



## **APPENDICES**

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Responsible Officer	First Issue Date	Update	Review Date
Assistant Chief Officer	December 2014		January 2016



**SECTION B**

**EAST SUSSEX FIRE AUTHORITY AND ITS PANELS**

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ACO	October 2005	Sept 2008 May 2009 May 2010 May 2011 September 2012 June 2103 December 2014	May 2016



## **Introduction**

East Sussex Fire Authority was established by the East Sussex Fire Services (Combination Scheme) Order 1996.

The functions of the Fire Authority are set out in the Fire & Rescue Services Act 2004, which defines the core functions of making provision for fire safety, fire-fighting and rescues from road traffic accidents. The Fire Authority may also provide services that appears to the Authority to be appropriate, both within and outside the Authority's area.

The Regulatory Reform (Fire Safety) Order 2005 sets out further powers of the Fire Authority in relation to inspection of premises and Alterations, Enforcement and Prohibition Notices.

The Fire Authority is also a category 1 responder under the provisions of the Civil Contingencies Act 2004 and has a duty to respond to emergencies as well as assess, plan and advise.

Extracts from the relevant legislation are available on-line.



## **EAST SUSSEX FIRE AUTHORITY**

The Fire Authority comprises 18 Members (12 from East Sussex County Council and 6 from Brighton & Hove City Council).

(Quorum 6 provided that there shall be at least one representative from each constituent authority).

Whilst the Fire Authority has agreed a Scheme of Delegations to its Panels and Officers, there are some functions that may only be discharged by the Fire Authority.

Only the Fire Authority will exercise the following functions:

Approving:

- variations to Standing Orders, including Contract Standing Orders, and financial regulations
- the revenue budget and capital programme, levying or issuing a precept, and borrowing money
- the terms of reference and composition of Panels
- substantial changes to the Constitution
- a Scheme of Delegation to Officers
- a Code of Conduct for Members
- a Members Allowances Scheme
- a Pay Policy Statement
- major policy issues, including approving the Integrated Risk Management Plan
- the Authority's strategic objectives and priorities

Appointing the Chairman of the Authority

Any matters by law that must be approved by the Authority



## **TERMS OF REFERENCE OF FIRE AUTHORITY PANELS**

The Fire Authority has established the following Panels:

- Urgency Panel
- Policy and Resources Panel
- Scrutiny and Audit Panel
- Standards Hearing Panel
- Human Resources Panel
- Principal Officer Appointments Panel

Panels may establish Working Groups to deal with specific tasks as required from time to time.

Details of the number of Members and quorum of each Panel are given immediately after each Panel heading below. Members are appointed from the political groups on the Fire Authority in accordance with the requirements for political balance up to the number fixed for the Panel concerned (with the exception of the Standards Hearing Panel and the Principal Officer Appointments Panel. If no specific appointments are made by the Fire Authority, Panel Members, (and substitutes in the event of non-availability of Panel Members), are nominated by the Monitoring Officer after consultation with the spokespersons for the relevant political groups.

### **URGENCY PANEL**

**(Number of Members 6: Quorum 2 voting Members)**

The Terms of Reference for the Urgency Panel are as follows:

1. To make decisions on any matters within the functions of the Fire Authority which the Urgency Panel considers to be urgent. (Excluding those powers delegated to the Standards Hearing Panel under Section 28 (11) of the Localism Act 2011).
2. To determine if requests for assistance from Members of the Fire Authority, Principal Officers, the Monitoring Officer or the Treasurer fall within the general indemnity provided for Officers and Members of the Authority.



3. To determine any applications by Principal Officers under the indemnity arrangements as advised by the Treasurer and Monitoring Officer.

### **POLICY AND RESOURCES PANEL**

#### **(Number of Members 8: Quorum 2 voting Members)**

The Terms of Reference for the Policy and Resources Panel are as follows:

1. To advise the Authority on Policy and Resources issues as appropriate.
2. To provide overall political leadership to the service and to drive the formulation, planning and subsequent implementation of Fire Authority Plans and Strategies.
3. To advise the Fire Authority on the strategic risk based planning agenda in line with the need to secure continuous service improvement and community risk reduction across East Sussex and the City of the Brighton & Hove and within the context of:
  - (i) guidance issued under the Fire & Rescue Services Act 2004 and its related National Framework; and
  - (ii) other legislation such as the Civil Contingencies Act 2004
4. Annually, to present options to the Fire Authority, for service improvement and community risk reduction, including associated financial implications, having regard to matters such as:
  - (i) predicted risks of changes to available resources over the medium term;
  - (ii) key long term service improvement priorities of the Authority as determined and set out in the Authority's Strategic Plan and Annual Performance Plan;
  - (iii) effective partnership working; and
  - (iv) relevant recommendations of the Integrated Risk Management Plan Forum.



5. To ensure key strategic development issues are afforded a strong political leadership through the work of the Panel and the Integrated Risk Management Plan Forum and to promote and support the adoption of key subject roles by Members asked to serve within this framework.
6. To consider and advise the Fire Authority in relation to the South East Fire Improvement Partnership Board issues.
7. To instruct officers to implement efficiency measures agreed by the Panel which do not involve a change of policy or level of service and to report the Panel's decision to the next meeting of the Authority.
8. To monitor the Members' Allowance Scheme and other CFAs' schemes on an annual basis between formal review periods to ensure that it remains equitable and fair.
9. To discharge any of the functions of the Fire Authority except:
  - (a) those functions which only the Fire Authority has power to exercise;
  - (b) those functions delegated to any other Panel, excluding the Urgency Panel;
  - (c) in relation to proposals which are advised by the Chief Fire Officer & Chief Executive, or the Treasurer, or the Monitoring Officer to be of significant budgetary or strategic importance; or
  - (d) in any case where the Chairman or a majority of the Panel wishes the decision to be taken by the Fire Authority.

