

**MINUTES of a MEETING of the WILTSHIRE & SWINDON FIRE AUTHORITY
held at the WILTSHIRE FRS TRAINING & DEVELOPMENT CENTRE,
HOPTON INDUSTRIAL ESTATE, DEVIZES
on THURSDAY 21 JUNE 2012**

Present : Cllr Brig. R Hall (Chairman), Cllr C Devine, Cllr Mrs M Groom,
Cllr H Marshall, Cllr N Martin, Cllr B Mattock Cllr C Newbury, Cllr J Osborn,
Cllr G Payne, Cllr G Perkins, Cllr Mrs B Wayman, Cllr B Wright

32 Minutes of previous meeting (30 May 2012)

The minutes of the meetings held on 30 May 2012 were confirmed and signed.

33 Apologies

Apologies for absence were received from Cllr Davis

34 Chairman's Announcements

The Chairman welcomed Cllr Mattock to his first meeting of the Authority.

35 Localism Act 2011 – Standards of Members' Conduct

On considering:

- i. a paper by the Clerk to the Authority and the Monitoring Officer, and the recommendations therein,
- ii. the officers' advice contained within (i) on the content and robustness of a Code of Conduct,
- iii. the views of the Standards Committee referred to in (i),
- iv. the recommendations of a Members' Panel with regard to the appointment of two Independent Persons, and
- v. representations made by the Chairman of the Standards Committee on a personal basis;

on noting the approaches to a new Code of Conduct taken by the two constituent authorities (namely a "light touch" draft Code on which Wiltshire Council was consulting, and the adoption of a Code akin to the current Code by Swindon Borough Council);

and after discussion,

Resolved:

- a) *To note the report of the Clerk to the Authority and the Monitoring Officer and the views of the Standards Committee conveyed therein.*
- b) *To note the statutory duty of the Authority under Section 27 of the Localism Act 2011 to "promote and maintain high standards of conduct" by members and co-opted members of the Authority and under Section 28 to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.*

- c) *Notwithstanding the advice of the Clerk to the Authority and the Monitoring Officer, not to include in the Authority's new Code of Conduct the additional clauses set out in Appendix C of the paper presented, with the exception of clause 3 amended.*
- d) *To approve and adopt with effect from 1 July 2012 the Code of Conduct set out in the appendix to these minutes.*
- e) *To approve such consequential changes as may be required being made to Standing Orders following the adoption of the new Code of Conduct with effect from 1 July 2012.*
- f) *To note that the Clerk to the Authority will review the Authority's relevant protocols to ensure consistency with the new Code of Conduct and will bring forward recommendations at the appropriate time.*
- g) *To note the statutory provisions regarding the disclosure and registration of disclosable pecuniary interests which come into force on 1 July 2012.*
- h) *To note that the Localism Act enables the Authority to include in its Code provision for the disclosure and registration of such other pecuniary and non-pecuniary interests as the Authority "considers appropriate"*
- i) *To ask the Ethics Committee to consider what other pecuniary and non-pecuniary interests it might be appropriate for the Authority to require to be disclosed and registered, with a view to presenting a report to a future meeting of the Authority.*
- j) *To establish an Ethics Committee of five members of the Authority and, in accordance with the rules on political proportionality, to appoint Cllrs Mrs M Groom, N Martin, B Mattock, H Marshall and C Newbury to be members of the Committee to serve until the annual meeting of the Authority in May 2013.*
- k) *To delegate to the Ethics Committee (i) the power to exercise the duties and functions of the Authority under the Localism Act 2011 and subsequent legislation relating to the standards of members' conduct, except those duties and functions which cannot lawfully be delegated, and (ii) the powers contained in paragraphs 3 and 4 of the delegations to the current Standards Committee, such delegation and powers to take effect on 1 July 2012.*
- l) *To abolish the current Standards Committee on the day immediately preceding the date on which the delegations to the Ethics Committee take effect.*
- m) *To appoint Mr R McMillan and Mr M Cronin as Independent Persons in accordance with the relevant provisions of the Localism Act 2011.*
- n) *To approve the arrangements for dealing with allegations or complaints of failure by a member to comply with the Authority's Code of Conduct, set out in the paper presented.*
- o) *To appoint the Monitoring Officer as the person responsible for receiving such allegations or complaints.*
- p) *To delegate to the Monitoring Officer the power, after consultation with an Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation, subject to the Monitoring Officer presenting regular reports to the Ethics Committee on his/her discharge of this function.*
- q) *To give discretion to the Monitoring Officer to refer a decision on whether a complaint merits investigation to the Ethics Committee where he/she feels that it is inappropriate for him/her to take the decision.*

