

GENERAL STANDING ORDERS

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GSO1. SCOPE		
1.1	These General Standing Orders apply to all meetings of the Authority, its Standing Committees and all other committees.	FA 26.3.08 Min 114 (ii)
1.2	For convenience these General Standing Orders have been subdivided into the following sub-sections: a) Access to Information b) Member and Officer Codes and Protocols c) Appointment and Discipline of Staff d) Finance, Contracts and Legal Matters e) Miscellaneous Issues	FA 26.3.08 Min 114 (ii)
GSO2. ACCESS TO INFORMATION		
2.1	Additional Rights to Information	
2.1.1	These General Standing Orders do not affect any more specific rights to information contained elsewhere in the Authority's Standing Orders or the law.	FA 26.3.08 Min 114 (ii)
GSO3. RIGHTS TO ATTEND MEETINGS		
3.1	Members of the public may attend all meetings of the Authority its Committees or Sub-Committees subject only to the exceptions in these General Standing Orders.	FA 26.3.08 Min 114 (ii)
GSO4. NOTICES OF MEETING		
4.1	The Authority will give at least three clear days notice of any meeting by posting details of the meeting at its Fire Service Headquarters and on the Authority's web site.	FA 26.3.08 Min 114 (ii)
GSO5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING		
5.1	The Authority will make copies of the agenda and reports open to the public for inspection at its Fire Service Headquarters three clear days before the meeting. If an item is added to the agenda	FA 26.3.08 Min 114 (ii)

	later, the revised agenda will be open to public inspection from the time the item was added to the agenda.	
GSO6. SUPPLY OF COPIES		
6.1	<p>The Authority will supply copies of:</p> <p>(a) any agenda and reports which are open to public inspection;</p> <p>(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other reasonable costs in supplying the same or by electronic means wherever possible.</p>	FA 26.3.08 Min 114 (ii)
GSO7. ACCESS TO MINUTES ETC AFTER THE MEETING		
7.1	<p>The Authority will make available copies of the following for six years after a Meeting:</p> <p>(a) the minutes of the Meeting or record of decisions taken by the Authority, its Committees or Sub-Committees excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;</p> <p>(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;</p> <p>(c) the agenda for the meeting; and</p> <p>(d) reports relating to items when the meeting was open to the public.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
GSO8. BACKGROUND PAPERS		
	<p>(a) List of background papers</p> <p>The relevant Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:</p> <p>(i) disclose any facts or matters on which the report or an</p>	FA 26.3.08 Min 114 (ii)

<p>important part of the report is based; and (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in GSO10).</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>(b) Public inspection of background papers The Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>GSO9. SUMMARY OF PUBLIC'S RIGHTS</p>	
<p>9.1 These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents as required by Sections 100A - H and schedule 12A of the Local Government Act 1972.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>9.2 Copies will be kept at and available to the public at Fire Service Headquarters.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>GSO10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS</p>	
<p>(a) Public and private meetings of the Authority and its Committees The Authority and its Committees may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with the Procedural Standing Orders of the Authority.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>(b) Confidential information - requirement to exclude the public The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>(c) Exempt information - discretion to exclude public The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.</p>	<p>FA 26.3.08 Min 114 (ii)</p>

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.		
(d) Meaning of confidential information Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.		FA 26.3.08 Min 114 (ii)
(e) Meaning of exempt information Exempt information means: i) information falling within the categories detailed in Section 100A and Paragraphs 12-18 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended) (shown in the table below); and ii) where applicable is not prevented from being exempt by virtue of the 'qualifications' detailed in the table below; and iii) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.		FA 26.3.08 Min 114 (ii) FA 26.3.08 Min 114 (ii) FA 26.3.08 Min 114 (ii)
Category	Qualifications	
12. Information relating to a particular individual.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	FA 26.3.08 Min 114 (ii)
13. Information which is likely to reveal the identity of an individual.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	FA 26.3.08 Min 114 (ii)
14. Information relating to the	Exempt information if and so	FA 26.3.08

<p>(1) <i>“financial or business affairs” includes contemplated, as well as past or current, activities;</i></p>	<p>long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <p>(a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993</p>	<p>Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>15.Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p> <p>(1) <i>“labour relations matter” means</i></p> <p>—</p> <p>(a) <i>any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and</i></p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>FA 26.3.08 Min 114 (ii)</p>

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<p><i>Labour Relations (Consolidation) Act 1992(1) (matters which may be the subject of a trade dispute, within the meaning of that Act); or</i></p> <p><i>(b) any dispute about a matter falling within paragraph (a) above;</i></p>		
<p>16.Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>		<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.Information which reveals that the authority proposes —</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>(In relation to a meeting of a</p>	<p>Exempt information if and so</p>	<p>FA 26.3.08</p>

<p>standards committee, or a sub-committee of a standards committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</p> <p>18A. Information which is subject to any obligation of confidentiality.</p> <p>18B. Information which relates in any way to matters concerning national security.</p> <p>18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it."</p>	<p>long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>Min 114 (ii)</p>
GSO11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS		
<p>11.1 If the Monitoring Officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with GSO 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.</p>	<p>FA 26.3.08 Min 114 (ii)</p>	
GSO12. RECORD OF DECISIONS		
<p>12.1 A written record will be made of every decision made by the Authority and its Committees and Sub-Committees.</p>	<p>FA 26.3.08 Min 114 (ii)</p>	
<p>12.2 This decision record (Minutes of the meeting) will include a statement, for each decision, of:</p> <ul style="list-style-type: none"> • the date the decision was made • the decision made • any personal interest declared; • any dispensation to speak granted by the authority's Standards Committee; 	<p>FA 26.3.08 Min 114 (ii)</p>	