Notes:

1. The Member/Officer **Integrated Risk Management Plan (IRMP) Forum** has been established to promote, debate and provide direction to Officers. The Forum meets quarterly in advance of the Policy and Resources Panel to allow matters raised by Members or representative bodies to be incorporated in the appropriate reports to the Policy & Resources Panel. The terms of reference for the Forum include the following:
- (a) considering the development of the IRMP in line with the present risk across East Sussex and the City of Brighton & Hove;
  - (b) examining options for risk reduction;
  - (c) advising the Fire Authority of the resource implications for IRMP and how they can be resolved;
  - (d) explaining the impact of changes contained within the IRMP on existing service provision;





- (e) examining proactive means to assist in risk reduction; and
- (f) investigating opportunities for collaborative working.

2. The **Independent Remuneration Advisory Group** has been established by the Fire Authority to consider and make recommendations as to the level of remuneration which should be paid to Members of the Fire Authority, in order to reflect their respective roles and responsibilities arising from statutory obligations, supporting Improvement and Modernisation agenda programme as laid out in the Fire & Rescue Service National Framework and governance good practice. The principle of keeping the remuneration rates of IRAG's three Members in line with those of the constituent authorities has been agreed.

The Terms of Reference for the Independent Remuneration Advisory Group are as follows:

(Number of Independent Members: 3)

To advise the Policy and Resources Panel on behalf of the Authority on what would be an appropriate basis and range of remuneration for Members having regard to:

- (a) the role of the Fire Authority and the importance of effective democratically accountable local government and community leadership taking into consideration the approved member structures of the Fire Authority and its leadership arrangements;
- (b) the scale and complexity of the Fire Authority's legislative responsibilities, wider partnership agenda and service activities;
- (c) the time and commitment required from Members to enable both the Authority and individual Members to be effective in their various roles having regard to the changes taking place in the various roles that Members are expected to fulfill, and the particular responsibilities attaching to such roles;
- (d) the importance of encouraging people from all backgrounds and circumstances to serve in local government;



- (e) the implications of the prevailing Regulations applicable to Fire Authority Members' Allowance Schemes in terms of scope and nature of the contents of any scheme and any recommended best practices;
- (f) comparative information from other similarly structured fire and rescue authorities; and
- (g) the relative merits of establishing allowances over a period of up to four years, indexed as appropriate in order to ensure review arrangements are commensurate with the level of Allowances paid and numbers of Members involved so avoiding the need, if possible, for annual reviews.

## **SCRUTINY AND AUDIT PANEL**

**(Number of Members 8: Quorum 2 voting Members)**

The terms of reference for the Scrutiny & Audit Panel are as follows:

### **Statement of purpose**

1. The Scrutiny & Audit Panel is a key component of East Sussex Fire Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Scrutiny & Audit Panel is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides an independent review of East Sussex Fire Authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### **Governance, risk and control**

3. To review the Authority's corporate governance arrangements against the good practice standards.
4. To review the Authority's assurance statements, including the Annual Governance Statement, prior to approval and to consider whether they properly reflect the risk environment and supporting assurances.



5. To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To monitor the effective development and operation of risk management in the Authority.
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
8. To review the effectiveness of management arrangements to ensure probity and legal / regulatory compliance and the Authority's exposure to the risk of fraud and corruption including, but not limited to, contract standing orders, financial regulations, codes of conduct, the counter-fraud strategy, whistleblowing and complaints processes.

**Internal audit**

9. To oversee the internal audit service on behalf of the Authority, including but not limited to:
  - a) approving the internal audit charter;
  - b) reviewing proposals made in relation to the appointment of external providers of internal audit services;
  - c) approving the risk-based internal audit plan;
  - d) approving the Head of Internal Audit's annual report and considering their opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control;
  - e) considering any specific internal audit reports deemed necessary;
  - f) considering the effectiveness of the internal audit service including its performance and compliance with the Public Sector Internal Audit Standards (PSIAS);
  - g) considering the action taken by the Authority in responding to and implementing internal audit recommendations.

**External audit**

10. To oversee external audit activity on behalf of the Authority including, but not limited to:
  - a) considering the external auditor's annual letter, relevant reports, and the report to those charged with governance;
  - b) considering specific reports as agreed with the external auditor;
  - c) commenting on the scope and depth of external audit work and to ensure it gives value for money.



11. To commission work from internal and external audit.
12. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial reporting**

13. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.
14. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Scrutiny and Performance Review**

15. To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions.
16. To review and scrutinise the performance of the Authority in relation to its aims and objectives and its performance targets.

### **Standards**

17. To discharge the following functions:
  - (a) Promoting and maintaining high standards of conduct by the Members and co-opted Members of the Authority as required by section 27 (1) of the Localism Act 2011.
  - (b) Assisting Members and co-opted Members of the Authority to observe the Authority's Code of Conduct.
  - (c) Advising the Authority on the adoption or revision of a Code of Conduct.
  - (d) Monitoring the operation of the Authority's Code of Conduct.
  - (e) Promoting and maintaining high standards of conduct by employees of the Authority.



- (f) Developing and adopting procedures for the assessment, investigation and determination of Code of Conduct complaints.
  - (g) Advising the Authority on the adoption or revision of any codes/guidance (1) regulating working relationships between the Members and co-opted Members of the Authority and the employees of the Authority, (2) governing the conduct of employees of the Authority or (3) for preventing fraud or corruption, including any "whistle blowing" codes.
  - (h) Monitoring the operation of any such codes/guidance.
  - (i) Training or arranging training in connection with any of the foregoing.
  - (j) Supporting the Monitoring Officer and the Treasurer in their statutory monitoring roles and in the issue of any guidance by them.
  - (k) Receiving reports from the Monitoring Officer on any matter relating to ethical standards and deciding action as appropriate.
18. As authorised by section 33 of the Localism Act 2011:  
To exercise the power to grant dispensations to Members and co-opted Members of the Authority whose participation in any business would otherwise be prohibited by section 31(4) of the Localism Act 2011.
19. As required by Section 28 (11) of the Localism Act 2011:  
Where a Member or Co-opted Member has failed to comply with the Code of Conduct, to determine whether to take action in relation to that member.  
[Note – usually this function will be discharged by a Standards Hearing Panel following a hearing].



