

Code of Conduct for Members

East Sussex Fire Authority: [Code of Conduct for Members](#)

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EAST SUSSEX FIRE AUTHORITY: CODE OF CONDUCT FOR MEMBERS

The East Sussex Fire Authority is comprised of elected councillors appointed to the Fire Authority by its two constituent authorities: Brighton & Hove City Council and East Sussex County Council. As Members of the East Sussex Fire Authority, they provide a key governance function in relation to the Fire and Rescue Service.

The legal requirements in the Localism Act 2011 which require all local authorities to adopt a Members Code to govern the conduct of elected councillors apply also to Fire Authorities. East Sussex Fire Authority has chosen to adopt a Code of Conduct which is based on the model Local Government Association Code and which is founded on the Seven Principles of Public Life.

This Code of Conduct for Members is consistent with the Core Code of Ethics for Fire and Rescue Services – England ('the Core Code'). The Core Code describes the fundamental principles which underpin the behaviours expected of staff of the East Sussex Fire & Rescue Service. This Code of Conduct for Members reflects the same key values and vision. It evidences the Fire Authority's commitment to supporting the Fire & Rescue Service's use of the Core Code to inform its future development.

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Introduction

All Fire Authorities ('Authorities') are required to adopt a Member Code of Conduct to regulate the behaviour of their Members. The East Sussex Fire Authority has chosen to adopt a Code which is based on the Local Government Association's Model Member Code of Conduct, which was developed in association with key partners and relevant authorities.

This Code of Conduct covers all of those elected Members of Brighton & Hove City Council and East Sussex County Council who have been appointed to the East Sussex Fire Authority, whenever they are acting as a Member or representative of the Fire Authority or behaving in a way which meets the description described in the paragraph entitled 'Application of the Code of Conduct' below.

The requirements outlined in this Code regarding the Declaration of Interests at Meetings apply to formal meetings of the Authority and its Panels and sub-Panels. Members are also encouraged to voluntarily declare at all meetings - both formal and informal - any facts which they consider may be relevant to the perception of their decision-making. This Code does not apply when Members are acting or appearing in the perception of a reasonable person to be acting in a purely private capacity.

When applying and interpreting this Code of Conduct, Members should have regard to the Fire Authority's policies and documents (as amended from time to time).

Definitions

For the purposes of this Code of Conduct, a "*councillor*" or "*Member*" means a Member or co-opted Member of the Fire Authority.

A "*co-opted Member*" is defined in the Localism Act 2011 Section 27(4). It is a person who is not an elected Member of the Fire Authority but has both been co-opted onto one of its Panels or Sub Panels and is entitled to vote on any question that falls to be decided at any meeting of it.

The requirement to appoint at least one "*Independent Person*" and a description of that role is in Section 28(7) of the Localism Act 2011.

"*Authority*" or "*Fire Authority*" means the East Sussex Fire Authority.

"*the Monitoring Officer*" or "*your Monitoring Officer*" means the Monitoring Officer of the East Sussex Fire Authority.

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Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you as a Member in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, officers and the reputation of the Fire Authority. It sets out the general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in your role as a Member and in that of the Fire Authority in its governance role in relation to the Fire and Rescue service.

General Principles of Member Conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you are appointed as a Member of the Fire Authority by your constituent Authority or (if you are a co-opted member) attend your first meeting and continues to apply to you until you cease to be a Member of the Fire Authority. The expectation that you will apply appropriate standards of confidentiality to all information provided to you in your capacity as a member is ongoing, and shall continue after you cease to be a member.

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This Code of Conduct applies to you when you are acting in your capacity as a Member of the Fire Authority. For the avoidance of doubt, this Code does not apply to you when you are acting in any other capacity, including in a purely personal capacity. The Code will apply when:

- you misuse your position as a Member, or
- your actions may or could give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a Member, or are such as to create the risk that such an impression could be generated.

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

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

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from them on any matters that relate to it.

Standards of Member Conduct

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

Guidance is provided below each obligation to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Member:

- 1.1. I treat other Members of the Authority and members of the public with respect.**

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1.2. I treat Authority employees as well as employees and representatives of partner organisations with respect and respect the role they play.

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

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

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Code of Conduct for Members, and Authority employees, where concerns should be raised in line with the Code of Conduct for Member and Employee Relations.

2. Bullying, harassment and discrimination

As a Member:

2.1. I do not bully any person.

2.2. I do not harass any person.

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

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

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

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

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

3. Impartiality of Officers

As a Member:

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

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

3.2. When reaching decisions on any matter, I have regard to any relevant advice provided to me by—

- (a) the Fire Authority's chief finance officer; and/or**
- (b) the Fire Authority's monitoring officer, where that officer is acting pursuant to their statutory duties.**

3.3. I give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

The Authority's statutory officers play a key role in ensuring that the Authority discharges its functions lawfully. For this reason, Members are required to have regard to any advice provided to them by those officers.

4. Confidentiality and access to information

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4.1. I do not disclose information:

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

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

4.3. I do not interfere with anyone seeking to obtain information which they are entitled to by law.

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

5. Disrepute

As a Member:

5.1. I do not bring my role or the Authority into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on

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you, other Members and/or your Authority and may lower the public's confidence in your or your Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.