GSO13. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS		
13.1	Rights of access	
13.1.1	All Members will be entitled to inspect any document which is in the possession or under the control of the Authority or its Committees or Sub-Committees if any and contains material relating to any business transacted at a meeting of the Authority or its Committees or Sub-Committees.	FA 26.3.08 Min 114 (ii)
13.2	Limitation on rights	
13.2.1	A Member will not be entitled to any part of a document where it would disclose exempt information and it does not contain material relating to any business transacted at a meeting of the Authority or its Committees or Sub-Committees.	FA 26.3.08 Min 114 (ii)
13.2.2	A Member shall not be entitled to any part of a document where the Member has a professional or personal conflict of interest.	FA 26.3.08 Min 114 (ii)
13.2.3	Members shall respect the marking of documents as "Private" and/or "confidential", and the contents of such documents shall not be passed on to anyone without the consent of the appropriate Committee.	FA 26.3.08 Min 114 (ii)
13.3	Nature of rights	
13.3.1	These rights of a Member are additional to any other right he/she may have.	FA 26.3.08 Min 114 (ii)
GSO14. MEMBER AND OFFICER CODES AND PROTOCOLS		
14.1	MEMBERS - INTRODUCTION	
14.1.1	The Members Code of Conduct detailed at Appendix 1 is divided into two sections that consist of:- a) The Principles of Member Conduct. b) The Code of Conduct for Members.	FA 26.3.08 Min 114 (ii)
14.1.2	This document must be treated as a composite and all sections herein must, therefore, be read together and should be regarded as <i>'The South Wales Fire and Rescue Authority Members Code of Conduct'</i> .	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10

14.1.3	It is the individual responsibility of each Councillor to make sure that compliance with the Code is properly followed. Advice is available from the Monitoring Officer should a Member require it.	FA 26.3.08 Min 114 (ii)
14.1.4	The circumstances in which the Standards Committee may grant dispensations in relation to the Members Code of Conduct are set out in Appendix 2. An application for Dispensation must be made to the Monitoring Officer in sufficient time to allow the Monitoring Officer to convene the necessary Standards Committee meeting prior to the meeting at which the Member wishes to partake or be present at the discussion or deliberations on the relevant item.	FA 26.3.08 Min 114 (ii)
14.1.5	Members are required to disclose their personal interests and gifts and hospitality they receive in accordance with the Members Code of Conduct. The form of registration for Members to register their hospitality and gifts.	FA 26.3.08 Min 114 (ii)
14.1.6	Members are required to make a declaration of acceptance of office when they are appointed to the Fire and Rescue Authority as a Member in accordance with the Members Code of Conduct adopted by the Authority. The form of Declaration of Acceptance of Office is detailed at Appendix 4.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
14.2	OFFICERS	
14.2.1	The Officers Code of Conduct is detailed at Appendix 5 and includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001	FA 26.3.08 Min 114 (ii)
14.2.2	It is the individual responsibility of each Officer to make sure that compliance with the Code is properly followed. Advice is available from the Monitoring Officer should an Officer require it.	FA 26.3.08 Min 114 (ii)
14.2.3	Officers are required to disclose their personal interests and gifts and hospitality they are offered or receive in accordance with the Officers Code of Conduct.	FA 26.3.08 Min 114 (ii)
14.3	MEMBERS AND OFFICERS	
14.3.1	The protocol on Member and Officer relations is detailed at	FA 26.3.08

Appendix 6.	Min 114 (ii)
14.3.2 The Protocol reflects the recommendations of the Committee on Standards in Public Life in relation to standards of conduct in local government.	FA 26.3.08 Min 114 (ii)
GSO15. APPOINTMENT AND DISCIPLINE OF STAFF	
15.1 Appointment of Staff	
15.1.1 All appointments should be made on merit and subject to the provisions of any agreement binding on the Authority. Except where the Authority decides to the contrary, staff shall be appointed in accordance with this General Standing Order 15:-	FA 26.3.08 Min 114 (ii)
15.2 Principal Officers: Directors – to include Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Officers and Treasurer	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
15.2.1 A vacancy for the post of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Officer or Treasurer must be reported to the Authority which shall consider whether the appointment (not being one which by statute the Authority is required to fill) is necessary and what shall be the terms and conditions of employment. If the Authority considers that the post is necessary, they shall take all such steps as they consider necessary to make an appointment	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
15.2.2 Where, in respect of the appointment, it is not proposed that the appointment be made exclusively from among existing Officers of the Authority, the Chief Fire Officer shall in consultation with the Chairperson and Vice Chairperson: (a) draw up a statement specifying:- i. the duties of the officer concerned, and ii. any qualifications or qualities to be sought in the person to be appointed. (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and (c) make arrangements for a copy of the statement	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10

