

Ethical Framework Matters

Report of the Chief Fire Officer

For further information about this report please contact John Redmond, Chief Fire Officer, on 01743 260203 or Sharon Lloyd, Corporate Support Manager, on 01743 260210.

1 Purpose of Report

This report deals with a number of ethical framework matters, including a review of the Members' Code of Conduct and of the Independent Person appointment.

2 Recommendations

Members are asked to:

- a) Review the Members' Code of Conduct;
- b) Note the review carried out by officers of related procedures and documents;
- c) Review the Independent Person appointment; and
- d) Make recommendations accordingly to the Fire Authority.

3 Background

It is considered good practice to review the Members' Code of Conduct annually and this action is included in the Committee's Work Plan for October. The October Work Plan also sets out that officers will review the following procedures and documents and report to the Committee, if significant changes are required:

- Code of Conduct complaints procedure;
- Complaints form;
- Disclosable pecuniary interest form; and
- Dispensations procedure.

A review of the Independent Person appointment is also considered prudent, as it is now over three years since Mr Chris Humphries first took on this role.

4 Members' Code of Conduct

The Committee for Standards in Public Life has the role of raising the profile and reviewing the ethical framework for public sector organisations. Its terms of reference are specifically to:

"examine concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations for changes in present arrangements which might be required to ensure the highest standards of respectability in public life".

As part of this role, that Committee recently reviewed the principles, which form the basis of the Fire Authority's Members' Code of Conduct, commonly known as the Nolan principles. These are as follows:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

Attached as an appendix to this report is the Fire Authority's current Code of Conduct, showing proposed amendments, which take into account the reviewed Nolan Principles (additions are shown in bold italics and deletions struck through). Members are asked to consider these amendments and make recommendations accordingly to the Fire Authority.

5 Related Procedures and Documents

Officers have reviewed the following procedures and documents, which do not require any significant changes. There is one typographical error and also reference in one document to the Standards Committee (rather than the Standards and Human Resources Committee).

Code of Conduct Complaints Procedure

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/complaint-about-member/guidance-complaints-about-members>

Code of Conduct Complaints Form

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/complaint-about-member>

Disclosable Pecuniary Interest Form

<http://www.shropshirefire.gov.uk/managing-service/fire-and-rescue-authority/members-handbook>

Dispensations Procedure

Specific reference to dispensation rules and procedure are contained in both the Code of Conduct and the Dispensations Procedure. The latter can be found at the following link:

<http://www.shropshirefire.gov.uk/sites/default/files/section-4-v1.2-april-2014.pdf>



6 Independent Person

In April 2013 the Fire Authority appointed Mr. Humphries as its sole Independent Person with effect from 1 July 2013 (prior to that - since September 2012 - he had been acting in a reserve capacity). Mr Humphries has also been Independent Person for Telford & Wrekin Council since September 2012. During this time the Council has arranged and paid for independent training, advice and support for him through Hoey Ainscough Associates Ltd (www.hoeyainscough.co.uk) and a further training session has been organised for December 2015.

When the Fire Authority appointed Mr Humphries no term of office was specified. As he has now held the role for several years, it would seem opportune for the Committee to review the position at this time. It should be noted that this is an unpaid, volunteer role and that, as mentioned above, Mr Humphries has benefitted from independent advice and support at no cost to the Fire Authority. Mr Humphries has confirmed that he is happy to continue in the role. In light of this, the Committee is asked to consider recommending to the Fire Authority that his term of office be extended for a further four years. Should this be agreed, the appointment would be reviewed again in 2019.

If the Committee does not agree to the extension, then a full recruitment process would be required to appoint someone new to the role and the Committee would need to agree to commence that process as soon as possible.

7 Complaints relating to Breach of the Code of Conduct

The Committee will be pleased to note that during the fiscal year 2014/15 the Fire Authority did not receive any complaints relating to breach of its Code of Conduct by any of its Members. Indeed, there have not been any such complaints since the very first version of the Code was adopted in February 2002.

8 Financial Implications

There are no financial implications arising from this report.

9 Legal Comment

The statutory requirements for the Code of Conduct and ethical framework for Members is set out at part 1, chapter 7 of the Localism Act 2011. The Fire Authority's Code of Conduct is compliant with this legislation. Any proposed changes to the Code must be formally adopted by the full Fire Authority and publicised.

The appointment and criteria for the role of the Independent Person are set out in section 28 of the Localism Act 2011. The Fire Authority must always have at least one Independent Person in place. If the Committee decides not to recommend extension of the term of office of the current Independent Person, a recruitment process must be undertaken, which meets the statutory requirements, including qualification criteria for candidates.

10 Initial Impact Assessment

This report merely contains information regarding a review of existing documents, procedures and of the Independent Person appointment. An Initial Impact Assessment is not, therefore, required.

11 Appendix

Shropshire and Wrekin Fire and Rescue Authority
Members' Code of Conduct

12 Background Papers

The Localism Act 2011



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><i>Not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends</i></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 <i>and resolve</i> 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>Make decisions on merit and in the public interest, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.</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. They should not disclose information given to them, <i>Information should not be withheld from the public, unless there are clear and lawful reasons for doing so and</i> which they can reasonably be expected to know, <i>is</i> was 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><i>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</i> Promote and support these principles by leadership, and by example, and act in a way that secures or preserves public confidence</p>	<p>Leadership</p>

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