## **STANDARDS HEARING PANEL**

**(Sections 15 and 16 of the Local Government and Housing Act 1989 shall not apply in respect of this Panel, which shall comprise the Leader of each political group. The Act requires the Authority to agree this without any member of the Authority voting against).**

**Number of members: Any 3 members of the Scrutiny and Audit Panel: Quorum 3)**

The Terms of Reference for the Standards Hearing Panel are as follows:

To conduct determination hearings in relation to allegations of breaches of the Code of Conduct for Members referred by the Monitoring Officer and, where it has found that a Member has breached the Code, in accordance with section 28 (11) of the Localism Act 2011 to determine whether to take action in relation to that Member and, if so, what action to take.

## **HUMAN RESOURCES PANEL**

**(Number of Members 6: Quorum 3 voting Members)**

The Terms of Reference of the Human Resources Panel are as follows:

1. To hear and determine:
  - (a) appeals in relation to dismissal and disciplinary action taken against any officer or employee; and
  - (b) any other matter referred to the Panel under the disciplinary procedures of the Fire Authority.
2. To hear and determine collective disputes in accordance with:
  - (a) The NJC for Local Authority Fire & Rescue Services Scheme of Conditions of Service (Grey Book).
  - (b) The NJC Scheme of Conditions of Service for Local Government Services (Green Book).
3. To hear and determine individual grievance appeals under the agreed Grievance Procedures of the Fire Authority.



4. To hear and determine any matters which are required to be dealt with by Members of the Authority under the Firefighters' Pension Scheme, the Local Government Pension Scheme and any predecessors to these schemes or any procedures adopted by the Authority in relation to pensions.
5. To decide appeals on the reduction of sick pay for operational and control staff contracted to the National Joint Council Conditions of Service (Grey Book) and the National Joint Council for Brigade Managers of the Fire and Rescue Services (Gold Book) in the event of a member of staff being dissatisfied with the outcome of the appeal to the Chief Fire Officer & Chief Executive.

#### **PRINCIPAL OFFICER APPOINTMENTS PANEL**

**(Sections 15 and 16 of the Local Government and Housing Act 1989 shall not apply in respect of this Panel, which shall comprise the Chairman of the Authority and the Leader of each political group (excluding the political group of which the chairman is a member).**

**The Act requires the Authority to agree this without any member of the Authority voting against. Quorum 3 voting Members)**

1. To determine the appointment procedures for the post of Chief Fire Officer & Chief Executive.
2. To carry out the shortlisting of candidates for the post of Chief Fire Officer & Chief Executive.
3. To conduct final interviews and make appointments to the positions of Chief Fire Officer & Chief Executive, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Assistant Chief Officer and Treasurer to the Fire Authority.
4. To consider and approve terms and conditions of service, including remuneration, for Principal Officers.





**SECTION E**  
**SCHEME OF DELEGATED FUNCTIONS**

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Responsible Officer	First Section Issue Date	Section Amended/Updated	Review Date
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## **1. Introduction**

- 1.1 This Scheme is made under Section 101 of the Local Government Act 1972, which applies to the Authority by virtue of the East Sussex Fire Services (Combination Scheme) Order 1996.
- 1.2 For the purposes of this Scheme of Delegation the proper officers are the Chief Fire Officer & Chief Executive, Treasurer and the Monitoring Officer.
- 1.3 The Authority has delegated to the officers the powers set out in this Scheme. Those matters which may not be delegated to officers include:
  - (i) Variations to Standing Orders, including Contract Standing Orders and Financial Regulations;
  - (ii) Approval of the revenue budget and capital programme, levying or issuing a precept, and borrowing of money;
  - (iii) Adopting a Member Allowances Scheme;
  - (iv) Appointing a chairman of the Fire Authority;
  - (v) Major policy issues, including approving the Integrated Risk Management Plan;
  - (vi) The Authority's strategic objectives and priorities;
  - (vii) Approval of a Scheme of Delegation to officers;
  - (viii) Approval of terms of reference and composition of Panels;
  - (ix) Approval of a Pay Policy Statement;
  - (x) Approval of a Code of Conduct for Members;
  - (xi) Approval of substantial changes to the Constitution;
  - (xii) Any matter reserved to a Panel; and
  - (xiii) Any matters by law that must be approved by the Fire Authority.
- 1.4 The Scheme sets out the limits of authority of the Chief Fire Officer & Chief Executive, Treasurer and Monitoring Officer. Additional delegations to the Chief Fire Officer & Chief Executive, the Monitoring Officer and the Treasurer are described in the Standing Orders, Contract Procedure Rules and Financial Regulations.
- 1.5 Any interpretation of the Scheme shall be in accordance with the Authority's wish that the Scheme shall not be construed restrictively.



## **2. General Conditions of Delegation and Definitions**

- 2.1 The existence of a delegation shall not require the Chief Fire Officer & Chief Executive, (or any other officer to whom the authority has been delegated), to take a decision on that issue. Any delegation of functions to an Officer under the Scheme shall not prevent the Authority or a relevant Panel from exercising those functions. The Chief Fire Officer & Chief Executive needs to be aware of particular controversial issues of concern to the Authority. In such circumstances they may refer the matter for guidance or decision by the Authority if they consider it appropriate to do so.
- 2.2 The Monitoring Officer to the Authority shall keep the operation of the Scheme of Delegations under review and the Authority may amend its provisions from time to time. Financial limits should be reviewed annually by the Treasurer.
- 2.3 The functions delegated under the Scheme shall be subject to the Authority's Standing Orders, Financial Regulations, policies and procedures and to any instruction or guidance of the Authority or an appropriate Panel acting under its delegated powers. Any expenditure shall be within the revenue estimates and capital programme, either as approved or with any variations permitted under Standing Orders and Financial Regulations or by the Authority or a relevant Panel.
- 2.4 In exercising delegated powers the Chief Fire Officer & Chief Executive shall consult the Chair(man) and Vice Chair(man) as appropriate.
- 2.5 The Chief Fire Officer & Chief Executive may authorise officers within the Service to exercise powers delegated to him. The Chief Fire Officer & Chief Executive must maintain proper records of such authorisation. The Chief Fire Officer & Chief Executive shall remain accountable for any actions or decisions taken under that authority.
- 2.6 The Principal Officers are authorised to act in all matters for those functions that fall within their remit of responsibility.



