

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY	
date	8 December 2006	Agenda item number

REPORT OF THE CHIEF FIRE OFFICER

CODE OF CONDUCT

1. PURPOSE OF REPORT

To present to the Fire & Rescue Authority a draft Code of Conduct to consider for formal adoption.

2. BACKGROUND

The Local Government Act 2000 provides a strategic framework to govern the conduct of Members and Officers of Authorities in England and Wales. Specific guidance on Members and Officer standards is contained within this Act and the associated Statutory Instrument 2001, No. 3575.

3. REPORT

- 3.1 Nottinghamshire and City of Nottingham Fire & Rescue Authority was formed prior to the Local Government Act 2000, and as such the Standing Orders relating to Members and Officers were written prior to national guidance. Although some protocols and processes do exist to guide the relationship between Members and Officers, it is essential that a formal protocol exists that defines good practice.
- 3.2 The Authority recognises that effective working relationships between Members and Officers are crucial to the successful operation of the organisation. Therefore, as part of the ongoing improvements of the Governance arrangements a draft protocol was presented to the Authority at its meeting of 13 September 2006.
- 3.3 The draft protocol (attached as Appendix A) was based on the provisions of Statutory Instrument 2001, No. 3575, existing City and County Council codes and a review of codes currently being used by other Fire & Rescue Authorities throughout England.
- 3.4 At its meeting 13 September 2006, Nottinghamshire and City of Nottingham Fire & Rescue Authority approved a draft Code of Conduct for consultation with Members, Officers and Trade Unions. The consultation period ran for six weeks and closed on Friday 27 October 2006.

- 3.5 Responses received have been taken into consideration and the final draft document reflects any comments made. These comments were mainly positive in support of the document. Other comments received related to clarification around the wording and processes of the Members protocol. As this protocol was formed directly from statutory instrument 2001, No 3575, any amendments would have been contrary to legal guidance. The wording was therefore left as per the initial draft.
- 3.6 The Authority resolved that following consultation the document should be forwarded to the Standards Committee for final scrutiny before being returned to Authority for formal adoption. The Standards Committee met on Wednesday 15 November 2006 and approved the document.

4. FINANCIAL IMPLICATIONS

Any financial implications arising from this report will be dependent on the Standards Committee's decision. If adopted there will be distribution and circulation costs arising from this. These will be contained from within existing budgets.

5. PERSONNEL IMPLICATIONS

If the Authority approve the Code for formal adoption it will be circulated to all employees and will be deemed to be incorporated into contracts of employment. All appropriate representative bodies have been consulted on this and those that responded have done so positively. Members will also receive a copy in respect of the revised Governance arrangements.

6. EQUALITY IMPACT ASSESSMENT

The Code of Conduct will apply equally to all Members and employees of the organisation. The Code itself has been subject to an Impact Assessment and no specific equalities issues have been identified.

7. RISK MANAGEMENT IMPLICATIONS

The revised Governance structure and Authority commitment to that structure has resulted in improved knowledge, continuity and engagement between Members and Officers. This ensures that the Service meets its obligations under external scrutiny processes, CPA and reduces the risk of ministerial intervention.

8. RECOMMENDATIONS

- 8.1 Following the recommendation of the Standards Committee, the Authority approve the Code of Conduct for formal adoption.
- 8.2 A copy be forwarded to all Members and Officers informing them of the protocols and their obligations under its provisions.

9. BACKGROUND PAPERS FOR INSPECTION

- Nolan Report ;
- Local Government Act 2000 ;
- Statutory Instrument 2001, No.3575 ;

- Local Authorities (Model Code of Conduct) (England) Order 2001 ;
- Nottingham City Council Code of Conduct ;
- Nottinghamshire County Council Code of Conduct ;
- Greater Manchester Fire & Rescue Authority protocol on Member/Officer relations;
- Lancashire Fire & Rescue Authority protocol on Member/Officer relations ;

Paul Woods
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE
Fire & Rescue Service

Code of Conduct

CONTENTS

Members Code of Conduct

- General Provisions
- Interests
- The Register of Member's Interests

Officers Code of Conduct

Member/Officer Protocol

MEMBERS' CODE OF CONDUCT

GENERAL PROVISIONS

Scope

1.
 - I. A Member must observe the Authority's code of conduct whenever he/she:-
 - a) conducts the business of the Authority;
 - b) conducts the business of the office to which he/she has been elected or appointed; or
 - c) acts as a representative of the Authority,and references to a Member's official capacity shall be construed accordingly.
 - II. An Authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
 - III. Where a Member acts as a representative of the Authority:-
 - a) on another relevant Authority, he/she must, when acting for that other Authority, comply with that other Authority's code of conduct; or
 - b) on any other body, he/she must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body be subject.
 - IV. In this code, 'Member' includes a co-opted Member of an Authority.

