

PART 6b
MEMBER CODE OF CONDUCT

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Approving body: Audit & Governance Committee

Responsible Officer: Monitoring Officer

MEMBER CODE OF CONDUCT

1. INTRODUCTION

The public is entitled to expect the highest standards of conduct from all Members of South Yorkshire Fire and Rescue Authority.

This Code applies to you as a Member or co-opted member of this Authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code.

The Code sets out the standards which are required of all Members and co-opted members of the Authority in carrying out their duties, and in their relationships with the Authority and its officers.

2. INTERPRETATION

In this Code –

“Meeting” means any meeting of any of the Authority’s committees, sub-committees, joint committees or joint sub-committees (whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members)

“Co-opted member” means a person who is not a Member of the Authority but who:-

- (a) is a member of any committee or sub-committee 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.

“Pecuniary interest” means any interest which affects your financial position whether favourably or adversely

“Non-pecuniary interest” means an interest which affects your personal well being

IN EITHER CASE this also includes the financial position or well-being *if affected to the best of your knowledge* of:

- Any body of which you are a member or in a position of general control or management
- A member of your family or any person with whom you are closely acquainted or any person or body who employs or has appointed such persons
- Any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors
- Any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

3. GENERAL OBLIGATIONS

As a Member or co-opted member of the Authority you must have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership (often referred to as the [Nolan Principles](#) or the seven principles of public life).

Accordingly, when acting in your capacity as a Member or co-opted member -

- You should conduct yourself in a manner which is consistent with the Authority's duty to promote and maintain high standards of conduct of members
- You should treat others with respect
- You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Authority
- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions
- When reaching decisions on any matter you must have regard to the relevant advice provided to you by

(a) the Authority's Treasurer; or

(b) the Authority's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of

Publicity made under the Local Government Act 1986. The current Publicity Code can be viewed on the [Authority's website](#)¹.

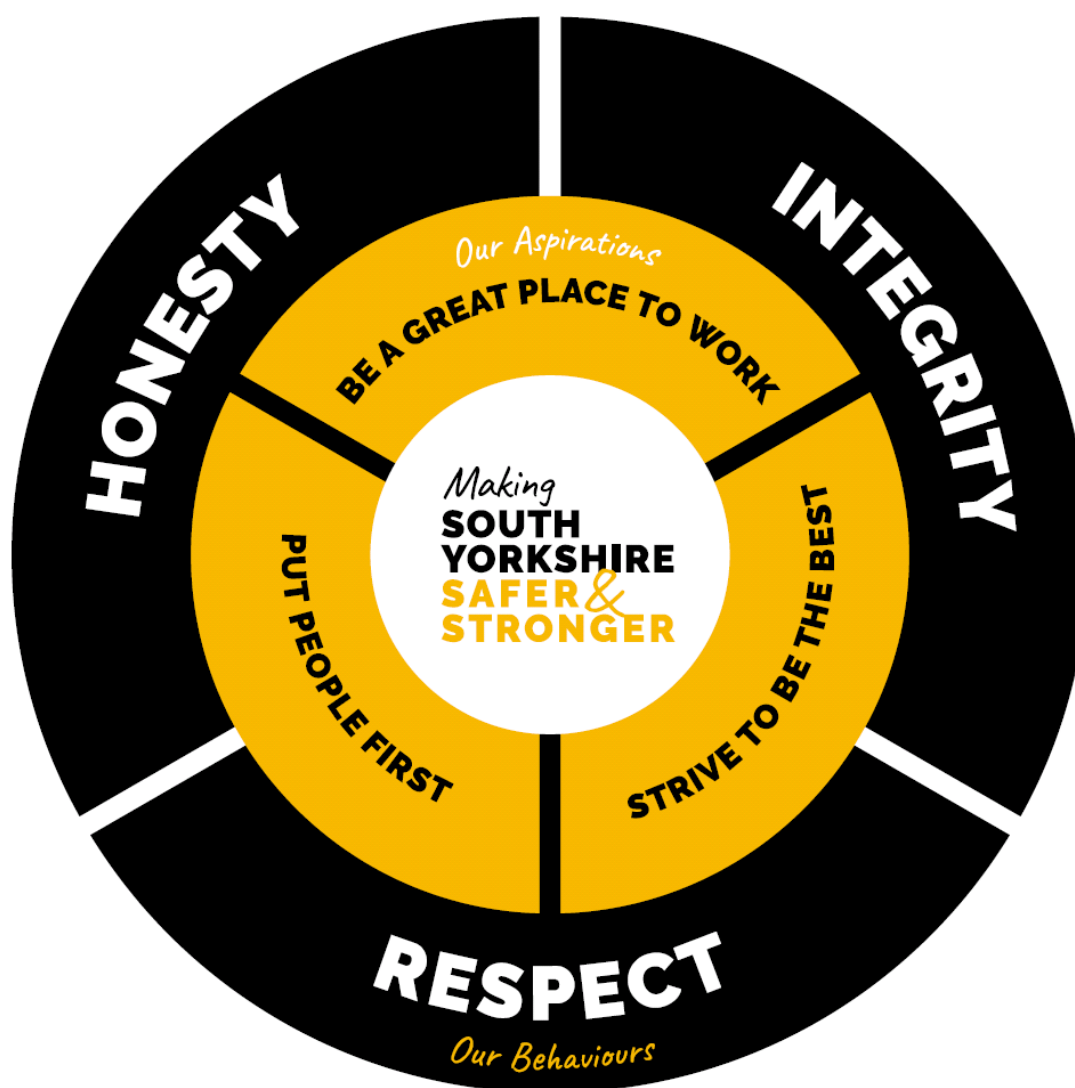
- You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature:

