

Ethical Framework Matters

Report of the Chief Fire Officer

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1 Executive Summary

This report deals with ethical framework matters, namely a review of the arrangements for dealing with a complaint made against a Member of the Authority.

2 Recommendations

The Committee is asked to:

- a) Note the adoption of the Members Code of Conduct at the meeting of the Fire Authority on 13 October 2021 and agree to review this Code in December 2022; and
- b) Note the review of related procedures and documents and approve the updated arrangements for dealing with standards allegations under the Localism Act 2011

3 Background

It is recommended good practice to review the Members' Code of Conduct annually and this action is included in the Committee's Work Plan. The Work Plan also states that officers will review relevant procedures and documents and report to Committee if significant changes are required.

4 Members Code of Conduct

Members will recall that the current Code of Conduct was approved at the meeting of the Fire Authority in October 2021; a copy of this is attached at Appendix A. Given that less than two months has elapsed since the adoption of the new Code, there is no need to undertake a further review. It is recommended that a review is scheduled to take place as part of the regular ethical framework report considered by the Committee annually in December.

5 Arrangements for dealing with complaints against Members

It has been some time since the arrangements were amended substantially. Given the significant changes to the Code of Conduct, following the recommendations of the Committee for Standards in Public Life, it is an opportune moment to review the arrangements for investigating complaints.

Attached at Appendix B is an updated document setting out the proposed new arrangements. These arrangements incorporate the recommendations of the Committee for Standards in Public Life as covered at item 12a on the agenda. This includes the relevant forms to enable a complaint to be made. Appendix C sets out the existing arrangements.

As part of the annual review of arrangements, it is also appropriate to consider the process for disclosing interests and the process for seeking a dispensation. Attached at Appendix D is the Disclosable Pecuniary Interest form and, at Appendix E, the Dispensation Procedure. There are no changes recommended to either of these documents.

6 Conclusions

Following the review of the Fire Authority's processes related to Standards, it is recommended that the Committee note that the Fire Authority adopted a revised Code of Conduct in October 2021 and that this will continue to be reviewed annually with the next review being in December 2022.

The Committee is also recommended to note the review of related procedures and documents and approve the updated arrangements for dealing with standards allegations under the Localism Act 2011

7 Financial Implications

There are no financial implications arising from this report.

8 Legal Comment

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

9 Equality Impact Assessment

There are no equality or diversity implications arising from this report. An e-EQIA is not, therefore, required.

10 Appendices

Appendix A

Member's Code of Conduct

Appendix B

Proposed updated Arrangements for dealing with standards allegations under the Localism Act 2011.

Appendix C

Existing arrangements for dealing with complaints against Members

Appendix D

Disclosable Pecuniary Interests Form

Appendix E

Process for seeking a Dispensation

11 Background Papers

There are no background papers associated with this report.



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for authorities to adopt in whole and/or with local amendments.

All authorities are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to authorities and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

This Code will **not** apply in relation to your private life **unless** you make reference to your position as a Councillor. For example, if you operate a private social media account but reference your work as a Councillor, show pictures of you acting in your role as Councillor or otherwise make it clear that you are a Councillor, then this Code will apply to your social media activity.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

You are also expected to fulfil the role of corporate parent and ensure that appropriate steps are taken to protect all children, young people and vulnerable adults living, working or in education within the Authority's area and, where necessary, refer any matters that **might** amount to a safeguarding concern to Family Connect.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the authority

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute As a councillor:

4.4 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You should be aware that your behaviour in your personal capacity may result in action being taken under this Code of Conduct if you identify as being a Councillor whilst behaving in a manner which is in breach of the Code of Conduct or if you give members of the public the impression that you are a councillor despite acting in your personal capacity. One exception to this is where you are found guilty of certain criminal offences which would preclude you from being a councillor or would bring the role of councillor into disrepute regardless of whether you had identified yourself as a Councillor.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the authority whilst continuing to adhere to other aspects of this Code of Conduct.

5. Use of position

As a councillor:

5.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

6. Use of local authority resources and facilities

As a councillor:

6.1 I do not misuse authority resources.

6.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7. Complying with the Code of Conduct

As a Councillor:

7.1 I undertake Code of Conduct training provided by my local authority.

7.2 I cooperate with any Code of Conduct investigation and/or determination. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring

Officer.

Protecting your reputation and the reputation of the local authority

8. Interests

As a councillor:

8.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

9. Gifts and hospitality

As a councillor:

9.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

9.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

9.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Non-Pecuniary Interests

6. Where a matter arises at a meeting which **directly relates** to one of your non-pecuniary interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under non-pecuniary interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on forprofit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the authority) made to the councillor during theprevious 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and LabourRelations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom thecouncillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which suchperson is a director* or a body that such person has a beneficial interest in the securities of*) and theauthority — (a) under which goods or servicesare to be provided or works are tobe executed; and (b) which has not been fullydischarged.
Land and Property	Any beneficial interest in land which iswithin the area of the authority. 'Land' excludes an easement, servitude, interest or right in or over land which doesnot give the councillor or his/her spouse orcivil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another)a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the authority; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living asif they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of

Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Non-Pecuniary Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) c) A matter that directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, d) A matter that affects:- <ul style="list-style-type: none"> a. your own financial interest or well-being; b. a financial interest or well-being of a relative, close associate; or c. a body included in those you need to disclose under non-pecuniary interests as set out in this Table 2
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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Authorities should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on an authority's website and available in authority premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Authorities should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Authorities should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Shropshire and Wrekin Fire and Rescue Authority

Arrangements for dealing with standards allegations under the Localism Act 2011

1. Context

These “Arrangements” set out how to make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a member or co-opted member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that Authority’s Member Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

2. The Code of Conduct

The Authority has adopted a Code of Conduct for members, which is available for inspection on the Authority’s website and on request from Service Headquarters, St Michael’s Street, Shrewsbury, SY1 2HJ.

3. Making a complaint

To make a complaint, please write to or email –

Anthea Lowe
Monitoring Officer
Service Headquarters
St Michael’s Street
Shrewsbury
SY1 2HJ

anthea.lowe@telford.gov.uk

Or

Richard Phillips
Deputy Monitoring Officer

richard.phillips@telford.gov.uk

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In the event of there being a conflict of interest in relation to both the Monitoring Officer and Deputy Monitoring Officer, the Monitoring Officer will, in consultation with the Chief Fire Officer, seek to appoint another Deputy Monitoring Officer, or alternatively, refer the matter to a Monitoring Officer from another Authority.

Complaints should be submitted using the Complaint Form for Allegation of Breach(es) of Code of Conduct for Members.

In order to ensure that all the information needed to be able to process a complaint is included, please complete and send the complaint form, which can be downloaded from the Authority's website, and is available on request from Service Headquarters.

The complainant should provide their name and a contact address or email address, so that the complaint can be acknowledged and they can be kept informed of its progress. If the complainant wants to keep their name and address confidential, they should indicate this in the space provided on the complaint form, in which case their name and address will not be disclosed to the member against whom the complaint is made without their prior consent. It should be noted, however, that the Authority will not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The process for deciding how to deal with anonymous complaints is set out in the attached charts.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

4. Confidential Informant Process

Any member of staff within Shropshire and Wrekin Fire Service can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion.

This process is only available to employees of the Fire Service. If the employee makes a complaint under duress or other pressure from Councillors or Senior Officers the Monitoring Officer will expect them to be candid about that and it is unlikely any action will be taken against them. If, however, there is evidence to suggest that the employee has colluded with the wrongdoing then the matter will be referred to HR for consideration under the disciplinary process.

5. Will your complaint be investigated?

Preliminary tests

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint.

The complaint will be assessed by the Monitoring Officer, or in their absence the Deputy Monitoring Officer, in consultation with the Independent Person (see paragraph 12 – ‘*Who is the independent person?*’ for further information) against the Stage One Legal Threshold set out in paragraph 5.1 and, if applicable, the Stage Two Initial Assessment test set out in paragraph 5.2 below.

5.1 Stage One - Legal Threshold:

- (a) Was the person complained of a member of the Authority at the time of the alleged conduct?
- (b) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (c) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct in force at the material time?
- (d) The complaint is not about dissatisfaction with the Authority’s decisions, policies and priorities, etc.

If the complaint fails one or more of the 1st Stage Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

5.2 Stage Two – Initial Assessment

If the complaint satisfies the Stage One Legal Threshold test, the Monitoring Officer, in consultation with the Independent Person, will then apply the following Initial Assessment criteria test:

- (a) The complaint is a ‘repeat complaint’, unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous (unless paragraph 4 applies);
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or ‘tit-for-tat’;
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 6 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers’ and Members’ time and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph 16;

- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has already been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a Member of the Authority.

If one or more of the Stage Two Initial Assessment test applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If none of the criteria in the Stage Two Initial Assessment apply, the Monitoring Officer will go on to apply the Public Interest Test at 5.3 – again, this will be in consultation with the Independent Person.

5.3 Stage 3 – Public Interest Test

Public interest is regarded as “something which is of serious concern and benefit to the public”. It has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public.

The Authority is of the view that it should not use its resources to investigate matters which are trivial or which have little or no impact upon the public. It is important that the Authority focuses on investigations where matters are serious and capable of undermining the relationship between members and the public they serve such as; corruption, bullying, damaging the Authority's public image, bringing the Authority into disrepute, or the misuse of power in public office.

When applying the public interest test, the Monitoring Officer and Independent Person shall consider each of the following public interest factors set out below. These factors are not exhaustive, and not all may be relevant in every case.

