



SECTION E 1 (b)
CODE OF CONDUCT FOR MEMBERS

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Code of Conduct for Members (Adopted 13 September 2012)

As a Member of East Sussex Fire Authority you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity you must behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the authority.



The Seven Principles of Public Life

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

Objectivity

Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should, on all occasions, avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.



This Code of Conduct, adopted by the Authority on 13 September 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011.

On their election (or co-option where appropriate), to the East Sussex Fire Authority, Members are required to sign an undertaking to comply with the Authority's Code of Conduct.

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of the authority, when acting in that capacity.
- (2) This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as they will help you to comply with the Code.
- (3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.
- (5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -
 - (a) whether to take action in relation to you and
 - (b) what action to take.



(6) In this Code—

“**authority**” means East Sussex Fire Authority

“**Code**” means this Code of Conduct

“**co-opted member**” means a person who is not a member of the authority but who-

(a) is a member of any Panel of the authority, or

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

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

“**meeting**” means any meeting of—

(a) the authority;

(b) any of the authority's panels;

“**member**” includes a co-opted member.

“**register of members' interests**” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you —
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or



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(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not —

(a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be —

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or



(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) 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, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is —

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority;

(c) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You —

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority —



- (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to their statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.
- (2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-
- (a) the authority may deal with the matter as mentioned in paragraph 1(5) and
 - (b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).



- (3) You have a personal interest in any business of your authority where either —
- (a) it relates to or is likely to affect —
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
- (a) exercising functions of a public nature;
- (b) directed to charitable purposes; or
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (4) In sub-paragraph (3)(b), a relevant person is—
- (a) a member of your family or a close associate; or
- (b) any person or body 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 person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).
- (5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner has any interest as described in the following schedule:

SCHEDULE

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority —</p> <ul style="list-style-type: none">(a) under which goods or services are to be provided or works are to be executed; and



(b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) — (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where — (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either — (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

(6) In sub-paragraph (5), your partner means —



- (a) your spouse or civil partner,
 - (b) a person with whom you are living as husband and wife, or
 - (c) a person with whom you are living as if you were civil partners,
- (7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. (1) Subject to sub-paragraphs (2) to (4), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) If the personal interest is registered on the authority's register, there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish the disclosure to be recorded in the minutes of the meeting.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (4) Where you have a personal interest but, by virtue of paragraph 13, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either -



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- (a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or
 - (b) 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 your judgement of the public interest.
- (2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business —
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of —
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.



Effect of prejudicial interests on participation

- 11.** (1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority —
- (a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;
- unless you have obtained a dispensation from your authority's monitoring officer or Standards Panel;
- (b) you must not seek improperly to influence a decision about that matter.
- (2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described in 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

- 12.** (1) Subject to paragraph 13, you must, within 28 days of —
- (a) this Code being adopted by the authority; or
 - (b) your election or appointment to office (where that is later), register in the register of members' interests details of—
 - (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
 - (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)
- by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 13.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.



- (3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

- 14.** (1) The Standards Panel may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 11(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Panel or the monitoring officer —
- (a) considers that without the dispensation the number of persons prohibited by paragraph 11 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 11 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

Appendix A

East Sussex Fire Authority

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

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

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a member of an authority has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

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

2 The Code of Conduct

The Fire Authority has adopted a Code of Conduct for members, which is attached as Appendix 1 to these arrangements and available for inspection on the Authority’s website and on request from the Authority’s Headquarters.

3 Making a complaint

If you wish to make a complaint, please write to: –

The Monitoring Officer
East Sussex Fire Authority
c/o Democratic Services
Service HQ
Church Lane
Lewes BN7 2DZ

Or email: democraticservices@esfrs.org



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

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the Authority's website, next to the Code of Conduct, and is available on request from Reception at Headquarters.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

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

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with an Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. The Monitoring Officer may decide that a complaint does not merit investigation if:

- It is about a person who is no longer a member of the Authority
- The complaint is about something which happened so long ago that there would be little benefit in taking action now
- The complaint is too trivial to warrant further action
- The complaint appears to be malicious, politically motivated or tit for tat.