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

6. Use of position

As a Member:

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

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

7. Use of Authority resources and facilities

As a Member:

- 7.1. I do not misuse the Authority's resources.**
- 7.2. I will, when using the resources of the Authority or authorising their use by others:**
- a) act in accordance with the Authority's requirements; and**
 - b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

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- access and use of Authority buildings and rooms.

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

8. Complying with the Code of Conduct

As a Member:

- 8.1. I undertake Code of Conduct training provided by my Authority.**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3. I do not attempt to interfere in any aspect of the investigation, administration or hearing of any complaint or matter.**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

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

Protecting your reputation and the reputation of the Authority

9. Interests

As a Member:

- 9.1. I register and disclose my interests.**

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

You need to register your interests so that the public, Authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also

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important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

If in doubt about how to apply the Code's detailed provisions on registering and disclosing interests, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Member:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.**
- 10.2. I register with the Monitoring Officer any gift or hospitality worth more than an estimated value of £50 within 28 days of receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

APPENDIX A

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The principles are:

1 Selflessness

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

2 Integrity

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

3 Objectivity

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

4 Accountability

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

5 Openness

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

6 Honesty

Holders of public office should be truthful.

7 Leadership

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

APPENDIX B

REGISTERING INTERESTS

Within 28 days of being appointed or re-appointed as a Member of the Fire Authority, you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Disclosable Pecuniary Interests

These are an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below. In this context, "Partner" means a spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Non participation in case of a Disclosable Pecuniary Interest

Where a matter arises at a meeting of the Fire Authority, one of its Panels or sub-Panels which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must:

- disclose the interest
- not participate in any discussion or vote on the matter and
- leave the room while any discussion or voting takes place.

Note: if your interest is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

NB. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest (as defined in **Table 1**), to take part in discussion or votes at meetings or to take a decision, where you have a Disclosable Pecuniary Interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer in connection with the registration and/or declaration of Disclosable Pecuniary Interests.

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Other Registerable Interests

Members may have an interest in a matter under consideration even where they do not have a Disclosable Pecuniary Interest. You must register your Other Registrable Interests which are defined as follows (also duplicated in **Table 2** below):

- Any body of which you are in a position of general control or management
- Any gift or hospitality which you have accepted by virtue of your office and which has an estimated value of £50 or more.

Other Interests which need not be registered

There is a further category of 'Other Interests' which do not need to be registered. These are as follows:

- Any interest of a financial nature which is not a Disclosable Pecuniary Interest, whether of you, your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners

Non-participation in the case of an Other Interest

Where a matter arises at a meeting which directly relates to any Other Interest (whether Registrable or not), then you must declare that interest at the meeting.

In order to determine whether – after declaring your interest – you may remain in the room and take part in any discussion or vote on the matter then you must consider:

whether a) your interest is affected by the matter under consideration more than the interests of the majority of people in the area affected by the matter, and if so,

whether b) a reasonable Member of the public would think your judgement of the public interest would be adversely affected by your interest.

If you consider that a) and b) apply, then you may speak on the matter only if Members of the public are allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Note: if, having applied the above test, you consider you may continue participating in decision-making once you have declared your interest, then you will have a declarable **non-prejudicial interest**. Where you consider yourself unable to participate in decision-making then it will be because your interest is deemed to be a **prejudicial interest**.

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Sensitive Interests

A 'sensitive interest' is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. Where you believe you have a 'sensitive interest' then you must notify the Monitoring Officer, explaining the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Where a matter arises at a meeting which relates to a sensitive interest then you are not required to disclose the nature of your interest, although you must nonetheless declare the fact that you have an interest and must follow the rules regarding participation.

Dispensations

On a written request made by a Member, either the Scrutiny and Audit Panel or the Fire Authority's Monitoring Officer may grant a dispensation on the basis outlined below.

A dispensation may be granted to a Member to enable them to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to where either the Scrutiny and Audit Panel or the Monitoring Officer believes:

- 1) that the number of Members otherwise prohibited from taking part in the meeting would be so great a proportion of the relevant body as to impede the transaction of the business; or
- 2) considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; or
- 3) considers that it is in the interests of the inhabitants in the Authority's area to allow the Member to take part; or
- 4) considers that it is otherwise appropriate to grant a dispensation.

Members are not required to register or declare an interest that is shared with ordinary Members of the public living or working in the area, that arises simply from being a Member; or where the interest is otherwise de minimis.

It is at all times the responsibility of each individual Member to monitor whether they have any disclosed or as yet undisclosed interests in matters under consideration and to declare and register these where necessary.

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Table 1: Disclosable Pecuniary Interests

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

Note: All references to '*the council*' should be read as referring to '*the East Sussex Fire Authority*'.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the Member during the previous 12-month period for expenses incurred by them in carrying out their duties as a Member, or towards their 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.
Contracts	Any contract made between the Member or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

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Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Member or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate Tenancies	<p>Any tenancy where (to the Member’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the Member, or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Member’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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* 'director' includes a Member of the committee of management of an industrial and provident society.

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

Table 2: Other Registerable Interests

You have a personal interest in any business of your Authority where it relates to or is likely to affect:	
	any body of which you are in a position of general control or management, or
	Any gift or hospitality which you have accepted by virtue of your office and which has an estimated value of more than £50.