The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

- the seriousness of the breach, for example, has the Member brought the Authority seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required;

- has the Member deliberately sought personal gain for himself or another person at the public expense? If there is evidence of this, it is likely that the complaint will be investigated and referred for further hearing;
- are the circumstances of the breach such that a Member has misused a position of trust or authority and caused harm to a person? If there is evidence of this it is likely that the complaint will be investigated and referred for further hearing;
- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a member's conduct is motivated by any form of discrimination it is likely that the complaint will be investigated and referred for further hearing;
- is there evidence of previous similar behaviour on the part of the Member? If so and the matter complained about is serious enough it is likely that the complaint will be investigated and referred for further hearing;
- is the breach such that an investigation or referral to the Standards Committee is required to maintain public confidence in Members? If so, it is likely that the complaint will be investigated and referred for further hearing; and is investigation or referral to the Standards Committee a proportionate response? Namely, would the cost of an investigation or hearing by the Standards Committee be regarded as excessive when weighed against any likely sanction?

6. What happens once the Monitoring Officer has reached a decision?

Where the Monitoring Officer has taken a decision, they will inform the complainant of their decision and the reasons for that decision. The Monitoring Officer must consult with the Independent Person before deciding whether or not a formal investigation should be undertaken.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request further information from the complainant, and may request information from the member against whom the complaint is directed.

The member against whom the complaint is directed, may seek the views of the Independent Person at any stage in the process. This could be to provide a view on the complaint itself, the process under which the complaint will be dealt with or to provide a view on any other query the member may have relating to the complaint. An Independent Person's role is not to act as an 'advisor' to the subject member.

Local Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority

make a reasonable offer of local resolution, but the complainant does not agree with that offer, the Monitoring Officer will take account of those views in deciding whether the complaint merits formal investigation.

The Monitoring Officer will complete a decision notice, whether or not a matter is to be investigated, which will outline the reasons for the decision.

The Monitoring Officer will normally only decide to investigate a complaint about alleged conduct that happened within six months of the date of receipt of the complaint. If the Monitoring Officer is of the view that exceptional circumstances apply that prevented a complaint being made sooner, then this time limit may be waived.

7. Referral for Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer/Officers, who may be another senior officer of the Authority, an officer of another Authority or an external investigator.

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so the complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The investigation will be completed in accordance with the Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011, which is appended to these arrangements.

The Investigating Officer would normally write to the member against whom the complaint has been made and provide them with details of the complaint, within 5 working days of being appointed.

The Subject Member has the opportunity to provide an explanation of events, identify any documents they believe the Investigating Officer needs to see and who should be interviewed. This should be done within 5 working days of receiving the details of the complaint from the Investigating Officer.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

The Investigating Officer may ask the subject member to attend an interview about the complaint. The interview may be tape recorded, unless the Investigating Officer considers there to be good reason not to.

The disclosure of any evidence to the Subject Member at any stage of the investigation is a matter for the Investigating Officer, having regard to the rules of natural justice and ensuring fairness to all parties concerned.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage.

The Investigating Officer will endeavour to complete their investigation within 8 weeks (40 working days). However, **may**, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

- Medical reasons relating to the subject member (with evidence specifically addressing why the member cannot engage in the investigation);
- To allow the subject member to seek legal advice and representation;
- In consideration of any personal or family circumstances of the subject member that impacts on their availability or ability to engage at the initial stage.
- Other exceptional circumstances determined on a case-by-case basis e.g. availability of a key or material witness.

Any extension will be determined by the Investigating Officer who will confirm the new timetable and notify the relevant parties.

The Investigating Officer reserves the right to proceed with the investigation in the absence of engagement of the subject member if they are satisfied that reasonable opportunity has been given to the subject member to engage in the process.

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will instruct the Investigating Officer to send the draft report to the complainant and the subject member within 5 working days.

The evidence gathered during the course of the investigation is not disclosed to the complainant or the subject member at this stage.

The complainant and the subject member will be given a period of 10 working days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate will endeavour to send their final report to the Monitoring Officer, within 5 working days.

8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the subject member, notifying them that they are satisfied that no further action is required, and give provide both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or has other concerns relating to the

complaint or the investigation report, they may ask the Investigating Officer to reconsider their report. The Monitoring Officer may consult the Independent Person about this.

9. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before a Sub Committee of the Standards Committee or, after consulting the Independent Person, seek local resolution.

9.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant. If the complainant does not agree with the suggested resolution, the Monitoring Officer will take account of their views in deciding whether to proceed with the local resolution or refer it for a local hearing. It is however, the Monitoring Officer's decision. The purpose of the local resolution is to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

The range of resolutions that can be imposed is wide and each resolution will be tailored to fit the particular behaviour that has resulted in a breach of the Member Code of Conduct, for example, training on a specific issue. The Monitoring Officer will set a reasonable timescale for compliance with the local resolution.

If the member complies with the suggested resolution, within the timescale set by the Monitoring Officer, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If the member fails to comply with the resolution within the timescale set, this will be a further breach of the Code of the Conduct and the matter will then be referred to the Standards Committee for consideration.

The breach of the Member Code of Conduct and the resolution imposed will be publicised on the member's profile on the Authority's website for a period to be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

9.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a local hearing before deciding

whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The local hearing will normally take place within six weeks (30 working days) of the decision to proceed to a local hearing being made. Within 5 working days of the decision being made to proceed with a local hearing, the Monitoring Officer shall provide the complainant and the subject member with a copy of the bundle containing the supporting evidence.

The Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give their response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. If the matter is straightforward, the Monitoring Officer, in consultation with the Chair, will consider whether or not the matter can be dealt with at a sub-Committee of the Standards Committee.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Member Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Sub/Committee. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Sub/Committee as to why they consider that they did not fail to comply with the Member Code of Conduct.

If the Sub/Committee, with the benefit of any advice from the Independent Person, concludes that the member did not fail to comply with the Member Code of Conduct, they may dismiss the complaint. If the Sub/Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub/Committee will then consider what action, if any, should be taken as a result of the member’s failure to comply with the Code of Conduct.

In doing this, the Sub/Committee will give the member an opportunity to make representations to the Sub/Committee and will consult the Independent Person.

10. What action can the Sub/Committee of the Standards Committee take where a member has failed to comply with the Member Code of Conduct?

The Authority has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee, or Sub-Committee on behalf of the Standards Committee, will publish the breach of the code of conduct and the sanction imposed on the member’s profile on the Authority’s website for a period of time to be determined by the Sub/Committee, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved. The Sub/Committee will also report its findings to the

Authority for information.

The Standards Committee may –

- 10.1 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to the Authority or to Committees) that the subject member be removed from any or all Committees or Sub Committees of the Authority;
- 10.2 Recommend to the member's Group Leader that the member be removed from particular responsibilities;
- 10.3 Instruct the Monitoring Officer to arrange training for the member;
- 10.4 Recommend to the Authority to remove from all outside appointments to which the member has been appointed or nominated by the authority;
- 10.5 Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and Internet access;
- 10.6 Exclude the member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.
- 10.7 Recommend to the Authority that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgment or reprimand) by motion.
- 10.8 Instruct the Monitoring Officer to apply the informal resolution process.
- 10.9 Recommend the Authority to issue a press release or other form of publicity.
- 10.10 Recommend that the subject member makes an apology at the next full Authority meeting.
- 10.11 Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

The Standards Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

11. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Sub/Committee as to whether the member failed to comply with the Member Code of Conduct and as to any actions which the Sub/Committee resolves to take.

As soon as reasonably practicable thereafter, and within 5 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub/Committee, and send a copy to you, to the member and make that decision

notice available for public inspection and report the decision to the next convenient meeting of the Authority.

If the member complies with the sanction imposed by the Standards Committee, within the timescale set, the Monitoring Officer will report the matter to the Standards Committee for information. If the member fails to comply with the sanction within the timescale set, the matter will be referred to the Standards Committee as a breach of the Code of Conduct and reported to the Authority for information.

12. Who are the Standards Committee?

The Standards Committee is appointed each year by the Authority. Details of the current membership of the Committee can be found on the Authority's web site.

The Independent Persons views are sought and taken into consideration before a Sub/Committee takes any decision on consideration of an investigation report on whether the member's conduct constitutes a failure to comply with the Member Code of Conduct and as to any action to be taken following a finding of failure to comply with the Member Code of Conduct.

13. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Authority.

A person cannot be "independent" if he/she –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Is a relative, or close friend, of a person within paragraph 13.1 above. For this purpose, "relative" means –
 - 13.2.1 Spouse or civil partner;
 - 13.2.2 Living with the other person as husband and wife or as if they were civil partners;
 - 13.2.3 Grandparent of the other person;
 - 13.2.4 A lineal descendent of a grandparent of the other person;
 - 13.2.5 A parent, sibling or child of a person within paragraphs 13.2.1 or 13.2.2;
 - 13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or
 - 13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

14. Publication of Standards Investigations

The Authority acknowledges that there is a need to balance the public interest in transparency of these types of matters with the requirement of fairness to a member who is subject to an allegation.

The contents of the initial assessment of a complaint and the investigation will remain confidential.

When a matter progresses to a local hearing before a Sub/Committee, the hearing will be in public, unless there is a particular reason for the information that will be disclosed during it, to be exempt. The Monitoring Officer will make this decision prior to the hearing in consultation with the Independent Persons and the Chair of the Sub/Committee. Each case will be determined on its own merits.

In making this decision, particular consideration will be given to the necessity of transparency, the requirements of witnesses, any Data Protection issues that may become relevant and schedule 12A of the Local Government Act 1972 which outlines what exempt information is.

Consideration will also be given to the disclosure of the papers prior to and or after the hearing and whether any redactions of the papers need to be made.

15. Access to Information during an Investigation

During an investigation and any subsequent hearing, it is important to ensure that information and evidence that has been gathered, is kept confidential in order to protect the integrity of the process. With that in mind, the access to certain information will be restricted.

15.1 Subject Access Requests

The Data Protection Act 1998 entitles individuals (both members of the public and employees) to access personal data held about them by the Authority. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Authority can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions. Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Officer of the Authority.

15.2 Freedom of Information Requests

The Freedom of Information Act 2000 places a statutory requirement on the Authority to provide information to the public. Any individual has a right to

request information held by the Authority, regardless of where they reside. This right also extends to employees, pressure groups, businesses, politicians and members of the press.