The above list is not intended to be exhaustive of the Monitoring Officer's power to determine that a complaint will not be investigated.



Where the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision.

Where they require additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the Member or the Authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

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

5. How is the investigation conducted?

The Authority has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 2 to these arrangements.

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer will normally write to the Member against whom you have complained and provide them with a copy of your complaint, and ask the Member to provide their explanation of events, and to identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.



At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

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

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that they are satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

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

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

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Panel for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested



resolution would not be adequate, the Monitoring Officer may refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Authority has agreed a procedure for local hearings, which is attached as Appendix 3 to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from an Independent Person, concludes that the Member did not fail to comply with the Code of Conduct, they may dismiss the complaint. If the Hearings Panel concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent



Person, but will then decide what action, if any, to take in respect of the matter.

8. What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Authority has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the Member's conduct;
- 8.2 Write a formal letter to the Member found to have breached the Code;
- 8.3 Report its findings to the Authority for information;
- 8.4 Seek formal censure by motion;
- 8.5 Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to the Fire Authority or to Panels) that they be removed from any or all Panels of the Authority;
- 8.6 Instruct the Monitoring Officer to arrange training for the Member.

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

9. What happens at the end of the hearing?

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

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Hearings Panel, and send a copy to you and to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Authority.

10. Who are the members of the Standards Hearings Panel?



The Standards Hearings Panel is a Sub-Committee of 3 Members of the Authority's Standards Panel.

An Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct, and as to any action to be taken following a finding of failure to comply with the Code.

11. Who is the Independent Person?

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

12. Revision of these arrangements

The Standards Panel has been given authority to amend these arrangements. The Chair of the Standards Hearings Panel has the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Standards Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Procedure for Investigations

Introduction

This document sets out the procedure which will be followed once the Monitoring Officer has decided that an allegation of misconduct by a Member should be investigated.

The appointment of the Investigating Officer



Upon deciding to refer an allegation for investigation, the Monitoring Officer will appoint an Investigating Officer and instruct them to conduct an investigation of the allegation and report on it. The Monitoring Officer may appoint a replacement if the Investigating Officer is unable to complete the investigation.

The Investigating Officer may be an Officer of the Authority or another authority or an external investigating officer. They should not be connected with the Standards Panel.

The role of the Investigating Officer

The role of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented in the report.

Subject to the agreement of the Monitoring Officer, the Investigating Officer may appoint a person(s) to assist them in the conduct of their functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

Notification requirements

Once an Investigating Officer has been appointed, the Monitoring Officer will notify the Subject Member against whom the allegation has been made that the matter is being referred for investigation and inform them who is conducting the investigation.

The Monitoring Officer will notify the complainant that an investigation will take place and that they may be contacted in relation to that investigation.

Conduct of the investigation

The Investigating Officer shall have a broad discretion as to how they conduct the investigation.

They may require the Subject Member and the complainant to provide them with information and /or documents which are relevant to the investigation. They may also be required to provide details of other people who may be able to assist with the investigation.



It may assist the Investigating Officer to set out a plan for how they are going to conduct the investigation and he/she may consult the Monitoring Officer at any stage of the investigation.

The Investigating Officer may request any person to attend an interview and/or provide documents and/or information.

Any person who is interviewed may arrange to be accompanied by a friend or solicitor (provided they are not connected to any matter under investigation).

The Investigating Officer will take a note of any interviews that they conduct.

The Monitoring Officer may agree that the authority will pay such expenses, fees or allowances to any persons providing documents, information, advice or explanation, as they consider appropriate.

Referral to the Monitoring Officer

The Investigating Officer may refer the matter back to the Monitoring Officer if it appears appropriate to do so. For example, if the Member is seriously ill or the decision to investigate should be reconsidered in the light of new evidence.