- 2.7 In the event of the Chief Fire Officer & Chief Executive's post being vacant or in the absence of the Chief Fire Officer & Chief Executive, those delegated powers may be exercised by the Deputy Chief Fire Officer so far as permitted by law. Where the Deputy Chief Fire Officer is unable to act, those delegated powers may be exercised by any other Principal Officer of the authority, so far as permitted by law.
- 2.8 All such matters as may be regarded as included by inference shall be comprised within the delegated functions of Officers and any delegation to an Officer shall include all consequential or ancillary matters as necessary. For example, where the exercise of a function has been delegated, it shall include, subject to any express reservations in the Scheme, the power to serve notices or orders, authorise agreements, authorise proceedings or fix or vary fees and charges etc.
- 3. General Delegation of Functions to the Chief Fire Officer & Chief Executive, Monitoring Officer and Treasurer of the Authority**

The following general functions are delegated to the Chief Fire Officer & Chief Executive, the Monitoring Officer and the Treasurer in relation to the respective services for which they are responsible:

The power to perform and administer the services for which they are responsible, including taking and implementing decisions which aid in maintaining the operation or effectiveness of those services. The power shall be exercised in conformity with the restrictions set out in the Introduction to the Scheme.



**4. Specific Delegation of Functions to the Chief Fire Officer & Chief Executive and other Officers**

4.1 The Chief Fire Officer & Chief Executive shall, within the approved budgets and policies, exercise all matters of day-to-day administration and operational management of the service and functions. This delegation shall include taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operation of effectiveness of those services or with a matter incidental to the discharge of the authority's functions or which falls within the scope of the authority's policy framework.

4.2 The Chief Fire Officer & Chief Executive is authorised to discharge the functions of the Authority in relation to the Service subject to the following requirements:

- (i) any decisions or actions shall comply with relevant resolutions, orders and directions of the Authority and of its appointed Panels;
- (ii) where any matter involves professional or technical considerations within the sphere or competence of another officer, the Chief Fire Officer & Chief Executive shall consult with that officer before authorising action. This shall not be limited to officers within the employ of the authority, if circumstances require.

4.3 The Chief Fire Officer & Chief Executive is authorised to exercise all the powers of the Authority as an enforcement authority under relevant legislation. Without prejudice to the generality of this provision he/she may in particular carry out the following:

- (i) fulfil the functions of the Authority as a Fire & Rescue Authority under, or in relation to, the Fire & Rescue Services Act 2004;
- (ii) in consultation with the Monitoring Officer, institute, defend, withdraw or compromise legal proceedings, whether civil and/or criminal, pertaining to the Fire Authority's statutory functions in respect of the Regulatory Reform (Fire Safety) Order 2005;
- (iii) take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety Order) 2005;



**Section E**  
**Scheme of Delegated Functions**

- iv) on the advice of the Director of Protection and Prevention, designate persons as Inspectors under Article 26 of the Fire Safety Order to the extent that the functions may only be carried out by a duly qualified and appointed inspector;
- (v) exercise, where appropriate, the responsibilities of the Authority where it acts as a statutory consultee or as an agent for either or both constituent Authorities;
- (vi) authorise named members of staff in writing to exercise the powers of inspectors under the Article 27 of the Fire Safety Order, including entering any premises which an inspector has reason to believe it is necessary for him to enter for the purpose of carrying out the said Order and any regulations made under it into effect, and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;
- (vii) authorise named members of staff in writing to exercise statutory powers conferred on the Authority, including amongst others, section 19 of the Health & Safety at Work Act 1974, and the Construction (Design and Management Regulations) 2007;
- (viii) In consultation with the Chairman of the Fire Authority, to determine the appointment procedures of Deputy Chief Fire Officer, Assistant Chief Fire Officer, Assistant Chief Officer and the Treasurer;
- (ix) To shortlist candidates for the positions of Deputy Chief Fire Officer, Assistant Chief Fire Officer, Assistant Chief Officer and the Treasurer;
- (x) For all employees below Assistant Chief Officer, to approve appointments, grading, remuneration and benefits, all categories of leave, training, secondments, engagement in other work, disciplinary matters and dismissals;
- (xi) In consultation with the Treasurer and to the extent that the functions may lawfully be delegated to an officer, to discharge the functions of the Authority, including the exercise of any discretions, under the Firefighters' Pension Scheme, the Local Government Pension Scheme and any predecessors to these schemes.



**Section E**  
**Scheme of Delegated Functions**

- (xii) To take such action as appears to be necessary or desirable in connection with any anticipated or actual industrial action having consulted the Chairman and Group Leaders (if practicable);
  - (xiii) To determine whether any future industrial action of short duration should be considered as a full shift or part thereof for both operational and pay purposes;
  - (xiv) In cases of urgency, following consultation with the Chairman of the Authority and Group Leaders:
    - (a) To approve the acquisition of any interest in land required for the purposes of the Authority; and
    - (b) To approve on behalf of the Authority the purchase or sale price or other consideration for any interest in land;
  - (xv) In consultation with the Treasurer and the Monitoring Officer, to authorise the disposal of land and buildings in accordance with the policy set by the Authority;
  - (xvi) To approve the terms of any land transaction where the payment to the other party does not exceed £100,000 (in the case of a lump sum payment) or £10,000 per annum (in respect of an annual rental) and to maintain a register of all such transactions which shall be available for inspection by Members of the Authority on request; and
  - (xvii) Where it is impracticable to obtain authorisation from the Authority, and subject to the action being reported (for information) to the next convenient meeting of the Fire Authority, to take urgent action within legal powers, where this is necessary in the interests of the Authority, in respect of matters otherwise reserved to the Authority.
- 4.4 The Chief Fire Officer & Chief Executive may authorise in writing, an officer to exercise an authority in this scheme in their absence, or at other times.
- 4.5 Where a function is delegated to more than one Officer, any one of those Officers may exercise it, but such function shall be exercised in accordance with any direction given by the Chief Fire Officer and Chief Executive.