	mentioned in paragraph (a) to be sent to any person on request	
15.2.3	Where a post has been advertised as provided in GSO 15.2.2(b) above the Chief Fire Officer in consultation with the Chairperson and Vice Chairperson of the Finance Audit and Performance Management Committee shall:- (a) decide upon a selection process (b) short list against the person specification (c) invite short listed applicants to participate in the selection process (d) submit suitable short listed candidates to the Finance, Audit & General Purposes Committee for consideration (e) where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with GSO 15.2.2 (b) above. (f) Every appointment of a Principal Officer shall be made by the Authority.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
15.3 Assistant Chief Officers		
15.3.1	The Chief Fire Officer may transfer Assistant Chief Officers between posts of the same name for operational and/or development needs.	FA 26.3.08 Min 114 (ii)
15.4 Other Staff		
15.4.1	All other staff shall be appointed by the Director of People Services in accordance with the recruitment policies of the Authority.	FA 26.3.08 Min 114 (ii) DLAICT del. 7.1.6 31.08.09
15.5 Attempts to Influence an Appointment		
15.5.1	Candidates for any appointment shall be disqualified if they canvas Authority Members or Officers of the Authority in their favour	FA 26.3.08 Min 114 (ii)
15.5.2	A Member or an Officer shall not in any way try to influence improperly the choice of candidate for any appointment. This	FA 26.3.08 Min 114 (ii)

	provision shall not preclude a Member or Officer from giving a written reference regarding the candidate's ability, experience or character in connection with an application for appointment.	
15.6	Candidates Related to Members or Officers	
15.6.1	Candidates for any appointment shall be required to state in writing with their application, whether to their knowledge they are related to any Member or Senior Officer of the Authority. Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment, that candidate shall be liable to dismissal. For the purposes of this General Standing Order, "Senior Officer" means any Officer of Principal Officer level and above.	FA 26.3.08 Min 114 (ii)
15.6.2	Members and Officers mentioned in the paragraph above shall inform the Chief Fire Officer in writing of any known relationship to any candidate for an appointment of which they are aware. The Chief Fire Officer shall report such disclosure to the Authority when dealing with the appointment	FA 26.3.08 Min 114 (ii)
15.6.3	For the purposes of this Standing Order, "relative" means:- (a) Spouse, or; (b) any lineal ancestor, lineal descendant, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece or first cousin of the candidate, or (c) The spouse of any relative within paragraph (b) above and for the purpose of deducing any such relationship an adopted child, illegitimate child or stepchild shall be treated as a child born in wedlock. (d) All candidates for appointment shall be informed in writing of the provisions of this General Standing Order.	FA 26.3.08 Min 114 (ii)
GSO16. DISCIPLINE OF STAFF		
16.1	Except for the Head of Paid Service, Monitoring Officer and Section 151 Chief Finance Officer the Chief Fire Officer is responsible to the Authority for the discipline of the staff of the Service in accordance with the Authority's procedure in relation to Discipline.	FA 26.3.08 Min 114 (ii)
16.2	Subject to any provision to the contrary made by the Authority,	FA 26.3.08

<p>by statute or by any arrangement regulating relationships between employer and employee to which the Authority is a party or GSO 17 below, the Disciplinary Policy of the Authority shall be applied.</p>	<p>Min 114 (ii)</p>
<p>16.3 Where an appeal against dismissal is received the Chief Fire Officer shall arrange for a meeting of the Appeals Committee to consider the appeal as soon as is practicable and in accordance with the Disciplinary and Appeals policy of the Authority.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>GSO17.DISCIPLINE OF HEAD OF PAID SERVICE (CHIEF FIRE OFFICER), MONITORING OFFICER AND THE SECTION 151 CHIEF FINANCE OFFICER</p>	
<p>17.1 General</p>	
<p>17.1.1 No disciplinary action (other than action to which the preceding paragraph applies) in respect of the Head of the Paid Service, its Monitoring Officer or its Chief Finance Officer may be taken by the Fire and Rescue Authority, or by a Committee, a Sub-Committee, or any other person acting on behalf of the Fire and Rescue Authority other than in accordance with a recommendation in a report made by the designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>17.1.2 The action under which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.1.3 The Fire and Rescue Authority should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>17.2 Disciplinary Procedure – Investigation of alleged misconduct</p>	

<p>17.2.1 Subject to the above general provisions in GSO16, where it appears to the Fire and Rescue Authority that an allegation of misconduct which may lead to disciplinary action has been made against:</p> <p>a) the Head of the Paid Service;</p> <p>b) its Monitoring Officer; or</p> <p>c) its Chief Finance Officer,</p> <p>(“the relevant officer”), as the case may be, the Fire and Rescue Authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>17.2.2 The investigation committee must:</p> <p>a) consist of a minimum of 3 Councillors of the Fire and Rescue Authority;</p> <p>b) be politically balanced in accordance with section 15 of the 1989 Act; and</p> <p>c) must within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>17.2.3 For the purpose of considering the allegation of misconduct, the investigating committee:</p> <p>a) may make such enquiries of the relevant officer or any other person it considers appropriate;</p> <p>b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and</p> <p>c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.2.4 Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further</p>	<p>FA 26.3.08 Min 114 (ii)</p>

