upheld, the Chief Fire Officer will advise the Chair of the Fire Authority and the appropriate Group Leader and decide on the course of action to be taken, following consultation with the Chair and Vice-Chair of the Standards and Human Resources Committee and the Monitoring Officer.

If the concerned officer believes that the behaviour of a Member or Members constitutes a breach of the Code of Conduct for Members, then it is also open to that officer to make a more formal complaint direct to the Monitoring Officer. It is preferable, however, that all other courses of action have been exhausted before this step is taken.

5.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Chief Fire Officer, unless the concern relates to that officer, in which case the Assistant Chief Fire Officer – Corporate Services should be approached.

If the matter cannot be resolved informally, it will be dealt with through the Service's normal line management procedures and performance appraisal process. If the concern relates to the Chief Fire Officer, then the issue will be raised with the Chair and Vice-Chair of the Fire Authority for resolution.

5.3 Involvement of the Advisory Conciliation and Arbitration Service (ACAS)

Should it not be possible to resolve internally a matter involving a Brigade Manager and a Member, then an external mediation process facilitated by ACAS will be available to the parties. Both parties must, however, enter into the process voluntarily.

The Brigade's Human Resources Department will be responsible for implementing the external mediation process.

Shropshire and Wrekin Fire and Rescue Authority

Related Party Transactions

Members are respectfully reminded that there is a duty to disclose 'related party transactions' as a requirement of final accounts in each year. The objective of this disclosure rule is to identify any transactions, which may affect the reported financial position. The Fire Authority agreed that Members would advise the Treasurer, if they were involved in 'related party transactions'. You may be affected, if you hold an influential position on another body or organisation, which has substantial dealings with the Fire Authority.

Your involvement with either Shropshire Council or Telford & Wrekin Council and the Fire Authority is covered by the 'related party transaction' disclosure rules. Since your role as an appointed Member to the Fire Authority is, however, transparent, there is no need to advise the Treasurer, unless your position is affected by additional transactions.

Disclosure Requirements

Members (and officers able to influence management of the organisation) are required to advise the Treasurer, if they believe they have been involved in a 'related party transaction'. On the basis of the current understanding, these are interpreted as arising when you, or a close member of your family, are party with the Fire Authority to:

- Sales of assets;
- Provision of assets or loans;
- Receipt or provision of grants; or
- Provision of a guarantee to a third party in relation to a liability or obligation.

They may also arise from Fire Authority transactions with other organisations, voluntary bodies or similar, in which you have a material interest, e.g. as a member of their management committee. A related party transaction can occur, even if there are no financial transactions, e.g. if services were provided free-of-charge.

Members are not expected to notify the Treasurer of transactions, which are:

- Available or apply to everyone, e.g. Council Tax, rents benefits; or
- Formally available to every Member or officer, e.g. Members' allowances, travel expenses.

Please note that a nil return is required each year.

If you need advice or to disclose a related party transaction, please telephone Joanne Coadey, Head of Finance, on 01743 260215