Deferral of investigation

The Monitoring Officer has discretion to defer the investigation if it appears appropriate to do so, for example, if there is a criminal investigation taking place.

Confidentiality

The Investigating Officer shall request that anyone contacted in relation to the investigation maintain confidentiality in order to maintain the integrity of the process.

Draft Report

When the Investigating Officer is satisfied that they have sufficient information, or have obtained as much information as is reasonably practicable to obtain, they shall prepare a confidential draft report setting out the details of the allegation, the relevant sections of the code, a summary of the allegation, the response of the Subject Member, the information, documents and evidence



taken during the course of the investigation, a statement of their draft findings, and the Investigating Officer's conclusion as to whether the member has breached the code.

The draft report should be sent to the Monitoring Officer, the complainant and the Subject Member for their comments. The Investigating Officer may wish to conduct further investigations once they have received those comments, before producing their final report.

Final Report

The final report should include the same sections as the draft report and a final conclusion as to whether there has been a breach of the code.

It may be helpful to include a chronology, summary of disputed facts and/or to append witness statements or other documents.

Action on receipt of Report

If the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will review the report and, if satisfied that the report is sufficient, will write to the complainant and the Subject Member notifying them that no further action is required and enclosing a copy of the report.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

If the report concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will either send the matter for local hearing before the Standards Hearings Panel or, after consulting the Independent Person, seek local resolution.

Procedure for Hearings

The following process will be followed when a decision has been taken that a hearing into whether a member has breached the code of conduct is required.

Pre-hearing process



Section E 1 (b)
Code of Conduct for Members

The Monitoring Officer will, where possible, arrange for the Standards Hearings Panel to meet to hear the complaint within one month of receiving the Investigating Officer's report. They should aim to find a date which the witnesses, the Investigating Officer, the complainant and the Subject Member can attend. They should give all those involved, particularly the Subject Member, sufficient notice of the hearing. The Monitoring Officer should aim to arrange a hearing which can take place in one day or consecutive days without the need to have gaps between sittings or lengthy days.

The Standards Panel and the Standards Hearing Panel are subject to the requirements on confidential and exempt information under section 100 A to K and Schedule 12A of the Local Government Act 1972. The Monitoring Officer will consider whether these provisions apply in advance of the hearing and may consult any person for their views.

The Monitoring Officer will require the Subject Member to give their response to the Investigating Officer's report in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.

If the Subject Member wishes to rely on evidence or introduce new arguments at the hearing, they should provide them to the Monitoring Officer as soon as possible. The Investigating Officer may have taken a witness statement from them or set out their comments in their report but if the Subject Member wishes to add to what the Investigating Officer has written they should provide a witness statement to the Monitoring Officer as soon as possible.

The Panel may not allow new arguments or evidence to be presented at the hearing.

The Monitoring Officer will decide what evidence will need to be heard, and what written evidence can be read at the hearing. The Monitoring Officer should take account of the views of the witnesses and the Subject Member in reaching such decisions.

The Monitoring Officer can consult the Chair of the Standards Hearing Panel if they feel their guidance would assist and ask the Chair to issue directions in relation to the pre-hearing process.

The Monitoring Officer may wish to offer to cover the expenses of witnesses associated with their attendance at the hearing.



The Monitoring Officer will consider whether it is appropriate to hear two complaints together, for example if they relate to the same member, or relate to the same incident or occasion.

The Subject Member should be provided with the Investigating Officer's report and any evidence which will be heard at the hearing.

The Monitoring Officer should provide the members of the Hearing Panel with all the evidence in advance of the hearing so that they can read it to identify any potential conflicts of interest.

The Monitoring Officer will provide the Standards Hearing Panel with a report which summarises the allegation. This should include a list of agreed facts and disputed issues and outline the proposed procedure for the hearing.