There are certain circumstances where information is exempt from disclosure. Information which has been obtained during an investigation under these arrangements is likely to be exempt as it is likely that the information is being held for the purposes of a criminal investigation; is or has been held for criminal proceedings conducted by a public authority; or was obtained or recorded for various investigative functions and relates to the obtaining of information from confidential sources.

The information described is exempt only where the public authority has a duty, or the power, to carry out investigations. The Authority does have a duty and/or power to carry out investigations, therefore, if a Freedom of Information Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Officer.

16. Review Meetings

Where any complaints have been determined in the preceding period, there will be six-monthly meetings between the CFO, MO and Group Leaders, to consider themes across any standards complaints/investigations for the purpose of identifying training needs and member development opportunities (or any other improvements) in order to prevent recurrence of incidents.

17. Revision of these arrangements

The Authority may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee in consultation with the Monitoring Officer and/or Independent Person as appropriate the right to depart from these arrangements in exceptional circumstances (as far as they relate to the business of a Sub/Committee for the administration of the fair hearing of a matter) where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

There shall be a desktop review of the Code of Conduct and these Arrangements undertaken by the Committee with the Monitoring Officer annually, and an in-depth review undertaken every 2 years.

18. Appeals

There is no right of appeal against a decision of a Sub/Committee.

If the complainant or subject member feels that the authority has failed to deal with the complaint properly, they may seek independent legal advice.

Shropshire and Wrekin Fire and Rescue Authority

Complaint Form

Allegation of Breach(es) of Code of Conduct for Members

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

Your details

- Please provide us with your name and contact details. Anonymous complaints may be investigated if they indicate a potentially exceptionally serious or significant matter and the complaint is accompanied by sufficient documentary or other supportive evidence.**

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.
- The Independent Person
- The Member complained of, unless there is a reason for it to be kept confidential.
- Standards Sub/Committee and parties to any Hearing including their advisors

If you have serious concerns about your name or details of your complaint being released, please complete **Section 6** of this Form and you may also discuss your reasons or concerns with the Authority's Monitoring Officer.

Reference to member also includes a co-opted member of the Authority.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Authority
- An independent member of the Standards Committee
- A Member of Parliament
- Fire Authority employee, contractor or agent of the Authority.
- A Monitoring Officer
- Other ()

3. Equality Monitoring Form - Please complete the Form attached at the back.

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

Title	First name	Last name

5. Please explain in this section (or on separate sheets) what the Member is alleged to have 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 also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the alleged breach(es).

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when they decide whether to take any action on your complaint. For example:

- 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 or did to insult you.
- 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 any relevant background information or other relevant documentary evidence to support your allegation(s).
- If your allegation(s) relate to behaviour or conduct that occurred sometime ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

Complete on separate sheet(s), as necessary

Please identify, if possible, which part of the Members Code of Conduct you consider has not been complied with (a copy of the Code of Conduct is available on our website).

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

6. 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 details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances that indicate that this should be done.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will then 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 personal and complaint details even if you have expressly asked us not to.

Please be aware that there is a Confidential Informant Process for Service employees; any member of staff within the Service can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion. Please see a copy of the Authority's 'arrangements for dealing with standards allegations under the Localism Act 2011' or speak to the Monitoring Officer for full details.

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

- 7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.**

(Continue on separate sheet(s), as necessary)

8. **Please indicate whether you have raised your complaint directly with the member concerned and if so, what response you received.**

(Continue on separate sheet(s), as necessary)

Additional Information

9. Complaints must be submitted in writing which can be by email. Please use this Form to submit your complaint.
10. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
11. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.
12. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered in accordance with these Arrangements. You will be notified of the decision and any further stages in the process.

Shropshire and Wrekin Fire and Rescue Authority

Equality Monitoring Form Information for Monitoring Purposes Only

Ethnic Classification Categories to be used by the Authority:-

1. **White**

- British
- Irish
- Any other White background (please write in)

2. **Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background (please write in)

3. **Asian or Asian British**

- Indian
- Sikh
- Pakistani
- Bangladeshi
- Any other Asian background (please write in)

4. **Black or Black British**

- Caribbean
- African
- Any other Black background (please write in)

5. **Other ethnic group**

- Chinese
- Yemeni
- Any other (please write in)

Shropshire and Wrekin Fire and Rescue Authority

Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011

1 Context

This protocol is to be used when conducting investigations into standards allegations under the Localism Act 2011. It should be read in conjunction with the 'arrangements' made under the Localism Act 2011.

2 Steps of the investigation Initial Decision

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

The Monitoring Officer will complete a decision notice, which can be found at appendix 1, whether or not a matter is to be investigated, which will outline the reasons for the decision. This will be sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

If the Monitoring Officer decides that the complaint merits investigation, investigators will be appointed.

Investigation Procedure

At the beginning of the investigation an investigation plan will be completed by the investigators overseen by the Monitoring Officer, which can be found at appendix 2. The plan will identify key dates, behaviour alleged, the relevant parts of the code of conduct, issues for determination, evidence required/obtained and the witnesses to be interviewed.

When witnesses are interviewed, a statement will be taken from them which they will be able to check and sign. The format for such a statement can be found at appendix 3.