<p>17.2.5 The designated independent person who is appointed:</p> <p>a) must be such person as may be agreed between the Fire Authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or</p> <p>b) where there is no such agreement, must be such person as is nominated for the purpose by the National Assembly for Wales.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>17.2.6 The designated independent person:</p> <p>a) may direct:</p> <p>i) that the Fire and Rescue Authority terminate any suspension of the relevant officer;</p> <p>ii) that any such suspension is to continue after the expiry of the period of two months;</p> <p>iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or</p> <p>that no steps (whether by the Fire and Rescue Authority or any committee, sub-committee or officer acting on behalf of the Fire and Rescue Authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence or with the agreement of the designated independent person are to be taken before a report is made under sub-paragraph (d);</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Fire and Rescue Authority or which the Fire and Rescue Authority has power to authorize the designated independent person to inspect;</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>

	c) may require any Councillor or member of staff of the Fire and Rescue Authority to answer questions concerning the conduct of the relevant officer;	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
	d) must make a report to the Fire and Rescue Authority: i) stating an opinion as to whether (and if so the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and ii) recommending any disciplinary action which appears appropriate for the Fire and Rescue Authority to take against the relevant officer, and	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
	e) must no later than the time at which the report is made under sub-paragraph d) send a copy of the report to the relevant officer.	FA 26.3.08 Min 114 (ii)
17.2.7	Subject to paragraph 17.2.8 below the relevant officer and the Fire and Rescue Authority must after consulting the designated independent person attempt to agree a timetable within which the designated independent person is to undertake the investigation.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
17.2.9	The Fire and Rescue Authority must consider the report prepared under paragraph 17.2.6 (d) above within 1 month of receipt of that report.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
17.2.10	The Fire and Rescue Authority must pay reasonable remuneration to the designated independent person appointed by the investigation committee and any costs incurred by or in connection with the discharge of the functions under this General	FA 26.3.08 Min 114 (ii) ACO CS

		Del. 6.1.6 26.05.10
GSO18. TERMINATION OF EMPLOYMENT		
18.1	Subject to any provisions on the contrary contained in any statute, statutory instrument, or agreement binding upon the Authority the termination of appointment of any member of staff not included in the description of staff given in GSO 17 of these General Standing Orders shall, be in accordance with the Policy agreed by the Authority.	FA 26.3.08 Min 114 (ii)
GSO19.FINANCE, CONTRACTS AND LEGAL MATTERS		
19.1	FINANCIAL MANAGEMENT The management of the Fire and Rescue Authority's financial affairs will be conducted in accordance with the Authority's Financial Regulations.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
19.2	CONTRACTS Every contract made by the Fire and Rescue Authority will comply with the Authority's Contract Standing Orders.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
19.3	LEGAL PROCEEDINGS The Director of Corporate Support is authorised to institute, defend, participate in or take any action considered necessary in any actual or potential legal proceedings facing the Fire and Rescue Authority in any case where such action is necessary to give effect to decisions of the Fire and Rescue Authority or in any case where he or she considers that such action is necessary to protect the Fire and Rescue Authority's interests.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09 ACO CS Del. 6.1.6 26.05.10

<p>19.4 AUTHENTICATION OF DOCUMENTS</p> <p>Where any document is necessary for any legal procedure or proceedings on behalf of the Fire and Rescue Authority, it will be signed by the Director of Corporate Support or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Fire and Rescue Authority has given requisite authority to some other person.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>19.5 COMMON SEAL OF THE FIRE AUTHORITY</p> <p>19.5.1 The Common Seal of the Fire and Rescue Authority will be kept in a safe place in the custody of the Director of Corporate Support. A decision of the Fire and Rescue Authority, or of any Committee or Sub Committee of it, will be sufficient authority for sealing any document necessary to give effect to the decision.</p> <p>19.5.2 The Common Seal will be affixed to documents in accordance with provisions of the Authority's Contract Standing Orders. The affixing of the Common Seal will also be attested by the Chief Fire Officer and the Director of Corporate Support, or in the absence of both of the above, the Deputy Chief Fire Officer or the Director of People Services.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>19.6 SIGNING OF DOCUMENTS</p> <p>Only the Chief Fire Officer and the Director of Corporate Support, or in the absence of both of the above, the Deputy Chief Fire Officer or the Director of People Services shall sign contracts, statutory notices or other legally binding documents on behalf of the Authority's unless:</p> <ul style="list-style-type: none"> (i) an Act of Parliament requires or authorises some other person to do so; or (ii) the Authority gives authority to some other person. 	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p>
<p>GSO20. MISCELLANEOUS ISSUES</p>	
<p>20.1 OVERSEAS VISITS AND CONFERENCES</p> <p>Attendance of Members and Officers on overseas visits are to be authorised by the Authority providing:-</p> <ul style="list-style-type: none"> (i) it is on Authority Business 	<p>FA 26.3.08 Min 114 (ii)</p>

	(ii) finance is available in the appropriate budget. The attendances of Members at conferences or seminars, provided that the costs are contained within the relevant budget, are to be authorised by the Authority.	
20.2	WELSH LANGUAGE In all proceedings of the Authority, the Welsh language and the English language shall, in so far as practicable, have the same status and validity. However, Meetings of the Authority and its Committees and Sub-Committees will be conducted in English in accordance with the Authority's Welsh Language Scheme.	FA 26.3.08 Min 114 (ii)
20.3	INSPECTION OF LAND AND PREMISES AND VISITS TO OFFICES Any Member of the Authority may inspect any land or premises of the Authority but may not issue orders. A Member may visit the Service Headquarters at any time without notice but with the exception of the Chairperson or Vice Chairperson of the Authority, he/she must not interview any member of the Service, other than the Chief Fire Officer or Deputy Chief Fire Officer on matters of policy or principle or on any matter which is either under consideration by the Authority or is likely to be brought before the Authority or any of its Committees or Sub Committees.	FA 26.3.08 Min 114 (ii)
20.4	VARIATION AND REVOCATION OF STANDING ORDERS No Standing Order shall be altered or revoked nor any new Standing Order made except upon a recommendation of the Authority.	FA 26.3.08 Min 114 (ii)
20.5	SUSPENSION OF STANDING ORDERS A motion to suspend a Standing Order shall be made in accordance with the Procedural Standing Orders.	FA 26.3.08 Min 114 (ii)
20.6	INTERPRETATION OF STANDING ORDERS The ruling of the Chairperson of the Authority following consultation with the Monitoring Officer as to the construction or application of any of the Authority's Standing Orders or as to any proceedings of the Authority or the Committee as the case may be shall not be challenged at any meeting. In these Standing Orders the expression "Principal Officer" means a Director of the organisation and includes the Chief, Deputy or Assistant Chief Officer role or Treasurer, except when the context otherwise requires "contract" shall include standing	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10