General Obligations

2. A Member must:-
 - a) promote equality by not discriminating unlawfully against any person;
 - b) treat others with respect; and
 - c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
3. A Member must not:-
 - a) disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of the person authorised to give it, or unless required by law to do so; nor
 - b) prevent another person from gaining access to information to which that person is entitled by law.

4. A Member must not in his/her official capacity, and any other circumstance conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or Authority into disrepute.
5. A Member:-
 - a) must not in his/her official capacity, or any other circumstances, use his/her position as a Member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage; and
 - b) must, when using or authorising the use by others of the resources of the Authority:-
 - i. act in accordance with the Authority's requirements; and
 - ii. 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 Authority or of the office to which the Member has been elected or appointed.
6. A Member must when reaching decisions have regard to any relevant advice provided to him/her by:-
 - i. the Authority's Chief Finance Officer acting in pursuance of his/her duties under section 114 of the Local Government Finance Act 1988 or any equivalent provision in any regulations made under section 6(b) of the Local Government & Housing Act 1989; and
 - ii. the Authority's Monitoring Officer acting in pursuance of his/her duties under section 5(2) of the Local Government and Housing Act 1989; and
7. A Member must, if he/she becomes aware of any conduct by another Member which he/she reasonably believe involves a failure to comply with the Authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practical for him/her to do so.

INTERESTS

Personal Interests

8.

- I. A Member must regard himself/herself as having a personal interest in any matter that relates to an interest in respect of which notification must be given under paragraphs 13 and 14 below, or if a decision upon it might reasonably be regarded as affecting, to a greater extent than other council tax payers, ratepayers or inhabitants of the Authority's area, the well being or financial position of himself/herself, a relative or a friend or:-
 - a) any employment or business carried on by such persons;
 - b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - d) any body listed in sub paragraphs (a) to (e) of paragraph 14 below in which such persons hold a position of general control or management.
- II. In this paragraph:-
 - a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) 'partner' in sub paragraph (2(a) above means a member of a couple who live together.

Disclosure of Personal Interests

9.

A Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered, must disclose to that meeting the existence and nature of that interest at the commencement of the meeting, or when the interest becomes apparent.

Prejudicial Interests

10.

- I. Subject to sub paragraph (2) below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- II. A Member may regard himself/herself as not having a prejudicial interest in a matter if that matter relates to:-
 - a) another relevant Authority of which he/she is a member;

- b) another public Authority in which he/she holds a position of general control or management;
- c) a body to which he/she has been appointed or nominated by the Authority as its representative;
- d) the functions of the Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, is entitled to the receipt of such pay from a relevant Authority; and
- e) the functions of the Authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989

Participation in Relation to Disclosed Interests

11.

I. A Member with a prejudicial interest in any matter must:-

- a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the Authority's Standards Committee; and
- b) not seek improperly to influence a decision about that matter.

12. For the purposes of the part, 'meeting' means any meeting of:-

- a) the Authority;
- b) any of the Authority's Committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

THE REGISTER OF MEMBER'S INTERESTS

Registration of Financial and Other Interests

13. Within 28 days of the provision of an Authority's code of conduct being adopted or applied to that Authority or within 28 days of his/her election or appointment to office (if that is later), a Member must register his/her financial interests in the Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's monitoring officer of:-
 - a) any employment or business carried on by him/her;
 - b) the name of the person who employs or has appointed him, the name of any firm in which he/she is a partner, and the name of and company for which he/she is a remunerated director;
 - c) the name of any person, other than a relevant Authority, who has made a payment to him/her in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
 - d) the name of any corporate body which has a place of business or land in the Authority's area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - e) a description of any contract for goods, services or works made between the Authority and himself/herself or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the Authority;
 - g) the address or other description (sufficient to identify the location) of any land where the landlord is the Authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
 - h) the address or other description (sufficient to identify the location) of any land in the Authority's area in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer.