It is likely that the subject member will be interviewed at the end of the investigation; however, this will be decided on a case-by-case basis. The interview may be tape recorded, unless the member objects to this. This ensures that there is no ambiguity as to the matters discussed in interview. A template interview plan can be found at appendix 4

The investigation will be reviewed on a fortnightly basis by the investigators, in consultation with the monitoring officer. The investigation review sheet will be completed on each occasion, which can be found at appendix 5.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage. The Monitoring Officer will complete a Decision Notice to Cease an Investigation, which can be found at appendix 6.

Completion of Investigation

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then instruct the Independent Person to send the draft report to the complainant and the subject member within 5 working days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 10 working days to comment on the draft report.

Having received any comments, the Investigating Officer will assess them and complete a Comments Assessment Form which can be found at appendix 7. Once the Investigating Officer has completed this analysis and made any necessary amendments to the report, the Investigating Officer will send their final report to the Monitoring Officer.

Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011

Reference:

Complainants:

Subject Member:

Person Conducting the Assessment :

Date of Assessment:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insertname of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Stage One - Legal Threshold

The Monitoring Officer shall determine whether any of the Stage One – Legal Threshold criteria test are met as set out in paragraph 5.1 of the Arrangements.

Stage Two Initial Assessment

The Monitoring Officer shall determine whether any of the Stage Two – Initial Assessment criteria test are met as set out in paragraph 5.2 of the Arrangements.

Public Interest Test

The Monitoring Officer shall apply the Public Interest Test in accordance with paragraph 5.3 of the Arrangements.

Decision

Having consulted and considered the views of the Independent Person, the Monitoring Officer decided to [refer the complaint for investigation][offer a local resolution] [take no further action].

At this stage, the Monitoring Officer is not required to decide if the Members Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

If referring for Investigation

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

Parameters of Investigation

[Include brief instruction to investigators on the scope of the investigation; possible witnesses, relevant documents, issues to focus on and timescales]

If referring for Local Resolution:

The terms of the local resolution are as follows [insert terms that subject member must comply with]

Compliance with these terms is required within [insert weeks] of this decision notice.

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the standards committee for hearing.

If No further action

The Monitoring Officer has decided that no further action will be taken in relation to this complaint and therefore the matter is concluded.

Notification of decision

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Signed:

Date:

Print name:

Monitoring Officer

The Monitoring Officer

Shropshire and Wrekin Fire Authority

Service Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

Investigation Plan for Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Date received by monitoring officer:	
Date referred to investigator:	

Subject member:		Complainant:	
Authority:		Investigator:	

Target for monitoring officer's receipt of draft report

Date due:	
Explanation:	

Target for issue of draft report

Date due:	
Explanation:	

Target for issue of final report

Date due:	
Explanation:	

Case analysis

Behaviour alleged	
Relevant Code paragraphs	

Issues for determination	
Evidence required	
Evidence obtained	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Possible witnesses

Name of Witness	
Issue they may address	
Date of interview	

Other Matters

Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.

Completed by:

Date:

Statement of

Interview Date:		Place of Interview:	
People Present:			

This statement consisting of ... page is true to the best of my knowledge and belief.
 I understand that I may be required to give evidence should a hearing be held. I also understand that this statement may be used in all procedures related to this matter and other connected matters. I am aware that a copy of this statement may be disclosed to others as part of these and related proceedings.
 I am the above named person and understand that I have been asked to provide this statement in relation to allegations made against

I have been asked about the allegation that
Signed..... Dated

Interview Plan for Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Interviewee:	
---------------------	--

Subject member:		Interviewer:	
Authority:		Date:	

Nature of complaint

Purpose of interview

Facts already established (which relate to purpose of interview)

Facts to be established (which relate to purpose of interview)

--

Record of disclosure to witness before interview

--

Planned disclosure to witness during interview

--

Areas to be covered in interview

Key questions

Areas to be covered in interview	Key questions

Investigation Plan Review Sheet for Dealing with Standards Allegations Under the Localism Act 2011

Case No:

Date:	
Investigator:	

Subject member:		Complainant:	
------------------------	--	---------------------	--

Reason for Review

<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

Details relating to above

Review of Targets

Revised draft report target:	
Revised date of final report target:	

Reasons for revisions

Completed by:

Date:

Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011 to Cease an Investigation

Reference:

Complainants:

Subject Member:

Person Conducting the Assessment:

Date of Assessment:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Original Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation on the [insert date].

Investigation Summary

The investigation began on the [insert date]. To date, the investigation has revealed that [insert brief description of what has happened in the investigation so far].

Decision to Cease Investigation

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to cease the investigation. The reasons for this decision are as follows [insert reasons].

