

For Publication

Bedfordshire Fire and Rescue  
Authority  
Audit and Standards Committee  
28 September 2017  
Item No. 7

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**REPORT AUTHOR:** SECRETARY/MONITORING OFFICER

**SUBJECT:** REVIEW OF CODE OF CONDUCT

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Background Papers: None

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Implications (tick ✓):

LEGAL		FINANCIAL	
HUMAN RESOURCES		EQUALITY IMPACT	
ENVIRONMENTAL		POLICY	
CORPORATE RISK	Known	OTHER (please specify)	
	New	CORE BRIEF	

*Any implications affecting this report are noted at the end of the report.*

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**PURPOSE:**

To review the wording of paragraphs 4.14 and 4.15 of the Authority's Code of Conduct.

**RECOMMENDATION:**

That no changes are made to the wording of the Code of Conduct.

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1 Introduction

1.1 When the Committee last met on 14 June 2017, it received a report on Standards and reviewed the Authority's Code of Conduct. It was suggested that paragraphs 4.14 and 4.15 of the Code of Conduct should be reviewed to clarify the ability of Members to challenge decisions made

and to have robust debate about issues without fear of being reported to the Standards regime.

- 1.2 A copy of the Authority's existing Code of Conduct is attached as Appendix A to this report. The Code of Conduct must be consistent with the Seven Principles of Public Life and these are also attached as Appendix B.

## 2. Leadership

- 2.1 Paragraphs 4.14 and 4.15 come under the heading of Leadership, which is described in the Seven Principles of Public Life as follows:

*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.*

- 2.2 The FRA's Code of Conduct includes some examples of what behaviour is expected of its Members, including respect for others, enhancing public trust and confidence and honouring the protocol on Member/Officer relations. The Code states that on no account should Members behave in a manner that might constitute harassment or bullying.
- 2.3 The concern voiced at the Committee's last meeting was that these principles might restrict the vigour of debate on controversial issues in FRA meetings.

## 3. Guidance

- 3.1 Standards for England (SfE) was dissolved in 2012. However, it had previously issued a range of guidance on the model Code of Conduct and how it should be applied. On the question of a possible conflict between robust political debate and the duty to have respect for others, the SfE issued the following guidance:

*You must treat others with respect.*

*In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.*

*Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are*

*expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.*

*Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.*

- 3.2 This SfE guidance makes clear that robust political debate and respect and courtesy for others are not mutually exclusive. However, it may be significant that the duty of courtesy is reserved for the public. As far as the treatment of fellow Members is concerned, although there may be vigorous debate between political groups, nevertheless Members of the FRA should treat each other with respect.
4. Conclusion
- 4.1 My judgement is that, in the light of the SfE's guidance on the matter, there is no need to change the wording of paragraphs 4.14 and 4.15 of the Code of Conduct.

**JOHN ATKINSON  
SECRETARY/MONITORING OFFICER**

**Appendices:  
A Code of Conduct  
B Seven Principles of Public Life**

**BEDFORDSHIRE FIRE AND RESCUE AUTHORITY (FRA)**

**CODE OF CONDUCT  
with effect from 1 July 2012**

**1.0 Introduction**

- 1.1 This Code of Conduct (“the Code”) has been adopted by the FRA as required by Section 27 of the Localism Act 2011 (“the Act”).
- 1.2 The FRA has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the FRA (“Members”) and the Code sets out the standards that the FRA expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the “Nolan” principles of standards in public life):

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

**2.0 Who does the Code apply to?**

- 2.1 The Code applies to all Members of the FRA and to all co-opted members of any committee, sub-committee or joint committee or sub-committee of the FRA.

**3.0 When does the Code apply?**

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a Member of the FRA or co-opted member in the conduct of the FRA’s business or acting as a representative of the FRA.

**4.0 What standards of Conduct are Members expected to observe?**

**Selflessness:**

- 4.1 Members must always act in the public interest. (See also Clause 4.5).

- 4.2 Members must never use their position as a member of the FRA improperly to secure for themselves or any other person, an advantage or disadvantage.
- 4.3 Members must not use the FRA's resources improperly for personal or party political purposes.