<p>offers. For the purpose of these Standing Orders the expression "three clear days" excludes Saturday, Sunday and Bank Holidays.</p>	
<p>20.7 STANDING ORDERS TO BE GIVEN TO MEMBERS</p> <p>The Monitoring Officer must give each Authority Member a printed copy of the Authority's Standing Orders and Financial Regulations at the time of the Member first taking up office with the Authority or if the content of the documents change substantially.</p>	<p>FA 26.3.08 Min 114 (ii)</p>

APPENDIX 1

THE PRINCIPLES OF MEMBER CONDUCT	
<p><i>These principles which must be complied with by all Members have been reproduced directly from the Welsh Statutory Instrument 2001 No. 2276 The Conduct of Members (Principles) (Wales) Order 2001.</i></p> <p>Selflessness</p> <p>Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.</p>	FA 26.3.08 Min 114 (ii)
<p>Honesty</p> <p>Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	FA 26.3.08 Min 114 (ii)
<p>Integrity and Propriety</p> <p>Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	FA 26.3.08 Min 114 (ii)
<p>Duty to Uphold the Law</p> <p>Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	FA 26.3.08 Min 114 (ii)
<p>Stewardship</p> <p>In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.</p>	FA 26.3.08 Min 114 (ii)
<p>Objectivity in Decision Making</p>	

<p>In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>Equality and Respect</p> <p>Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>Openness</p> <p>Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>Openness</p> <p>Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>Accountability</p> <p>Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>Leadership</p> <p>Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.</p>	<p>FA 26.3.08 Min 114 (ii)</p>

**THE SOUTH WALES FIRE & RESCUE
MEMBERS CODE OF CONDUCT**

**PART 1
INTERPRETATION**

1.—(1) In this code —

“co-opted member”, in relation to a relevant authority, 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 which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint-committee of any executive or board of the authority, or

- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990⁽²⁾,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽³⁾ or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the

FA 26.3.08
Min 114 (ii)

FA 26.3.08
Min 114 (ii)

FA 26.3.08
Min 114 (ii)

FA 26.3.08
Min 114 (ii)

⁽²⁾ S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

⁽³⁾ 2004 c.21.

<p style="text-align: center;">4);</p> <p>“you” means you as a member or co-opted member of a relevant authority; and</p> <p>“your authority” means the relevant authority of which you are a member or co-opted member.</p> <p>(2) In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.</p>	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p> <p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>
<p>PART 2</p> <p>GENERAL PROVISIONS</p>	
<p>2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —</p> <p>(a) whenever you conduct the business, or are present at a meeting, of your authority;</p> <p>(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;</p> <p>(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or</p> <p>(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.</p> <p>(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.</p>	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p> <p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>
<p>3. Where you are elected, appointed or nominated by your authority to serve —</p> <p>(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or</p> <p>(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.</p>	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p> <p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>

(4) 1995 c.25.

<p>4. You must —</p> <p>(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;</p> <p>(b) show respect and consideration for others;</p> <p>(c) not use bullying behaviour or harass any person; and</p> <p>(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>5. You must not —</p> <p>(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;</p> <p>(b) prevent any person from gaining access to information to which that person is entitled by law.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>6.—(1) You must —</p> <p>(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;</p> <p>(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);</p> <p>(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;</p> <p>(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.</p> <p>(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>7. You must not —</p> <p>(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other</p>	<p>FA 26.3.08 Min 114 (ii)</p>

PART 3
INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

FA 26.3.08
Min 114 (ii)

(2) You must regard yourself as having a personal interest in any business of your authority if —

FA 26.3.08
Min 114 (ii)

(a) it relates to, or is likely to affect —

- (i) any employment or business carried on by you;
- (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of

- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area,
in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

FA 26.3.08
Min 114 (ii)

(c) a decision upon it might reasonably be regarded as affecting —

FA 26.3.08
Min 114 (ii)

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control

(vi) or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

FA 26.3.08
Min 114 (ii)

(2) Where you have a personal interest in any business of your authority and you make —

FA 26.3.08
Min 114 (ii)

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

FA 26.3.08
Min 114 (ii)

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —

FA 26.3.08
Min 114 (ii)

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

FA 26.3.08
Min 114 (ii)

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

FA 26.3.08
Min 114 (ii)

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

<i>Prejudicial Interests</i>	
<p>12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if 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.</p> <p>(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—</p> <p>(a) relates to —</p> <ul style="list-style-type: none"> (i) another relevant authority of which you are also a member; (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management; (iii) a body to which you have been elected, appointed or nominated by your authority; (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor; (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority; 	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p>(b) relates to —</p> <ul style="list-style-type: none"> (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease; (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends; (iii) the functions of your authority in respect of 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 from your authority; (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000; 	<p>FA 26.3.08 Min 114 (ii)</p> <p>)</p>
<p>(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.</p> <p>(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.</p>	<p>FA 26.3.08 Min 114 (ii)</p>