- 4.6 The Chief Fire Officer & Chief Executive, in consultation with the Monitoring Officer, shall determine any case in which there is uncertainty whether an officer is authorised to act under these arrangements, including the extent to which any function is delegated.
- 4.7 Reference to these arrangements to the discharge of the functions of the Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of those functions and the Chief Fire Officer & Chief Executive is authorised to act accordingly.
- 4.8 In consultation with the Monitoring Officer, the Chief Fire Officer & Chief Executive shall make consequential amendments to any of the approved documents of the Authority contained in the Constitution (except the Code of Conduct for Members, for which any proposed changes must be submitted for approval to the Scrutiny & Audit Panel), to take account of any of the following:
- (i) Any change in the job title of any officer.
  - (ii) The transfer of any of the responsibilities of any officer, who has delegated functions, to any other officer.
  - (iii) Any change in any other title or name, for example of the offices filled by Members, any Panel, sub-Panel or group name, the name of any scheme or plan etc.
  - (iv) Any changes to legislation (Acts, statutory instruments, regulations, orders, byelaws or the like) where that legislation is applied, extended, amended, consolidated or replaced.
  - (v) In any other case where a minor amendment is necessary to correct a clerical error or (as long as the document remains substantially to the same effect) keep the document up to date.
- 4.9 In consultation with the Monitoring Officer and the Treasurer, the Chief Fire Officer & Chief Executive shall make further amendments to the Financial Regulations, Scheme of Delegated Functions and Standing Orders as may be required for effective business needs before the next scheduled review by the Fire Authority.



## **5. Treasurer**

The powers delegated to the Treasurer are described in the Financial Regulations.

## **6. Monitoring Officer to the Authority**

Powers delegated to the Monitoring Officer to the Authority are described below and in the Standing Orders:

- 6.1 To affix the common seal to all properly authenticated deeds and documents.
- 6.2 To nominate an appropriate officer of another Fire & Rescue Service to investigate allegations against a Principal Officer.
- 6.3 Where the provisions of the Local Government and Housing Act 1989 apply, to make appointments to panels and other bodies which are allocated to a particular political group, in accordance with the wishes of that group as notified to the Monitoring Officer.
- 6.4 In relation to ethical standards complaints, to amend the Procedures from time to time as necessary or desirable and to undertake investigations of complaints made under the Members Code of Conduct.

## **7. Declaration of Emergency under the Authority's Emergency Planning or Business Continuity Procedures - Delegation to the Chief Fire Officer & Chief Executive, (or in his absence either the Deputy Chief Fire Officer, Assistant Chief Fire Officer or Assistant Chief Officer).**

In cases where an emergency has been declared under the Authority's emergency planning or business continuity procedures:

- (a) After consultation with the Chairman or Vice Chairman, to exercise any of the functions of the Authority which are not by law reserved to the Authority or a Panel. See also notes (i) to (iv) below.
- (b) After consultation with the Treasurer, to approve expenditure of up to £1,000,000, the action taken to be reported for information to the Urgency Panel as soon as practicable. See also notes (i) to (iv) below.





Notes

- (i) The Chairman (or in his / her absence Vice-Chairman), the Treasurer and the Monitoring Officer shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.
- (ii) If it is not possible or practicable for the Chief Fire Officer & Chief Executive to exercise the above delegated powers, the powers may be exercised by the Officer who is designated to be in charge under the Authority's emergency planning or business continuity procedures or any Officer appointed by him / her to act on his / her behalf.
- (iii) In relation to paragraph (a) above, if it is not possible or practicable for the Officer to consult the Chairman or Vice-Chairman before exercising the above delegated powers the Officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members of the Authority informed of the action taken.
- (iv) In relation to paragraph (b) above, if it is not possible or practicable for the Officer to consult the Treasurer before approving any expenditure under the above delegated powers, the Officer shall consult the most senior Officer available in the Treasurer's department and shall take such steps as appear appropriate at the time to keep the Treasurer informed of the action taken.



**SECTION F5**

**GUIDANCE FOR NEW COUNCILLORS AND FOR CONTINUING MEMBER  
DEVELOPMENT**

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Responsible Officer	Section Issued	Section amended/ updated	Review Date
ACO	December 2014		



## **GUIDANCE FOR NEW COUNCILLORS AND FOR CONTINUING MEMBER DEVELOPMENT**

### 1. Introduction

- 1.1 Members who are appointed to the Fire Authority from the constituent authorities of East Sussex County Council and Brighton & Hove City Council may have some experience of being a local councillor, may be entirely new to local government, or may have previous experience of serving in a Fire Authority.
- 1.2 East Sussex Fire Authority's Elected Members seek to serve the communities they represent and the County and the City of Brighton & Hove as a whole, to the very best of their ability. To that end, the Fire Authority has made a commitment to ensuring its Members are supported in continuously developing the range of skills needed to be outstanding community leaders.

### 2. Member Development Charter

- 2.1 Whilst East Sussex Fire Authority successfully achieved Member Development Charter status, awarded by South East Employers, it has decided not to re-apply for charter status. However, the principles of the charter will be adhered to in line with good practice to ensure that the Authority is still meeting the objectives of the scheme and delivering a valuable scheme to Members.
- 2.2 The purpose of the Charter is to:
- raise the profile of member development and training
  - encourage local authorities to provide development and training for their elected members
  - award authorities for best practice in member training and development initiatives

### 3. Induction

- 3.1 A comprehensive induction programme is given to all Members of East Sussex Fire Authority to give them a foundation and knowledge to enable them to contribute effectively to the work of the Fire Authority in a short space of time.