UNLESS you have the consent of the person authorised to give it or you are required by law to do so or the disclosure is reasonable in the public interest

AND you have consulted the Monitoring Officer prior to its release.

4. VISION AND VALUES – MEMBERS’ RESPONSIBILITIES AND BEHAVIOURS

The Fire and Rescue Authority supports the Service’s Vision and Aspirations:



¹ a paper copy of the Publicity Code can be obtained from the Monitoring Officer

5. DISCLOSURE OF INTERESTS AND PARTICIPATION

If you have any pecuniary or non-pecuniary interest in any matter at any meeting of the Authority or any meeting with officers at which you are present you must disclose that interest and give sufficient details of it so that the nature of your interest is clearly understood.

Unless a dispensation has been granted you should not take part in or vote on any item of business at any meeting of the Authority where your interest is a “disclosable pecuniary interest” which you are required to register in accordance with regulations made by the Secretary of State as listed in *Schedule 1 to this Code* and you should withdraw from the meeting during consideration of that item. The Monitoring Officer will maintain a written audit trail of any potential or perceived conflict of interest considered and actions taken.

6. REGISTRATION OF INTERESTS

You must within 28 days of taking office as Member or Co-opted member notify the Monitoring Officer for entry on the Authority’s Register of Members’ Interests of any “disclosable pecuniary interest” as defined in regulations made by the Secretary of State as listed in *Schedule 1 to this Code* where that interest is yours, that of your spouse or civil partner or that of somebody with whom you are living with as husband and wife or as if you were civil partners.

In addition you must within the same time periods notify the Monitoring Officer of any pecuniary or non-pecuniary interest which the Authority has decided should be included in the Register of Members’ Interests as listed in *Schedule 2 to this Code*.

You must also notify the Monitoring Officer within 28 days of any such interest arising for the first time.

You must register with the Monitoring Officer within 28 days of receipt details of any gifts or hospitality which you have been offered, and whether received or rejected, as a Member from any person or body other than the Authority which exceeds £25. Even gifts or hospitality rejected should be declared to aid transparency.

7. SENSITIVE INTERESTS

Where you are concerned that the disclosure of the details of an interest (either a DPI or any other interest you are required to disclose under this Code) could lead to you or a person connected with you, being subject to violence or intimidation, you may apply to the Monitoring Officer for it to be classed as a “sensitive interest”. If the Monitoring Officer agrees that it should be treated as such then the provisions below will apply.

Where an interest is considered to be a sensitive interest:

- If the interest is entered on the Authority’s register of interests, copies of the register that are made public, will not include details of the interest (but may state that the Member or co-opted member has an interest, the details of which are withheld under the provisions applying to sensitive interests)
- Where the interest is a *disclosable* pecuniary interest, and the Member is required to disclose this at a meeting, he/she may simply disclose that he/she has a disclosable pecuniary interest in the matter concerned.

8. DISPENSATIONS

A Member or co-opted member who has a *disclosable* pecuniary interest in an item of business to be considered by the Authority may make a written request to the Monitoring Officer, that the Authority grant a dispensation from the restrictions applying to their participation in the discussion and vote on the item and from not carrying out any function related to the matter. The grounds upon which the Authority can grant a dispensation are set out in *Schedule 3* to this Code.

9. MEMBERS' REGISTER OF INTERESTS

The Monitoring Officer is required to establish and maintain a register of interests of Members and co-opted members of the Authority. This register is available for public inspection and must also be published on the Authority's website. After expiry, an interest will remain on the Register of Interests for a minimum of 6 months and a private record of historic interests will be retained for a minimum of 6 years. Each [Member's individual Register of Interests](#) is within their own profile.

10. AUTHORITY PROCEDURES AND PROTOCOLS

You should comply with procedures and protocols approved by the Authority that relate to the conduct of Authority business or apply to you in your capacity as an individual Member or co-opted member of the Authority. Relevant procedures and protocols are included in the Authority's Constitution. This can be viewed on the [Authority's website](#).

11. SOCIAL MEDIA POLICY

Each Local Authority has a Social Media Policy which is aimed at ensuring that all employees and elected Members get the best out of social media.

The Policies set out guidance for elected Members about using social media for Council business and in a personal capacity. IT also includes guidance on how to report violence or aggressive behaviour on social media channels.

Members should abide by their own Local Authority Social Media Policy.