<p style="text-align: center;"><i>Overview and Scrutiny Committees</i></p> <p>13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—</p> <ul style="list-style-type: none"> (a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s executive, board or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken. 	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>
<p style="text-align: center;"><i>Participation in Relation to Disclosed Interests</i></p> <p>14.—(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority’s standards committee —</p> <ul style="list-style-type: none"> (a) withdraw from the room, chamber or place where a meeting considering the business is being held— <ul style="list-style-type: none"> (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting; (b) not exercise executive or board functions in relation to that business; (c) not seek to influence a decision about that business; (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent. <p>(2) Where you have a prejudicial interest in any business of your authority 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.</p> <p>(3) Sub-paragraph (1) does not prevent you attending and participating in a</p>	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p> <p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p> <p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

FA 26.3.08
Min 114 (ii)

<p style="text-align: center;">PART 4</p> <p style="text-align: center;">THE REGISTER OF MEMBERS' INTERESTS</p> <p style="text-align: center;"><i>Registration of Financial and Other Interests and Memberships and Management Positions</i></p> <p>15.—(1) Subject to sub-paragraph (3), you must, within 28 days of—</p> <p>(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or</p> <p>(b) your election or appointment to office (if that is later),</p> <p>register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.</p> <p>(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.</p> <p>(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).</p> <p>(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>
<p style="text-align: center;"><i>Sensitive information</i></p> <p>16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.</p> <p>(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.</p> <p>(3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p> <p>FA 26.3.08 Min 114 (ii)</p>

<p style="text-align: center;"><i>Registration of Gifts and Hospitality</i></p> <p>17. You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality material benefit or advantage.</p>	<p style="text-align: center;">FA 26.3.08 Min 114 (ii)</p>

<u>Appendix 2</u>	
<u>DISPENSATIONS : REGULATION EXTRACT</u>	
<i>'The Standards Committee of a relevant authority may grant dispensations under Section 81(4) of the Act where-</i>	
(a) <i>No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;</i>	FA 26.3.08 Min 114 (ii)
(b) <i>No fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;</i>	FA 26.3.08 Min 114 (ii)
(c) <i>In the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;</i>	FA 26.3.08 Min 114 (ii)
(d) <i>The nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business</i>	FA 26.3.08 Min 114 (ii)
(e) <i>The interest is common to the member and a significant proportion of the general public;</i>	FA 26.3.08 Min 114 (ii)
(f) <i>The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;</i>	FA 26.3.08 Min 114 (ii)
(g) <i>The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;</i>	FA 26.3.08 Min 114 (ii)
(h) <i>The business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall</i>	FA 26.3.08 Min 114 (ii)

<p><i>not extend to participation in any vote with respect to that business; or</i></p>	
<p><i>(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.'</i></p>	<p>FA 26.3.08 Min 114 (ii)</p>

SOUTH WALES FIRE AND RESCUE AUTHORITY



**DECLARATION OF ACCEPTANCE OF OFFICE WHERE THE FIRE
AUTHORITY HAS AT THE TIME OF DECLARATION ADOPTED A CODE
OF CONDUCT UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT
2000**

I NAME having been elected to the office of Councillor with NAME OF HOME AUTHORITY and appointed by that Authority to be their nominated representative on the South Wales Fire and Rescue Authority declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the South Wales Fire and Rescue Authority Members Code of Conduct for the time being adopted under Section 51 of the Local Government Act 2000 in the performance of my functions in that office.

Date _____

(Signed) _____

This declaration was made and signed before me

(Signed) _____

NAME AND TITLE

(Monitoring Officer)

Date _____

Appendix 5	
CODE OF CONDUCT FOR OFFICERS	
1. Introduction This Code of Conduct includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, which came into force on the 28 th July 2001. The Order provides that by virtue of section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of employees of relevant authorities to whom the code applies are to be deemed to incorporate the Code of Conduct set out in the Schedule to the Order. This document satisfies that requirement.	FA 26.3.08 Min 114 (ii)
2. General Principles	
2.1 The public is entitled to expect the highest standards of conduct from all employees (full time, part time, temporary and casual) who work for the Authority. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to local communities. In performing their duties, employees must act with integrity, respect, honesty, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service.	FA 26.3.08 Min 114 (ii)
2.2 This Code explains how employees should deal with any conflicts of interest, confidential matters and offers of gifts or hospitality. Employees must follow these guidelines and it is important to understand that any deliberate breach will be viewed as a serious disciplinary matter, which could lead to dismissal and prosecution for a criminal offence.	FA 26.3.08 Min 114 (ii)
3. Accountability	
3.1 Employees work for their employing Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.	FA 26.3.08 Min 114 (ii)
4. Treatment of Information	
4.1 Openness in the dissemination of information and decision making should be the norm. However, certain information	FA 26.3.08 Min 114 (ii)

<p>may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Particular emphasis must be placed on strict observance with the Authority's policies in relation to the Acts of Parliament dealing with Data Protection, Human Rights and Freedom of Information. Employees should consult their immediate line manager if there is any uncertainty regarding the status of any type of information.</p>	
<p>4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority, should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by the law.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>5. Political Neutrality</p>	
<p>5.1 Employees serve the Authority as a whole. It follows they must serve all Members and not just those of a particular political group, and must ensure that the individual rights of all Members are respected</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>5.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality, and any advice therefore should only be in respect of professional matters.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>5.3 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. When employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>5.4 Under the Local Government and Housing Act posts meeting the following criteria are regarded as Politically Restricted: -</p> <ul style="list-style-type: none"> • Head of Paid Service 	<p>FA 26.3.08 Min 114 (ii)</p>