- r) *To delegate to the Monitoring Officer, in circumstances where an investigation finds no failure to comply with the Code of Conduct, the power to close the matter, subject to (i) a copy of the report and findings of the investigation being provided to the complainant, the member concerned and the Independent Person, and (ii) the findings being reported to the Ethics Committee for information.*
- s) *To authorise the Monitoring Officer in consultation with the Independent Person, in circumstances where an investigation finds evidence of a failure to comply with the Code of Conduct, to seek local resolution to the satisfaction of the complainant in appropriate cases, subject to a summary report being presented for information to the Ethics Committee.*
- t) *To delegate to the Ethics Committee the power to hear and determine allegations of breaches of the Code of Conduct in circumstances where an investigation finds evidence of failure to comply with the Code and there has been no local resolution.*
- u) *To note the provisions of the Localism Act regarding sensitive interests.*
- v) *To adopt a Standing Order requiring that, unless a dispensation to remain has been obtained, a member must withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which he/she has an interest in respect of which the Code of Conduct requires him/her not to participate in any consideration or discussion of, or vote on, that item.*
- w) *To designate the Clerk to the Authority as the “proper officer” for the receipt of written requests for dispensations.*
- x) *To delegate to the proper officer the power to grant a dispensation to a member with a disclosable pecuniary interest who would otherwise be barred from participating in the consideration of an item of business at a meeting of the Authority, Committee or Sub-Committee, as the case may be, on the grounds that failure to grant a dispensation would impede the transaction of the business at the meeting.*
- y) *To delegate to the Ethics Committee the power to grant a dispensation to a member who would otherwise be barred from participating in the consideration of an item of business at a meeting of the Authority, Committee or Sub-Committee, as the case may be, on such other grounds as are permitted by legislation.*
- z) *To note that the Monitoring Officer’s functions and powers may at his/her discretion be delegated to and exercised by the Clerk to the Authority acting on his/her behalf.*

(Duration of meeting 10.30 a.m. to 11.50 a.m.)

WILTSHIRE & SWINDON FIRE AUTHORITY

Localism Act 2011

Members' code of conduct effective from 1 July 2012

1. You are a member or co-opted member of the Wiltshire & Swindon Fire Authority and hence when acting in this capacity you shall have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
2. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the following requirements, by leadership and example.
3. Accordingly, when acting in your capacity as a member or co-opted member, you:
 - 3.1 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.
 - 3.2 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.
 - 3.3 when carrying out your public duties must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - 3.4 are accountable for your decisions to the public and must co-operate fully with whatever scrutiny is appropriate to your office.
 - 3.5 must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - 3.6 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.

3.7 must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

4. You should have regard to the Authority's policies, protocols and procedures.

Registering and declaring pecuniary and non-pecuniary interests

5. You must, within 28 days of becoming a member or co-opted member of the Authority, notify the Authority's Monitoring Officer of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.
6. In addition, you must, within 28 days of becoming a member or co-opted member, notify the Authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Authority has decided should be included in the register.
7. If an interest has not been entered onto the Authority's register, you must disclose the interest to any meeting of the Authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
8. Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
9. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, you must observe the restrictions the Authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by the Authority.