12. SMOKING AND DRUGS AND ALCOHOL POLICIES

As with point 11. above, each Local Authority will have its own Smoking and Drugs and Alcohol Policies relating to smoking at work and in public, having regard to the legal position and the promotion of healthy lifestyles. All Members must adhere to their own Local Authority Policies with regard to smoking, drugs and alcohol.

13. REVIEW OF THIS CODE

This Code will be reviewed every three years (or when policy or legislative changes require it to be updated).

14. MONITORING OFFICER

The Authority's Monitoring Officer is Jason Field.

Contact details:

- Email: Jasonfield2@barnsley.gov.uk
- Address: Westgate Plaza, Westgate, Barnsley, S70 2DR.

15. MONITORING FOR EFFECTIVENESS

Monitoring is essential to ensuring that controls are appropriate and robust enough to prevent or reduce fraud. Arrangements might include reviewing system controls on an on-going basis and identifying weaknesses in processes. Where deficiencies are identified as a result of monitoring, the organisation will ensure that appropriate recommendations and action plans are developed and progress of the implementation of recommendations is tracked.

16. CONSEQUENCES OF FAILING TO COMPLY

- Disciplinary action
- Civil action
- Criminal prosecution
- Action by relevant regulatory body

SCHEDULE 1 - DISCLOSABLE PECUNIARY INTERESTS

The following are *disclosable* pecuniary interests.

Subject	Description
<p>Note: references to “M” in this table are to the member or co-opted member concerned.</p>	
<p>Employment, office, trade, profession or vocation</p>	<p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p>
<p>Sponsorship</p>	<p>Any payment or provision of any other financial benefit (other than from the 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> <p>Note:</p> <p>“Relevant period” means the period of 12 months ending with the day on which M gives notice of any disclosable interests that he/she has on being appointed or reappointed to the Authority.</p>
<p>Contracts</p>	<p>Any contract which is made between the relevant person (or the body in which the relevant person has a beneficial interest) and the Authority –</p> <p>(a) Under which goods or services are to be provided or works to be executed; and</p> <p>(b) Which has not been fully discharged.</p> <p>Note:</p> <p>“Relevant person means-</p> <ul style="list-style-type: none"> • M, or • M’s spouse or civil partner, or • a person with whom M is living as husband or wife, or • a person with whom M is living as if they were civil partners.
<p>Land</p>	<p>Any beneficial interest in land which is within the Authority’s area.</p>

Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <ul style="list-style-type: none"> (a) the landlord is the Authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. <p>Note:</p> <p>“Relevant person” is as described above.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <ul style="list-style-type: none"> (a) that body (to M's knowledge) has a place of business or land in the area of the Authority; and (b) either – <ul style="list-style-type: none"> (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 in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

SCHEDULE 2 - OTHER INTERESTS REQUIRED TO BE REGISTERED

Membership of any Body:

- to which you are appointed or nominated by the Authority
- or exercising functions of a public nature
- or dedicated to charitable purposes
- or one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union)

Membership of a private club or society

Membership of any organisation which promotes secrecy amongst its membership

SCHEDULE 3 - DISPENSATIONS

The grounds upon which the Authority may grant a dispensation relieving a Member or co-opted member from the restrictions on participating in the discussion or voting on a matter in which they have a disclosable pecuniary interest are set out below. A Member or co-opted member may make application to be relieved from either or both of the restrictions.

Circumstances in which a dispensation may be granted

- a) That so many Members of the decision-making body have DPis in a matter that it would impede the transaction of business (the meeting would be inquorate).
- b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that Members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate.
- c) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
- d) That the Authority considers that it is otherwise appropriate to grant a dispensation.

DECLARATION OF INTEREST FORM

Name	Role	Department
Description of Interest		
Relevant dates		
Signed:		
Date:		
Manager signature:		
Date:		

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to South Yorkshire Fire and Rescue Authority Constitution as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, disciplinary action may result.

Please return this form to the Governance Unit, Barnsley Town Hall, Church Street, Barnsley, S70 2TA.

Or via e-mail to melaniebray@barnsley.gov.uk

DEFINITIONS

A 'conflict of interest' is:

"A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold"

Interests fall into the following categories:

Financial interests:

Where an individual may get direct financial benefit from the consequences of a decision they are involved in making.

Non-financial professional interests:

Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.

Non-financial personal interests:

Where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.

Indirect interests:

Where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

Bribery:

Under the Bribery Act 2010 it is an offence to:

- i. pay bribes: to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so;
- ii. receive bribes: to receive a financial or other advantage intending that a "relevant function" or activity should be performed improperly as a result;
- iii. fail to prevent bribery: This is a corporate offence where the Authority may be found guilty if an associated person, i.e. someone who performs services on behalf of the organisation, bribes another person intending to obtain or return business or a business advantage.

Further information can be found in the Anti-Bribery Policy.

Gifts:

A gift means any item of cash or goods, or any service, which is provided for personal benefit, free of charge, or at less than its commercial value.

Hospitality:

Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.