<ul style="list-style-type: none"> • Statutory Chief Officers • Non Statutory Chief Officers • Deputy Chief Officers • Treasurer • Monitoring Officer • Anyone paid at the equivalent of Spinal Column Point 49 or above. • Posts not falling under the above which the Fire and Rescue Authority consider to fall within the following:- • Anyone giving advice on a regular basis to the Fire and Rescue Authority, any Committee or Sub Committee, or any Joint Committee on which the Fire and Rescue Authority is represented, or • Anyone speaking on behalf of the Fire and Rescue Authority on a regular basis to journalists and broadcasters. <p>A full list of Politically Restricted posts within South Wales Fire and Rescue Service is available from the Head of Corporate Services.</p>	ACO CS Del. 6.1.6 26.05.10
5.5 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraph 5.1 to 5.2	FA 26.3.08 Min 114 (ii)
6. Relations with Members, the public and other employees	
6.1 Members Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to Members and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Members is essential to good local government, and working relationships at all times should be kept on a professional basis.	FA 26.3.08 Min 114 (ii)
6.2 The Public and Service User Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority. Employees should deal with the public, Members, and other employees sympathetically, efficiently, and without bias. In particular, the principles embodied in the Fire and Rescue Authority's Equality and Diversity policies must be strictly observed in all dealings with the public, and other employees.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
6.3 Contractors All relationships of a business or private nature with external	FA 26.3.08

	contractors, or potential contractors, should be made known, in writing, to the Director of Corporate Support and declared in the Register of Officers Interests maintained by the Business Support Department. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown in the tendering process to businesses run by, for example, friends, partners or relatives. No part of local communities should be discriminated against.	Min 114 (ii) DLAICT Del. 7.1.6 31.08.09
6.4	Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate manager	FA 26.3.08 Min 114 (ii)
6.5	If an employee has such interest, they must not be involved in any way in awarding any work or orders. As a matter of general principle, it is not considered desirable to award any contracts for works or services to business enterprises in which personnel have a direct pecuniary interest.	FA 26.3.08 Min 114 (ii)
7.	Appointment of Staff and Other Employment Matters	
7.1	Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. Similarly no canvassing on behalf of the applicant must take place.	FA 26.3.08 Min 114 (ii)
8.	Outside Commitments	
8.1	Employees should not take outside employment or private work that conflicts with the Authority's direct interests and must follow the Authority's rules and procedures regarding such issues	FA 26.3.08 Min 114 (ii)
8.2	Employees should follow the Authority's rules on the ownership of intellectual property or copyright created during their employment.	FA 26.3.08 Min 114 (ii)
9.	Personal Interests	

9.1	Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.	FA 26.3.08 Min 114 (ii)
9.2	Employees must declare in writing to their appropriate Director or Head of Department and on the Register of Officers Interests held by the Business Support Department any financial and non-financial interests that they consider could bring about conflict with the Authority's interests.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09
9.3	Employees must comply with rules on the declaration of hospitality or gifts or other benefits offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority.	FA 26.3.08 Min 114 (ii)
10.	Equality Issues	
10.1	All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All Members of the local community, customers and other employees have a right to be treated with fairness and equity, free of all unlawful discrimination. Failure to do so will be regarded as gross misconduct and may result in summary dismissal under the provisions of the Authority's disciplinary procedures.	FA 26.3.08 Min 114 (ii)
11.	Separation of Role during Tendering	
11.1	Employees involved in the tendering process must be aware of the need for accountability and openness	FA 26.3.08 Min 114 (ii)
11.2	Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors	FA 26.3.08 Min 114 (ii)
11.3	Employees who are privy to confidential information on tenders or costs for contractors must not disclose that information to any unauthorised party or organisation. Failure to follow this ruling will result in disciplinary action in accordance with the Authority's disciplinary procedure	FA 26.3.08 Min 114 (ii)
11.4	Employees must ensure that no special favour is shown to current or recent former employees or their partners, close	FA 26.3.08 Min 114 (ii)

	relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.	
12.	Corruption	
12.1	Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it will be for the employee to demonstrate that any such rewards have not been corruptly obtained. It is therefore unlawful to receive any reward or fee for any activity related to an individual's employment with the Authority. Gifts of little or no intrinsic value, such as promotional diaries or pens, etc., must be recorded in the Register of Gifts and Hospitality, held by the Business Support Department.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09
13.	Stewardship	
13.1	Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised in writing to do so. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.	FA 26.3.08 Min 114 (ii)
14.	Hospitality	
14.1	Employees should exercise discretion in offering and accepting hospitality. They should bear in mind how it might affect relations with the party offering it and how it might be viewed by the Authority, other potential suppliers / contractors, the public and other officers.	FA 26.3.08 Min 114 (ii)
14.2	Offers of hospitality should only be accepted if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social, cultural or sporting functions should be accepted only when these are part of the life of the community and where the Authority should be seen to be represented. All offers of hospitality, whether or not accepted, should be recorded in writing, together with the estimated value, in the Authority's gifts and hospitality register, kept in the office of the Business Support Department . Hospitality that is to be accepted must be authorised in advance, and in writing, by the appropriate Service Director or Head of Department. If in doubt, the advice of the Director of Corporate Support should be sought, although personnel should generally interpret doubt,	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09