14. Within 28 days of the provisions of the Authority's code of conduct being adopted or applied to that Authority or within 28 days of his/her election or appointment to office (if that is later), a Member must register his/her other interests in the Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's monitoring officer of his/her membership of or position of general control or management in any:-
 - a) body to which he/she has been appointed or nominated by the Authority as its representative;
 - b) Public Authority or body exercising functions of a public nature;

- c) company, industrial and provident society, charity or body directed to charitable purposes;
 - d) body whose principal purposes include the influence of public opinion or policy; and
 - e) trade union or professional association.
15. A Member must within 28 days of becoming aware of any change to the interests specified under paragraphs 13 and 14 above, provide written notification to the Authority's monitoring officer of that change.

Registration of Gifts and Hospitality

16. A Member must, within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Authority's monitoring officer of the evidence and nature of that gift or hospitality.

EMPLOYEES CODE OF CONDUCT

1. Principles

- 1.1 The public is entitled to expect the highest standards of conduct from all Officers of Nottinghamshire and City of Nottingham Fire & Rescue Authority and Officers must act at all times in accordance with that trust.
- 1.2 Officers of the Authority have a responsibility to act fairly, honestly, in good faith and in an impartial way to meet the specified objectives of the Authority. An Officer of the Authority must not take any decision in pursuit of a private interest and must not allow a private interest to influence a public decision.
- 1.3 Officers are accountable to the Authority for their actions.

2. Standards

- 2.1 Officers of Nottinghamshire and City of Nottingham Fire & Rescue Authority are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Members and fellow Officers with impartiality. They will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any significant shortcomings in the provision of an agreed service.
- 2.2 Officers must report to the appropriate manager any impropriety, fraud or breach of procedure. The Authority has adopted a Whistle Blowing policy, which also enables reporting confidentially on any improper behaviour or action taken by an Officer or manager.
- 2.3 Officers must not treat another Officer of the Authority less favourably than other Officers because that Officer has done, or intends to do, or is suspected of doing, anything in relation to any procedure the Authority has for reporting misconduct.

3. Disclosure of Information

- 3.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. Officers must check with their manager what sort of information they can give openly and ensure they know what information cannot be disclosed without specific authority. In general, information that is considered to be confidential or exempt, or concerning an individual Officer or service user or commercially sensitive information about contracts or tenders must not be disclosed.
- 3.2 Officers must not use any information obtained in the course of their employment for personal gain or benefit, nor must they pass it on to others who might use it in such a way.
- 3.3 If they have regular contact with Members, Officers must read and understand the Member/Officer protocol, which contains guidance on disclosure of information to Members.

- 3.4 Officers must not prevent another person from gaining access to information to which that person is entitled by law.

4. Political Neutrality

- 4.1 Officers must serve the Authority as a whole. They must serve all Members and not just those of the majority group, and must ensure that the individual rights of all Members are respected.
- 4.2 Subject to the Members/Officers Protocol, Officers may also be required to advise Political Groups. This must be done in ways which do not compromise political neutrality. Information communicated to an Officer by a Political Group in confidence should not be communicated to other Political Groups.
- 4.3 Officers must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

5. Relationships

- 5.1 Mutual respect between Officers and Members is essential to good local government. Close personal familiarity between Officers and individual Members or between Officers can damage the relationship and prove embarrassing to other Officers and Members and must therefore be avoided. Close personal relationships between Officers working together or between Members and Officers may cause a perception of bias or favouritism. To avoid this problem, Officers must declare to their Manager:-
- any close personal relationship with another Officer in the same section or area of work; or
 - any close personal relationship with a Member.
- 5.2 It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.
- 5.3 The Authority has adopted a Member/Officer Protocol. If you regularly have contact with Members, you should read and understand the protocol.

The Local Community and Service Users

- 5.4 Officers must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Authority.

Contractors

- 5.5 All relationships of a business or private nature with external contractors, or potential contractors, must be known to the appropriate manager. Orders and contracts must be awarded on merit in accordance with the Authority's Financial and Contracts Rules and the Best Value regime and no special favour must be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.
- 5.6 If Officers engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or

domestic capacity with the contractors, they must declare that relationship at the earliest opportunity to their manager.

6. Appointments and Other Employment Matters

- 6.1 Those Officers involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for anyone to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias Officers must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 6.2 Similarly, Officers must not be involved in decisions relating to discipline, promotion or pay adjustments for any Officer with whom they have a close personal relationship.
- 6.3 If Officers are involved in an appointment, the only question that should be considered is which candidate would best serve the whole Authority, political or personal preferences must not influence their judgement. Officers must not canvass the support of colleagues for any candidate and Officers must resist any attempt by others to canvass them.