Consultation with Independent Person

Summarise the Independent Person's views in numbered paragraphs]

Notification of decision

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Signed:

Date:

Print name:

Monitoring Officer

The Monitoring Officer

Shropshire and Wrekin Fire Authority

Service Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

Comments Assessment Matrix for Dealing with Standards Allegations Under the Localism Act 2011

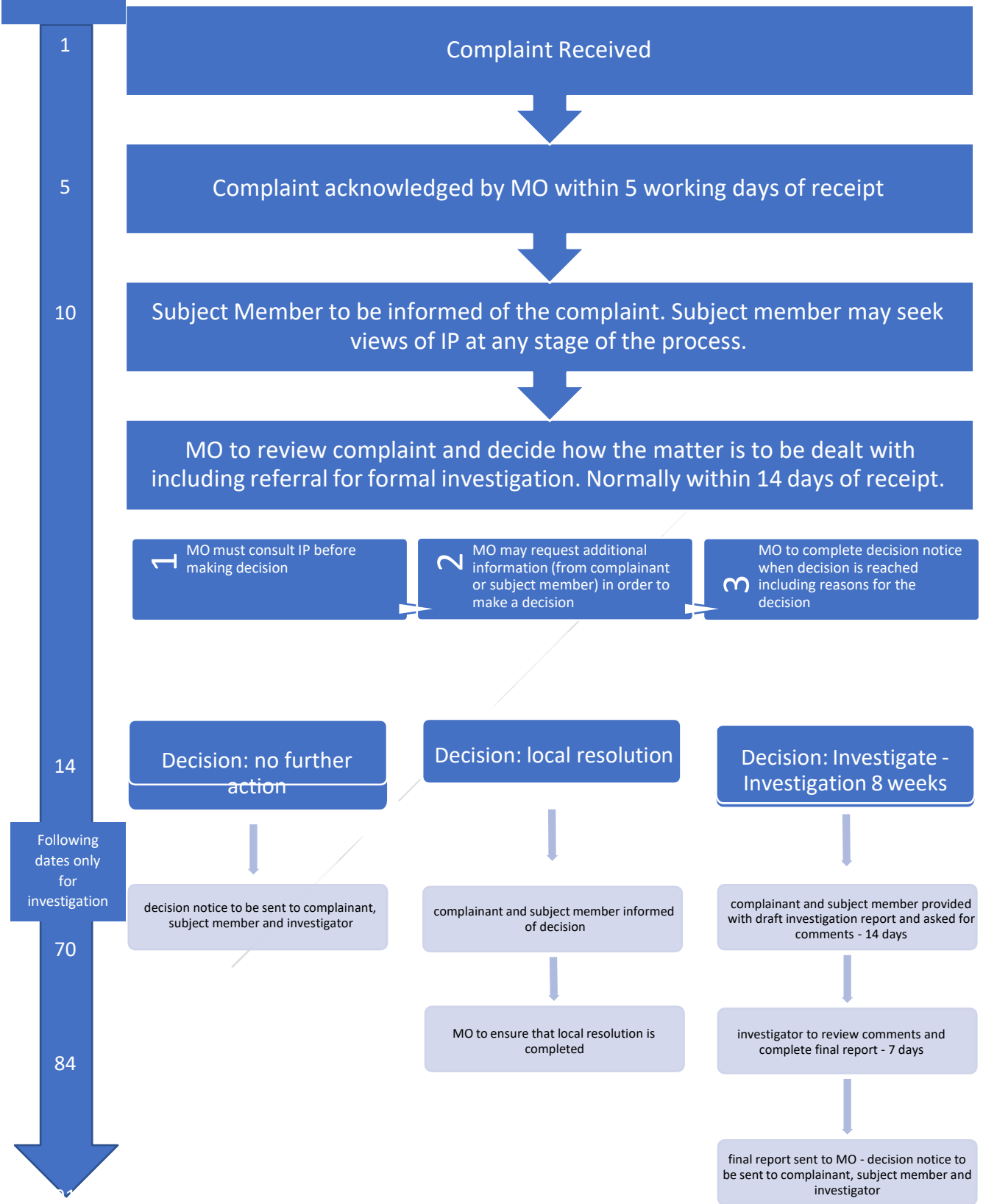
Case No:

Date:			
Investigator:			
Subject member:			Complainant:
Comments Made by:			
Date Received:			

Comment Received	Response	Amendment Necessary?

Indicative
Timeline
in days

Flow Chart Showing Summary Timeline from Receipt of Member Standards Complaint



This flowchart should be read in conjunction with the Authority's Arrangements for dealing with member standards complaints. The timeline provided here is subject to change depending on the circumstances of the particular complaint.

**Shropshire and Wrekin Fire and Rescue Authority
Complaint relating to a Breach of the Authority's Code of Conduct**

Name of the Member/s

Please provide the name of the Member/s you believe has/have breached the Code of Conduct

Name/s

Details of Your Complaint

Please provide details of your complaint in the space below. If you need to, please continue on a separate sheet and add copies of additional documents.

In your complaint you should identify why you think the Member has breached the Fire Authority's Code of Conduct. You must include all the information that you wish to have taken into account, for example:

- You should be specific 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 the Member said.
- Where you can, you should provide the dates of the alleged incident/s.
- You should confirm, if there were any witnesses to the alleged conduct and provide their names and contact details, if possible.
- You should provide any relevant background information.