3.2 Members' initial induction will usually include information on:

The Authority's key plans and documents such as:

- The Fire Authority's duties
- Annual Plan
- Medium Term Financial Plan
- Integrated Risk Management Plan
- How the Fire & Rescue Service is structured and the range of services provided
- Standing Orders and Scheme of Delegations
- Timetable of programmed meetings

Familiarisation with the Fire & Rescue Service's facilities, including:

- FRS Headquarters, including meeting rooms and Members' Room
- FRS Training Centre at Maresfield
- ESFRS fire stations
- Sussex Control Centre

Resources available to Members such as:

- Guidance from ESFRS staff, e.g. Corporate Management Team, Monitoring Officer, Treasurer and Clerk to the Fire Authority
- Local Government Association (for Councillor development and guides) at:  
<http://www.local.gov.uk/councillor-development;jsessionid=616D1921284B12C85FB05F517461DFB8>
- Chief Fire Officers' Association
- Fire Service College at Moreton-in-Marsh

General Housekeeping arrangements:

- Code of Conduct for Members
- Declarations of Interests
- Political Group forms and election of Group Leaders
- How to claim allowances and the supporting documentation required from Members such as motor vehicle insurance, MOTs and driving licences.



4. Member Learning & Development Strategy

4.1 A robust Member Learning & Development Strategy has been formulated to support Members in achieving the skills needed to meet the broad range of responsibilities that come with being a community leader.

4.2 The aims of the strategy are to:

- create a clear Member Development Framework, based upon individual needs and the needs of the Fire Authority as a whole
- ensure all Members have the skills and knowledge necessary to lead the delivery of high quality public services through the Community Leadership way of working
- ensure all Members are fully aware of their responsibilities, accountabilities, legal requirements and matters of probity
- support continuous learning and skill-building, through Personal Development Planning

4.3 From these key aims, an action plan has been developed to help drive the work being undertaken by the Fire Authority, by identifying key milestones and goals. The plan is fully supported by the Member Development Steering Group, which is a body that regularly meets to discuss member development issues and ensure the project remains focussed and on-track.

4.4 All elected Members have access to Ashridge Virtual Learning Resource Centre. AVLRC is a flexible e-learning tool which has been created to provide a range of e-learning.

4.5 A mixture of in-house workshops, external courses and events all help to give a balanced approach and maintain flexibility.

5. Mentoring Scheme

5.1 The purpose of the ESFA mentoring scheme is to provide elected members with the personal support they require to enable them to fully contribute to the strategic leadership of the authority whilst also supporting their personal development.



- 5.2 Mentoring is an invaluable personal development opportunity for anyone who wants to draw on their knowledge and experiences to encourage, shape and challenge personal and professional self-awareness and learning in others.
- 5.3 An elected member mentor is able to give independent confidential help, support, guidance and advice to a mentee in an unbiased way, to enable them to learn and develop.
- 5.4 A successful mentor will draw upon and develop a range of skills including analysis, problem-solving, listening and questioning and is likely to gain invaluable perspectives from their own self-reflection and that of their mentee.
6. Members' Seminars
  - 6.1 A series of Members' Seminars are held during the year at intervals between Fire Authority meetings. These give the opportunity for Members to be briefed informally about current issues and to take part in interactive sessions in a more relaxed atmosphere.



**SECTION G1**

**ACCESS TO INFORMATION**

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**A. Access to Information legislation relating to meetings of the Authority**

The Local Government Act 1972, (amended by the Access to Information Act), sets out the rights of access to meetings, agenda and papers, both for members of the public and elected Members.

Detailed information about this legislation relating to local authority meetings can be found at: <http://www.legislation.gov.uk/ukpga/1972/70/part/VA>

**i. Exempt/confidential information**

The Authority may exclude the public, (including the press), from a meeting whenever it is likely that there would otherwise be a disclosure of exempt information to the public.

The descriptions of Exempt Information are:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding the information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
  - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) To make an order or direction under any enactment.
7. Information relating to any action or to be taken in connection with the prevention, investigation or prosecution of crime.

Information which falls within any of these paragraphs is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.





The public and press must be excluded from a meeting when it is likely that confidential information would be disclosed in breach of the obligation of confidence. Confidential information is that which has been provided on a confidential basis by a government department and information the disclosure of which has been prohibited by statute or by Court Order

Whenever it is likely that a report contains exempt (or confidential) information, the relevant report on the agenda will specify the particular paragraph(s) of the exemption that should be applied, and the approval of the Fire Authority or Panel will be sought to exclude the press and public during consideration of those reports.

Members are reminded that in law, and also under the Code of Conduct for Members and the Authority's Standing Order 30, they should not disclose any information that is deemed to be exempt from publication, or which is confidential.

Members are also reminded of the need to comply with the Data Protection Act requirements and not disclose any personal information.

Information about Members' need to maintain confidentiality is covered in the Member Code of Conduct.

**ii. Publication of notices, agendas and reports for meetings**

The Local Government Act 1972, (amended by the Access to Information Act), also sets out requirements about the publication of notice of meetings, as well as agenda and reports.

Written time and place of the meeting must be given at least five clear working days (not including Saturdays, Sundays, and Bank and Public Holidays), before the meeting, or if the meeting is convened at shorter notice, then at the time that it is convened. A copy of the agenda and reports must also be available at least five clear working days before the meeting. A reasonable number of the agenda and reports is always made available at meetings to which the public may attend.

The press and public also have a right to inspect agenda, reports and minutes (that do not contain exempt or confidential information), for a period of up to six years. They may also inspect any background papers referred to in reports, as soon as the reports are published, for a period of up to four years. Any request to inspect documents should in the first instance be made to the Clerk to the Fire Authority.