7. Outside Commitments

- 7.1 Conditions of service require Officers to obtain a written consent from their manager to take any outside employment. They must not take outside employment which conflicts with the Authority's interests.
- 7.2 Officers must not use the Authority's equipment, property or contacts in any unauthorised private work that they do and they must not do any private work during working hours. Manager's approval must be sought before publishing or making private gain from any work which may be associated with an official capacity.
- 7.3 Work created during the course of employment with the Authority is the property of the Authority.
- 7.4 Authority facilities such as transport, stationery equipment or secretarial services are provided for duties of work and must not be used for private use.
- 7.5 Outside of their employment, Officers must not undertake any private commitments or activities that may bring the Authority into disrepute or impair performance or detrimentally conflict with the Authority's interests. If absent or ill, Officers must not undertake activities that may be detrimental to or inhibit their return to fitness and work.
- 7.6 The Authority encourages voluntary work, public duties and activities in support of local community groups and Officers involvement in these areas is welcomed.

8. Personal Interests

- 8.1 Officers must declare to their line manager any personal interests that could bring about conflict with the Authority's interests. These maybe a personal interest in a matter if that matter affects the wellbeing or financial position of an individual, their

relatives or their friends more than it would affect other people in the Authority's area. Such an interest may be either non-financial or financial. Personal interests would include the following:-

- acting as a school governor
- membership or involvement with an organisation receiving grant aid from the Authority
- membership or involvement with an organisation or pressure group which may seek to influence the Authority's policies
- any financial interests which could conflict with the Authority's interests
- membership of any organisation not open to public without formal membership and with a commitment of allegiance which has secrecy about rules of membership or conduct
- membership of any organisation which is involved with the Authority in any formal way such as through any decision making process
- involvement with a corporate body involved in commercial dealings with the Authority

8.2 Any disclosure of interest will be recorded and is reviewed by your Senior Managers at least annually.

8.3 If present at a meeting of the Authority, such as committee, when a matter in which any of the above interests are being discussed an Officer should, in accordance with the Authority's rules, declare their interests and leave the meeting unless the Members ask them to stay.

8.4 Any manager who receives a declaration of interest from an Officer must seek the advice of an appropriate Officer of the Authority as listed below before authorising any action if they are at all unsure about the appropriateness of the action concerned:

- § Chief Fire Officer
- § Deputy Chief Fire Officer
- § Assistant Chief Fire Officer
- § Monitoring Officer/ Clerk to the Fire Authority
- § Head of Finance & Resources
- § Head of Human Resources & Training

9. Equality Issues

Officers must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other Officers have a right to be treated with respect, fairness and equality.

10. Separation of Roles During Tendering

10.1 If involved in the tendering process and the appointment of contractors, Officers must be clear on the separation of client and contractor roles within the Authority. Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.

- 10.2 If employed in contractor or client units individuals must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Confidential matters on tenders or costs for either internal or external contractors must not be disclosed to any unauthorised party or organisation.
- 10.4 Officers must ensure that no special favour is shown to current or recent former Officers or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.

11. Corruption and Proceeds of Crime

- 11.1 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in an official capacity. If an allegation is made, it is for the Officers to demonstrate that any such rewards have not been corruptly obtained. Individuals must not show favouritism or give preferential treatment of friends, partners or relations in the allocation of Authority services or benefits.
- 11.2 Officers must report to the Head of Finance & Resources any dealings that they become aware of where they suspect that the money involved may have been acquired through illegal practices whether or not that money relates to a client's funds or those of any contractor or third party with whom the Council may be involved.

12. Use of Financial Resources

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. Officers must strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

13. Gifts and Hospitality

All gifts and hospitality received and offered must be registered in accordance with the Authority's Gifts and Hospitality policy.

14. Sponsorship – Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the Authority wishes to sponsor an event or service neither an Officer nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, you must ensure that impartial advice is given and that there is no conflict of interest involved.

15. Criminal Charges

The Authority expects employees facing criminal charges to give notice of this, without delay, to an appropriate line manager. Employees are required to give notification in all circumstances, whether they personally feel the matter is relevant or not.

16. Breach of the Code

Breach of this code of conduct by an Officer will be regarded as a disciplinary offence. Serious breach will be regarded as gross misconduct. Examples of serious breach include; failure to inform an appropriate manager about fraud or impropriety of which you are aware; misuse of confidential information; failure to declare a personal or prejudicial interest in a contract and making a private gain as a result; private activities which bring the Authority into disrepute; preferential treatment of contractors or clients in return for gifts and hospitality; use of Authority equipment or facilities for private gain.