The Monitoring Officer will act as a point of contact for the Subject Member, the complainant, the Independent Person and any witnesses who will give evidence.

The Hearing

The hearing will generally take place in public.

An Independent Person will be invited to attend the hearing and may be asked to comment if the Panel thinks it is appropriate. This will be an Independent Person who has not previously been consulted by the Subject Member.

If the Subject Member does not attend the hearing, the Panel may adjourn the hearing or may continue to reach a decision on the basis of the Investigating Officer's report and any evidence they hear, if they decide to hear evidence.

Whilst the hearing is a meeting of the authority, it is not a court of law. It does not hear evidence under oath. The rules of natural justice should nevertheless be carefully followed and the Standards Hearing Panel will have due regard to the seriousness of the proceedings for those involved, the Authority and the public. The Panel will decide disputed issues and whether the Subject Member has breached the Code of Conduct on the balance of probabilities.

Representation



The Subject Member may choose to be represented by a Barrister, Solicitor or any other person they wish. They will have to bear the cost of being represented. The Panel may refuse to allow a representative to remain at the hearing if they are disruptive. The Panel will have the discretion to hear opening or closing arguments from the Subject Member and the Investigating Officer if they feel it would assist them in reaching a decision.

Evidence

The Panel will control the procedure and evidence presented at a hearing, including the number of witnesses and the way they are questioned. All matters relating to the evidence and procedure are within their discretion.

Generally, the Subject Member is entitled to present their case as they see fit.

The Panel will usually have regard to submissions from the Subject Member if they are considering whether to hear particular evidence.

Witnesses of facts that are disputed would normally be expected to attend to be questioned. Character witnesses will normally provide written evidence which can be read at the hearing.

Witnesses should be treated with courtesy throughout the pre-hearing stage and at the hearing.

Witnesses may be questioned by the Panel, the Monitoring Officer and the Subject Member. This discretion should generally be unfettered by the Panel unless there is good reason to do so.

The onus is on the Subject Member to ensure the attendance of witnesses who they wish to give evidence to assist them. The Panel can limit the number of witnesses or the issues which can be covered by them.

Neither the Panel nor the Subject Member has the power to compel witnesses to give evidence.

At the Hearing

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the



Code of Conduct. The Investigating Officer is likely to ask the complainant to attend and give evidence to the Panel. The Investigating Officer may be asked about their report or any matters relating to their involvement.

Role of Monitoring Officer

References to the Monitoring Officer should be read to include any representative of the Monitoring Officer.

The Monitoring Officer has a key role in ensuring the smooth running of the pre-hearing and hearing process. They will remain neutral throughout and will provide independent advice to the Panel

Role of the complainant

The role of the complainant will usually be limited to being a witness and they are not a party to the proceedings. However, the Panel may wish to consult them at any stage in the hearing if they feel their comments would assist them.

Decision

The Panel must consult the Independent Person in reaching their decision.

The Panel may wish to retire to consider their decision. The Monitoring Officer may assist them in constructing the reasons for their decision. The Monitoring Officer should not express any view on the evidence heard or the decision to be reached.

The Panel will reach a decision as to whether the subject member has breached the code of conduct. If they decide that the Subject Member has not breached the code of conduct they will take no further action. If they decide that the Subject Member has breached the code of conduct they should go on to decide what sanction, if any, is appropriate.

Sanctions

The Panel must consult the Independent Person before imposing any sanction and give the Subject Member the opportunity to make representations.

The Panel should consider all the mitigating and aggravating circumstances that appear to them to be relevant. For example, they may wish to consider:



- What were the actual and potential consequences of the breach?
- How serious was the breach?
- What is the attitude of the subject member now? Have they apologised?
- Has the subject member previously been dealt with for a breach of the code?

The following are examples of mitigating and aggravating factors but these lists should not be regarded as exhaustive.