**iii. The Public Bodies (Admission to Meetings) Act 1960 and the Local Audit and Accountability Act 2014 (section 40 – Access to Local Government meetings and documents)**

Amendments have been made to the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 that allow members of the press and public to film, photograph or make sound recordings of proceedings at a meeting of the Authority or its Panels/Committees. This includes the use of social media such as tweeting and blogging to report the proceedings of all meetings that are open to the public. It is advisable that anyone wishing to do so informs the Clerk to the Fire Authority ([fireauthorityclerk@esfrs.org](mailto:fireauthorityclerk@esfrs.org)) so that reasonable facilities may be provided.

Any person can provide a written commentary during a meeting as well as an oral commentary outside or after the meeting. The rules do not permit oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting. The Authority may require any such recording to stop if at any stage the meeting becomes a private meeting.

The law of the land applies, including the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.

The regulations can be found at:

<http://www.legislation.gov.uk/ukpga/2014/2/section/40>

Guidance can be found at:

<https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>

**iv. The Openness of Local Government Bodies Regulations 2014 (SI 2014 No. 2095)**

**Recording of Officer Decisions**

The Openness of Local Government Bodies Regulations 2014 introduce new requirements regarding officer decisions. With effect from 6 August 2014, certain Officer decisions have to be recorded and published. The record of the decision has to include prescribed information.

This depends on whether the officer decision is taken under specific express authority or general authorization. Specific express authority is authority given to an officer by a resolution of the Authority or a Panel (committee). This is ad-hoc authority for an officer to take action or make a decision on behalf of the Authority. It is not ongoing, permanent authority to be exercised as and when needed. General authorisation is authority given to Officers under the scheme of delegations to Officers, which forms part of the constitution.

Any decision taken under specific express authority always has to be recorded and published irrespective of how important it is.

If an Officer decision is taken under general authorisation, the decision needs to be recorded if it falls under one or more of the following 3 categories:

- (a) granting a permission or licence;
- (b) a decision that affects the rights of an individual; or
- (c) a decision that involves the award a contract or incurring of expenditure which materially affects the Council's financial position.

Officer records have to include:

- The date the decision was taken;
- The decision taken along with the reasons for the decision;
- Details of alternative options considered;
- If the decision was under specific authority, the name of any Member who declared an interest at the meeting when the authority to the officer was granted.

There is no requirement to publish confidential or exempt information. This would be decisions covered by the category of exempt information (the same categories used for Authority/Panel reports.) There is no requirement to issue a record of a decision under the regulations if there is existing legal requirement to record and publish the decision with reasons.



The regulations require the record to be produced as soon as reasonably practicable after the decision is made. Failure to produce a record could be the subject of legal challenge or a complaint to the Ombudsman. Refusing to provide written records on request or refusing access to background papers is an offence under the regulations.

The regulations can be found at  
<http://www.legislation.gov.uk/ukxi/2014/2095/contents/made>

## **B. Accounts**

Any Member of the Authority, and any local government elector within the area of East Sussex and the City of Brighton & Hove, may inspect the accounts of the Fire Authority. Under the provisions of the Audit Commission Act 1988 they may also inspect documents related to the accounts, such as all books, deeds, contracts, bills, vouchers and receipts, provided that this does not contain personal information.. Further details about the accounts can be obtained from the Treasurer.

For further information about people's rights to see the accounts, see  
[www.gov.uk/government/policies/making-local-councils-more-transparent-and-accountable-to-local-people/supporting-pages/peoples-rights-to-see-council-accounts](http://www.gov.uk/government/policies/making-local-councils-more-transparent-and-accountable-to-local-people/supporting-pages/peoples-rights-to-see-council-accounts)

## **C. Reports of the Local Government Ombudsman**

The Commission of Local Administration, which runs the Local Government Ombudsman (LGO), was set up under the Local Government Act 1974 (amended in 2007). The LGO is appointed by Her Majesty the Queen. The LGO has the same powers as the High Court to obtain documents, and although the LGO's decisions cannot be appealed, they can be challenged in the High Court on a point of law. The LGO may make recommendations relating to the complaint, but the LGO has no powers to enforce any action. The findings of the LGO are published, but the people in the report are not identified, and the LGO has discretion not to publish in certain circumstances. Findings are published no earlier than three months after the date of the decision.

Elected Members and members of the public can inspect the reports of the LGO on the Local Government Ombudsman website, along with information about how this service operates at: <http://www.lgo.org.uk/>



**D. Freedom of Information Act 2000 (and the Environmental Information Regulations 2004)**

The aim of this Act is to encourage more open and accountable government by establishing a statutory general right of access to official records and information held by public authorities.

The public has the right under the Freedom of Information Act 2000 to request, in writing, information held by the Authority. The Environmental Information Regulations 2004 enables the public to make requests (not necessarily in writing) for information. East Sussex Fire & Rescue Service has a history of openness in terms of providing information to whoever seeks it. Provided the rights of the individual employee or service user are protected, and personal information is not disclosed, we should be able to respond to all reasonable requests.

The Freedom of Information Act requires all organisations to adopt and maintain a publication scheme that sets out key corporate documents that are available on request. The East Sussex Fire Authority publication scheme has been adopted and is published on our website at: <http://www.esfrs.org/freedomOfInformation/>.

The Information Commissioner's Office (ICO) is an independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. In addition to providing guidance to organisations and the public, the ICO works closely with the Ministry of Justice and can take action against organisations who fail to comply with the requirements of the relevant legislation and guidance, including the Data Protection Act, Environmental Information Regulations and Freedom of Information Act. The ICO's action can include, amongst other things, issuing enforcement notices, criminal prosecutions against individuals and organisations, and imposing fines, which can be substantial.

Information on the Freedom of Information Act is available on the Information Commissioner's website at: [www.ico.org.uk](http://www.ico.org.uk)

Members are reminded that information held by them in their capacity as a Member of the Authority would be disclosable under the Freedom of Information Act, (subject to it not being personal data or confidential data), and Members are asked to appropriately destroy data as soon as possible. Further information and assistance with destroying documents can be obtained from the Clerk to the Fire Authority.