MEMBER/OFFICER PROTOCOL

1. Member/Officer Protocol

Put simply, Members are responsible for determining policy, Officers are responsible and accountable for implementing policy and managing the organisation.

2. Officer's and Member's Roles

2.1 Officers and Members are expected to work within and pursue the Authority's policies. Equally Members must not interfere with operational matters that are the responsibility of managers.

2.2 Members have a complex role and are required to act simultaneously in three capacities:-

- As **Politicians** – in this capacity Members will normally belong to a Political Group represented on the Authority and will express political values and support the policies of the group to which they belong.
- As **Representatives** – in this capacity Members interpret and express the wishes of the electorate and seek to account for service priorities, allocation of resources and ultimate performance.
- As **Authority/Committee Members** – in this capacity Members have personal, individual and collective responsibility for the Authority's organisation and its activities. Members will therefore concern themselves with the performance, development, continuity and overall wellbeing of the organisation.

2.3 Officers of the Authority have, in broad terms, the following main roles:-

- They are the managers of the services for which the Authority has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities.
- They are the professional advisors to the Authority, its political structures and Members in respect of their service and, as such, their professionalism should be respected.
- They may initiate policy proposals as well as being implementers of agreed policy.
- They ensure that the Authority always acts in a lawful manner.

2.4 Members must not ask Officers to breach Authority policy or procedures.

2.5 Officers can only advise Members on Authority issues and business.

2.6 Members can expect Officers to:-

- Maintain due confidentiality;
- Perform their duties effectively and efficiently;
- Behave in a professional manner; and
- Be helpful and respectful to Members.

3. Party Group Meetings

- 3.1 Officers will normally attend group meetings on request but cannot be instructed to do so. Officers who attend and make information available to a Political Group need to be clear from the start as to the confidentiality of any information being provided to the Group. The general 'rules' to observe about confidentiality in these circumstances are :-
- where Officers **initiate** a report for information or discussion for a Group meeting then such a report may also be made available to another Political Group on request.
 - where a Political Group **commissions** a report from Officers, the report should not be provided by Officers to another Political Group without the consent of the commissioning Group.
 - where any Political Group requests sensitive information about Authority services or issues, Officers may need to consult the Chief Fire Officer or the Chair of the Authority on the disclosure of such information.
- 3.2 Discussions between Officers and Members on policy issues are quite proper. Officers will often wish to seek political guidance in framing policy proposals, but when Officers write formal reports for Member decision, they have a duty to give the advice dictated by their professional expertise. Members should not therefore, direct the content of formal reports by Officers to Authority or other Committees, Sub-Committees and Panels. Political Group meetings have no right to rewrite Officer reports. Officers must be able to report as they see fit, although Members are equally entitled to reject proposals and recommendations which are put to them.
- 3.3 Political Group meetings are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and Officers cannot therefore be required to interpret or act on them as such.
- 3.4 Similarly where Officers provide advice to a Political Group meeting this cannot act as a substitute for providing all necessary information to the relevant decision-maker when the matter in question is considered.
- 3.5 Officers may choose to attend ward party political meetings as a local resident. No official status can be given to or associated with any comments or statements made by the Officer in this capacity. The regulations on political restrictions of Officers under the Local Government & Housing Act 1989 will of course need to be applied.

4. Relations between Members and Officers

- 4.1 Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- 4.2 It is not enough to avoid actual impropriety. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct. Members must declare to the Chief Fire Officer any relationship with an Officer which might be seen

as influencing their work as a Member or vice versa. This includes any family, business or close personal relationships. It is not possible to define exactly the range of relationships that would be considered as close or personal. Examples, however, would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.

- 4.3 Officers serve the Authority through its political structures. They work to the instructions of their Senior Managers – not individual Members of the Authority, whatever office the Member might hold. It follows therefore that Officers must not be asked to exceed the bounds of authority they have been given by their manager nor should they have unreasonable demands placed on them in terms of support to an individual Member (or Members).
- 4.4 Senior Managers are expected to work closely with the Chairs within the political structure and to meet regularly with them. Committees may delegate decision-making power to Officer. Apart from decisions delegated by the Chair of the Fire Authority, decisions may not be delegated to a Councillor acting on his or her own.
- 4.5 A Member should not seek to influence an Officer to reduce the options or withhold information which he/she should properly report to a Committee.