Mitigating Factors

- An honest but mistaken belief that the action was not a breach of the code
- A previous record of good service
- Evidence that they were suffering from ill health at the time of the breach

Aggravating Factors

- Dishonesty
- Continuing to deny the facts or blaming other people
- Evidence of a failure to follow advice or warnings

The priority of the Panel should be to ensure that there are no further breaches of the code and that public confidence is maintained.

Sanctions

The sanctions available to the Panel are:

- Press release/other publicity
- Formal letter to the member found to have breached the code,
- Report to the full Authority for information,
- Seek formal censure by motion,
- Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Panels) that he/she be removed from any or all Panels of the Authority,
- Instruct the Monitoring Officer to arrange training, mediation or other appropriate remedy, for the Member.

Notice of decision



Section E 1 (b)
Code of Conduct for Members

As soon as is reasonably practicable after the hearing, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the complainant and the Subject Member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Authority.



Appendix B

UNDERTAKING FOR MEMBERS OF EAST SUSSEX FIRE AUTHORITY TO SIGN TO INDICATE WILLINGNESS TO OBSERVE THE AUTHORITY'S LOCAL CODE OF CONDUCT



Undertaking for Members/Co-opted Members of East Sussex Fire Authority to sign to indicate willingness to observe the Authority's Local Code of Conduct

To East Sussex Fire Authority

I, having become a [member] [co-opted member] (*delete as appropriate*) of East Sussex Fire Authority, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability.

I acknowledge that I have received a copy of the Code of Conduct currently adopted by East Sussex Fire Authority.

I understand that this Code governs the conduct expected of me by the public and East Sussex Fire Authority in performing my functions as member or co-opted member of the Fire Authority.

I undertake to observe this Code and any amended or successor code as to the conduct which is expected of members and co-opted members of East Sussex Fire Authority.

SIGNED - _____

DATED - _____

NAME - _____

This undertaking was made and signed before me

SIGNED - _____



Section E 1 (b)
Code of Conduct for Members

DATED - _____

NAME - _____

POSITION - _____

(acting as or on behalf of the Proper Officer of East Sussex Fire Authority)



Appendix C



REGISTER OF INTERESTS

I, Councillor....., as a Member of East Sussex Fire Authority, give notice to the Monitoring Officer of the following disclosable interests, as required by section 30 of the Localism Act 2011, and other interests as required by the Authority's Code of Conduct.

PERSONAL DISCLOSABLE PECUNIARY INTERESTS

Where I or my partner has any interest in the following:

(In this form, partner means spouse or civil partner, or the person with whom I am living with as husband and wife, or the person with whom I am living with as if we were civil partners)

Employment, Office, Trade, Profession or Vocation (Carried on for profit or gain)

Member	My spouse or civil partner.



Section E 1 (b)
Code of Conduct for Members

Sponsorship (Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the last 12 months in respect of any expenses incurred in carrying out duties as a Member, or towards the election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)

Member	My spouse or civil partner.

Contracts (Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged)

Member	My spouse or civil partner.

Land (Any beneficial interest in land which is within the area of the Authority)

Member	My spouse or civil partner.

Licences (Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer)

Member	My spouse or civil partner.



Corporate tenancies (Any tenancy where (to my knowledge) (a) the landlord is the Authority; and (b) the tenant is a body in which the relevant person has a beneficial interest)

Member	My spouse or civil partner.

Securities (Any beneficial interest in securities of a body where (a) that body (to my knowledge) has a place of business or land in the area of the Authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class)

Member	My spouse or civil partner.

PERSONAL INTERESTS

Any body to which I have been appointed or nominated by the Authority of which I am a member or in a position of general control or management

Member



Any body exercising functions of a public nature of which I am a member or in a position of general control or management

Member

Any body directed to charitable purposes of which I am a member or in a position of general control or management

Member

Any body of which one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which I am a member or in a position of general control or management

Member

Gifts and Hospitality (The interests from whom I have received a gift or hospitality with an estimated value of at least £50)

Member

Signed:.....

Dated:.....