### **Integrity**

- 4.4 Members must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the FRA.
- 4.5 Members must not disclose information given to them in confidence unless required by law to do so or where there is a clear and over-riding public interest in doing so.

### **Objectivity**

- 4.6 When making decisions on behalf of the FRA, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the FRA's officers and, in particular, the Head of Paid Service, Chief Finance Officer and Monitoring Officer, where such advice is provided pursuant to their statutory duties.

### **Accountability**

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

- Local Government Act 1972
- Employment Rights Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000
- Fire and Rescue Services Act 2004
- Bribery Act 2010
- Equality Act 2010
- Localism Act 2011

- 4.9 Members must act in accordance with the FRA's policies and reasonable requirements, including any protocols and codes of practice that may apply. (E.g. in respect of Member/Officer relations, ITC, Member Allowances etc).

### **Openness**

- 4.10 Members must give reasons for any decisions taken on behalf of the FRA in accordance with any statutory or FRA requirements.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

## **Honesty**

- 4.12 Members must declare any disclosable (pecuniary and non-pecuniary) interests or conflicts of interest that may arise in respect of their responsibilities as a Member of the FRA.
- 4.13 Members must at all times ensure that any claims for expenses, allowances, and their use of facilities and services provided by the FRA are strictly in accordance with the rules laid down on these matters.

## **Leadership**

- 4.14 Members must act in a way that enhances public trust and confidence in the integrity of the FRA and its Members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 In their dealings with the FRA's employees, Members must have regard to the FRA's protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute harassment or bullying.

## **5.0 Register of Interests**

- 5.1 The Council's Monitoring officer maintains a register of interests of Members and co-opted members of the FRA.
- 5.2 The FRA has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These disclosable interests are listed in Schedule 1.
- 5.3 Members must notify the FRA's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the FRA's register of interests.
- 5.3 Within 28 days of becoming a Member of the FRA, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.

## **6. Declaration at Meetings of Disclosable Pecuniary Interests**

- 6.1 A Member must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting of the FRA, a Committee (or Sub - Committee) at which the Member is present, and withdraw from participating in the meeting where an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

## **7. Other Interests**

- 7.1 In addition to the requirements of paragraph 6, if a Member attends a meeting at which an item of business is to be considered and the Member has an interest as defined in paragraph 7.2 below, a verbal declaration of the existence and nature of the interest must be made by the Member at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 7.2 Paragraph 7.1 applies where a Member has a 'non- statutory pecuniary interest' or a non - pecuniary interest in an item of business of the FRA as follows:-
- 7.2.1 a decision in relation to that business might reasonably be regarded as affecting the well being or financial standing of the Member or a member of his/her family or a person with whom the Member has a close association to a greater extent than it would affect the majority of the Council taxpayers, ratepayers or inhabitants of the ward or electoral area for which the Member has been elected or otherwise of the FRA's administrative area, or
- 7.2.2 it relates to or is likely to affect any of the interests listed in Schedule 1 to this Code, but in respect of a member of the Member's family (other than a spouse or partner as statutorily defined) or a person with whom the Member has a close association and the interest is not a disclosable pecuniary interest.

## **8. Gifts and Hospitality**

- 8.1 A Member must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which has been accepted as a Member from any person or body other than the FRA.
- 8.2 The Monitoring Officer will place the notification on a public register of gifts and hospitality.
- 8.3 This duty to notify the Monitoring Officer does not apply where the gift benefit or hospitality comes within a description approved by the FRA for this purpose.

***Code of Conduct adopted by the Fire and Rescue Authority on 28 June 2012***

## Schedule 1 - Disclosable Pecuniary Interests

A Member has a duty to register, disclose and not to participate in respect of any matter in which he/she has a Disclosable Pecuniary Interest as set out in the Localism Act 2011 (Chapter 7).

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

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The Relevant Authorities  
(Disclosable Pecuniary Interests) Regulations 2012

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<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)—



- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

# The 7 Principals of public life

## 1. Selflessness

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

## 2. 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 declare and resolve any interests and relationships.

## 3. Objectivity

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

## 4. 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.

## 5. 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.

## 6. Honesty

Holders of public office should be truthful.

## 7. 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.