--

About you

Please provide full contact details, to enable us to contact you

Name	
Address	
Telephone Home Mobile	
Email	

Note

Unless you have a good reason, which you explain in your complaint, your name and details of your complaint will be available to the Member/s that you are complaining about and will be publicly available and used for the purposes of an investigation, if it goes that far.

Signed

Date

Please send your completed form and other information that you wish to be considered to the Monitoring Officer at monitoringofficer@telford.gov.uk or via post to the following address:

The Monitoring Officer
Telford & Wrekin Council
Darby House
Lawn Central
Telford
Shropshire
TF3 4JA

Additional Help

If you need any help in completing this form, please contact the Monitoring Officer on 01952 383219 or by e-mail (see above).



Shropshire and Wrekin
Fire and Rescue Authority

Disclosable Pecuniary Interests

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>	

-
- 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 them 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 Executive Support Officer, 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 Dispensations Procedure

Circumstances in which Dispensations May be Granted

The provisions of Part 1, Chapter 7 of the Localism Act 2011 state that a Member cannot:

- (a) Participate, or participate further, in any discussion of a matter at a meeting or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting

if the Member has a disclosable pecuniary interest in the matter being considered.

The Fire Authority's Member Code of Conduct (see Section 4 of the Member Handbook) confirms the position and the requirement for the Member to leave the room.

Members can, however, apply for a dispensation to take part in those meetings, if they believe that their failure to take part may cause one or more of the following four outcomes (set out in the Code of Conduct):

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 area of the Fire Authority.	Standards, Audit and Performance Committee
It is otherwise appropriate to grant a dispensation.	Standards, Audit and Performance Committee

Members can make an application for a dispensation in writing to take part in meetings, where they would otherwise have a disclosable pecuniary interest for consideration by either the Monitoring Officer or the Standards, Audit and Performance Committee, depending upon the reason for the dispensation.

Any member who wishes to apply for a dispensation must fully complete the attached form and submit it to the Head of Human Resources and Administration at least 15 working days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances.

In order to avoid delay Members must ensure that they give full details of the grounds for their request and submit it to the Head of Human Resources and Administration as soon as they become aware that a dispensation is necessary.

A request for dispensation must be made on an individual basis. Group applications are not permitted.

Applications to the Monitoring Officer

The procedure for the consideration of dispensation applications by the Monitoring Officer will be as follows:

- Upon receipt of a relevant dispensation application the Head of Human Resources and Administration will pass the application to the Monitoring Officer.
- The Monitoring Officer will consider requests for dispensation in the order in which they are received having regard to the criteria and terms set out below.
- The Monitoring Officer will notify the Member of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.
- If the Monitoring Officer does not fully grant the dispensation requested by the Member, that Member can make a request to the Head of Human Resources and Administration that the application be referred to the Standards, Audit and Performance Committee as soon as is reasonably practicable.

In the absence of the Monitoring Officer, or in the event of a vacancy, the officer appointed as Deputy Monitoring Officer is authorised to execute the functions of the Monitoring Officer

Applications to Standards, Audit and Performance Committee

The procedure for the consideration of dispensation applications by this Committee will be as follows:

- Upon receipt of a relevant dispensation application, the Head of Human Resources and Administration, in liaison with the Monitoring Officer, will (where necessary) arrange a special meeting of the Standards, Audit and Performance Committee.
- A formal agenda for the meeting will be produced and dispatched, together with the dispensation application (and any covering report) in order to comply with the access to information rules and, therefore, to be received no less than

five working days prior to the meeting of the Committee to consider the matter.

- In some limited circumstances there is provision for the matter to be considered as an urgent item by the Committee. This would be at the discretion of the Chair of the Committee and such circumstances should be avoided, wherever possible.
- The Committee, upon making its decision, is required to produce a written record of that decision. It is advisable that reasons are also provided as to why the dispensation has been either allowed or refused.

Criteria for determination of requests

In reaching a decision on a request for a dispensation the Monitoring Officer or the Committee (as appropriate) will take into account:

- a) the nature of the Member's prejudicial interest
- b) The extent to which the request could have been avoided or other arrangements could be made
- c) the need to maintain public confidence in the conduct of the Authority's business
- d) The extent to which there is some personal benefit and the extent of the public benefit obtained by agreeing to a dispensation
- e) the possible outcome of the proposed vote
- f) the need for efficient and effective conduct of the Authority's business any other relevant circumstances.

Terms of dispensations

Dispensations may be granted:

- a) for one meeting;
- b) for a period not exceeding 4 years.

Dispensations may allow the Member:

- a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b) to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Member may remain in the room where the meeting considering the business is being held.

Disclosure of decision

Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates

A copy of the dispensation will be kept with the Register of Members' Interests.

Dispensation Request Form

Please give full details of the following in support of your application for a dispensation.

If you need any help completing this form, please contact the Head of Human Resources and Administration.

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	

Signed:

Dated:

Please send your completed form to:

Head of Human Resources and Administration
Shropshire Fire and Rescue Service
Headquarters
St Michael's Street
Shrewsbury
Shropshire
SY1 2HJ

Or by email to: germaine.worker@shropshirefire.gov.uk