## **E. Additional Rights of Elected Members**

Elected Members of the Authority may have rights under common law to inspect such documents held by the Authority as are reasonably necessary for them to perform their duties.

Additionally, the following rights are given to elected Members:

- (i) Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a Member of the Authority subject to (ii) below:
- (ii) Where a document discloses certain specified categories of exempt information it need not be open to inspection by a Member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

A Member must have good reasons for access. Generally, when a Member of the Fire Authority needs access, membership of the Authority will give him or her a good reason for access to all ESFRS records irrespective of their categorisation, but subject to the preservation of confidentiality by the Member. In other respects, the entitlement of Councillors to access is the same as that of ordinary members of the public. Councillors do not have the right to a “roving commission” to go through ESFRS records. Information is provided on a ‘need to know’ basis.

Members are also referred to Standing Order 34 (Inspection of Documents). Members can make application to the Monitoring Officer to inspect any document that has been considered by a Panel of the Authority so long as it is for the purpose of carrying out their duty as a Member.

Members should not knowingly inspect or ask for documents relating to a matter in which they have a disclosable personal interest or any other interest required to be disclosed under the Authority’s Code of Conduct for Members.





## **F. Data Protection Act 1998**

Personal data is subject to the Data Protection Act 1998. Personal data includes any information about a living identifiable individual, including their name, address, phone number, E-Mail address, and any other information about the individual. Any organisation holding paper or electronic data that relates to identifiable living individuals must comply with the legislation. This will include data held by Members.

Members must ensure that they do not retain any personal data about individuals either in paper or electronic form any longer than is necessary, and must ensure that they do not release any information about individuals. Further information about the implementation of the Data Protection Act can be obtained from the ACFO. The Clerk to the Fire Authority can assist with the destruction of documents.

Information on the Data Protection Act is available on the Information Commissioner's website at: [www.ico.org.uk](http://www.ico.org.uk)



**SECTION G2**  
**SOCIAL MEDIA PROTOCOL**

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Responsible Officer	First Issue Date	Section amended/updated	Review Date
ACO	December 2014		May 2015





## **SOCIAL MEDIA PROTOCOL FOR MEMBERS**

### **1. Purpose of this protocol**

Social media is one of the most important and growing means of communication for individuals and businesses. The Authority welcomes Members' increasing use of social media and would like to facilitate this by giving proper advice and support. This protocol is intended to provide guidance and complements the general rules under the Code of Conduct for Members. As members might expect, the basic position is that the same standards of behaviour and conduct apply online as would be expected offline.

### **2. What are social media?**

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, known as tweets, via twitter.

On social media sites users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

It is not a requirement for Members to have a Facebook or Twitter account or use other forms of social media. However, If you are already using or planning to use social media in connection with your work as a Councillor, or are already using such media in your private capacity, these guidelines will be relevant.

Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues



Types of Social Media:

- Blogging and microblogging – online journals – Twitter is an example of microblogging, where entries are limited to 140 characters
- Online Forums – people with similar interests sharing information and opinions – AccyWeb is an example
- Social networking sites – these facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services - Facebook is an example
- Video and photo publishing – sharing videos and photographs worldwide – Flickr is an example

**3. Things to bear in mind from the beginning:**

- Any form of communication is capable of being misunderstood. While the use of social media should not in theory be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.
- By the nature of such media, “misfiring”, or being misunderstood, particularly with regard to something that is perceived as being more controversial than it was intended to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial”, misunderstood item.
- There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context.
- Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you’ve said on the web is written down and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective. If in any doubt, speak to the Deputy Monitoring Officer.
- This doesn’t mean that Members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you wouldn’t be comfortable repeating or justifying, for example, at a public meeting.



**4. Some general legal issues:**

- Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libelous on your website, you know about it and don't take swift action to remove it. A successful libel claim could result in the award of damages against you
- Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- Bias and Predetermination** – if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Authority for damages.

**5. Social Media and the Code of Conduct for Members generally:**

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a councillor rather than as a private individual.
- Councillors can have "blurred identities". This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.



- One way of avoiding blurring of the lines between your personal and councillor life, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Authority's Communications and Marketing Manager can help you with more specific advice if needed.

#### **6. Particularly Relevant Elements of the Members' Code of Conduct:**

- **You must treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- **You must not bully or intimidate anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation, whether the comments relate to a council employee, a fellow-councillor or anyone else.
- **You must not bring the Authority into disrepute** – you should not publish anything that could reasonably be perceived as bringing yourself as a councillor, or the Authority in general, into disrepute.
- **You must not disclose confidential information** - you must not, in your usage of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Members are referred to the Members' Code of Conduct for a fuller exposition on non-disclosure of confidential information. There is a perception that inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off-the-cuff nature of much social media communication. Whether this is true or not, Members must be careful to apply exactly the same Code of Conduct standards to their social media communications as they would to statements made in a more formal context.

One of the Authority's most important values is to conduct its business with openness. The inseparable, complementary "other side of the coin" to the Authority being open in its dealings is for councillors and employees to be clear about what is confidential and make sure it stays confidential.



## **7. Staying out of Trouble - Some Do's and Don'ts**

### **Some Do's**

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network
- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries
- ensure you use Authority facilities appropriately; if you use an Authority provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

### **Some Don'ts**

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you have consumed alcohol.
- make unguarded statements which could lead to potential liability
- post comments that you would not be prepared to make on paper or face to face
- use Authority facilities for personal or political blogs
- request or accept a Fire & Rescue Service employee or contractor providing services to the authority as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about authority staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council



- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors, Fire Authority staff as well as Fire Authority related information
- represent your personal views, or those of any political party or interest group you belong to, as being those of the authority, on any social medium
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory
- make conspicuous, excessive and continuous use of social media technology during the course of an Authority or Panel meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

## **8. General**

The Authority wishes to encourage Members' use of new technology, including social media. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk. The Monitoring Officer and the Communications & Marketing Manager are happy to help Members by providing additional advice and guidance as appropriate.