5. Complaints or Concerns about Officers or Services

- 5.1 Members have the right to criticise reports or the actions taken by Officers but they should always:-
- avoid physical or personal attacks on or abuse of Officers;
 - ensure that criticism is constructive and well-founded;
 - take up an individual concern with an Officer privately where possible; and
 - respect professional advice.
- 5.2 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective work relationships and to the public image of the Authority. Discussions and correspondence between Members and Officers should at all times be well mannered and professional.
- 5.3 Issues or complaints about Officers or the Authority's services should be made to the relevant Senior Manager or the Monitoring Officer and certainly not directed to employees in clerical, administrative or junior management grades. It is equally important for Members to work with Officers positively and within mutual respect and due regard to the Council's equal opportunities policy. It is not appropriate for Members to:-
- treat an Officer with contempt or hurl personal abuse at him/her;
 - physically attack or harass an Officer; and
 - deliberately undermine or persistently unreasonably criticise an Officer.

6. Right to Information

- 6.1 Authority Members have all of the right available to members of the public to inspect reports, minutes and background papers appearing on the public part of any Authority agendas.
- 6.2 Detailed background papers not usually available to the public would only be available to a Member who sits on the relevant Committee which considered the report.
- 6.3 Members are legally entitled to information that they need in order to carry out their work as an Authority Member. But they are not entitled to confidential or exempt information which is not directly relevant to their role as Councillor or information which relates to a particular person or a commercially sensitive matter.
- 6.4 A Member should not request confidential information in order to use it for a purpose not legitimate for his/her role as a Member, because he/she is in a position of trust. A Member's motive for requesting confidential information is, therefore relevant, and he/she should be prepared to disclose the reason for his/her request.
- 6.5 If, for example, a Member is pursuing an issue on behalf of a constituent, this would be a legitimate reason and should be made known to the Officers from whom he/she is seeking the information. A Member must not abuse this trust by disclosing confidential or exempt information to the public. This is particularly relevant to information which is commercially sensitive, related to a tendering process or personal information relating to staff or members of the public.
- 6.6 In addition to Committee reports and background papers a Member is entitled to see any papers the Authority has which properly relate to the work of a Committee that he/she is on. However, because an issue has been considered by a Committee, this does not mean that a Member may see all the papers that relate to it.
- 6.7 If the papers contain exempt or confidential information, a Member will need to demonstrate "a need to know" and give reasons why he/she need to see the papers in order to perform properly his/her duties as a Councillor and this need must not be outweighed by any public interest requiring non disclosure. A Member must not ask for information on a matter on which he/she would have to declare an interest.
- 6.8 If a Member is refused access to documents that he/she feels he/she has the right to see, the dispute will be determined by the Monitoring Officer/Clerk.

7. Appointments of Staff

- 7.1 If a Member is called upon to take part in appointing an Officer, the only question he/she could consider is which candidate would best serve the whole Authority. A Member should not let his/her political or personal preferences influence his/her judgement.
- 7.2 Members should never discuss or use confidential information for the personal advantage of themselves or of anyone known to them or to the disadvantage or the discredit of the Authority or anyone else. Members may only make appointments to those posts which have been approved as subject to selection by Members.
- 7.3 All Member's panels must use objective criteria, and make its decision:-

- with access to all the relevant facts; and
- on the basis of merit.

Therefore, Members must not seek to influence any appointment made by Officers, or any appointment made by a Member panel to which they do not belong.

7.4 Where Officers are applying for a post having close working relationships with Members, an informal meeting between all the short listed candidates and the relevant Members may be part of a structured recruitment process. The purpose of this would be to enable candidates to become better informed about the political context and to enable Members to feedback to Officers on the interpersonal skills of the candidates.

7.5 In both Officer and Member appointments Members must:-

- never canvass the support of other Members or of Officers for any candidate;
- resist any attempt by others to canvass their support for any candidate;
- report to the Clerk any attempt to influence an appointment to the Authority;
- be able to satisfy themselves that the Authority's recruitment policies and procedures are properly applied;
- not participate in the recruitment process where friends, relatives, partners or Members of the household are applying for the post;
- not favour an applicant for a job with the Authority by giving him/her information not available to other candidates.

Any breach of the above will lead to the disqualification of the candidate.

8. Advice from Officers

Officers can only be asked to provide advice to Members on matters which clearly relate to the Authority's business and activities and issues which arise from being an elected Member.