	in connection with any offers of gifts or hospitality, as confirmation that they should be recorded, and probably declined.	
14.3	When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority, and such offer recorded in the Authority's hospitality register	FA 26.3.08 Min 114 (ii)
14.4	When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.	FA 26.3.08 Min 114 (ii)
14.5	Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal. Where visits to inspect equipment etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.	FA 26.3.08 Min 114 (ii)
15.	Gifts	
15.1	Employees must ensure that they in no way become involved in any conflict of interest in their duties. They must not, either directly or indirectly, accept a gift, reward or benefit from any Member of the public or any organisation with whom they are brought into contact by reason of their duties other than: <ul style="list-style-type: none"> • Modest gifts or gifts of a promotional nature e.g. calendars, diaries and other similar low or no value articles • Gifts on the conclusion of any courtesy visit to a firm or factory of a sort normally given by that firm 	FA 26.3.08 Min 114 (ii)
15.2	Any other gifts offered or delivered should be returned with a polite and courteous explanation.	FA 26.3.08 Min 114 (ii)
15.3	All gifts and offers (including inducements such as air miles, vouchers etc.) with a cash or in kind value estimated to exceed £25.00 should be notified in writing to an immediate line manager and recorded, together with an estimated value, in the Authority's Gifts and Hospitality Register, kept by the Corporate Services Department. Should there be any doubt over whether hospitality can be accepted, then such queries should be referred in writing to the Monitoring Officer.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09
15.4	It is always wise to err on the side of caution. A gift which is clearly expensive should raise a question, even if it otherwise	FA 26.3.08 Min 114 (ii)

<p>falls within one of the categories mentioned above. If in doubt, the advice of the Monitoring Officer should be sought. The guiding principle should be "when in doubt, opt out". The best safeguard against impropriety or suspicion of impropriety is complete openness.</p>	<p>DLAICT Del. 7.1.6 31.08.09</p>
<p>16. Sponsorship - Giving and Receiving</p>	
<p>16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>16.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Director of Corporate Support of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p>
<p>17. Whistle-blowing</p>	
<p>17.1 In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the Authority's confidential reporting procedure i.e. the Whistle-blowing Policy.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.2 A copy of the Policy is available on the Service Intranet site. Alternatively you can contact the Head of Human Resources directly and confidentially if you would prefer not to request a copy from your line manager.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.3 Employees are reminded that particular attention should be paid to anything which impacts in any way on children and vulnerable adults.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>17.4 The Authority has a high duty of care in the way that it delivers services to children and vulnerable adults and one of the elements of that duty is to ensure that staff who may come into contact with these groups in any way whatsoever have not been convicted of criminal offences which might affect whether it is appropriate for that member of staff to</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p>

<p>have dealings with either of these groups. For that reason employees are required within seven days of conviction of a criminal offence to report details of that to the Head of Human Resources and in this context:</p> <ul style="list-style-type: none"> • "conviction of a criminal offence" includes a formal caution given by the police in place of a summons to appear before a court; and • this requirement does not apply to criminal offences which are dealt with by the way of a fixed penalty in place of an appearance before a court. 	
<p>18. Investigations by Monitoring Officers</p>	
<p>18.1 Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.</p>	<p>FA 26.3.08 Min 114 (ii)</p>

<u>Appendix 6</u>		
PROTOCOL FOR MEMBER/OFFICER WORKING ARRANGEMENTS		
1. INTRODUCTION		
1.1	This protocol reflects the recommendations of the Committee on Standards in Public Life in relation to standards of conduct in local government. In particular, the Committee recommended the adoption by all local authorities, of a written Code of Conduct for Members and for Officers. The Authority has adopted separate Codes of Conduct for Members and Officers which embody the mandatory provisions contained in regulations made by the Welsh Assembly Government.	FA 26.3.08 Min 114 (ii)
1.2	This protocol should be read and applied in conjunction with those Codes of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Authority's working arrangements. The purpose of this protocol is to provide guidance on Member/Officer working arrangements, particularly in any case of doubt or difficulty.	FA 26.3.08 Min 114 (ii)
1.3	In particular, this protocol aims to support the enhancement of local democracy by:- 1.3.1 Facilitating the participation of Members and Officers in the Authority's democratic processes; 1.3.2 Assisting Members, and those Officers who support them, in their role as representatives of the community, within the Authority and externally; and 1.3.3 Clarifying arrangements for the provision of information and support for Members and their party groups.	FA 26.3.08 Min 114 (ii)
1.4	This protocol is also intended to assist Members and Officers in maintaining the highest standards of integrity and propriety, and ensuring that all that they do is seen by others to be done properly, fairly and, where possible, openly.	FA 26.3.08 Min 114 (ii)
1.5	The following extract from the respective codes of conduct for members and officers are relevant: <i>"Members must not do anything which compromises, or which is likely to compromise the impartiality of the Authority's employees."</i> <i>"Mutual respect between employees and members is essential to good local government, and working</i>	FA 26.3.08 Min 114 (ii)

	<i>relationships should be kept on a professional basis." "Employees should deal with the public, members and other employees sympathetically, efficiently, and without bias."</i>	
1.6	In line with the National Code's reference to "mutual respect", it is important that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.	FA 26.3.08 Min 114 (ii)
2.	MEMBER/OFFICER COMMUNICATION	
2.1	Members should communicate with Officers at the appropriate level, which will normally involve the Chief Fire Officer, appropriate Director or Head of Department.	FA 26.3.08 Min 114 (ii)
2.2	In communicating with Members, Officers should have regard to the requirements of this protocol, and any other instructions issued by the Chief Fire Officer and/or the Executive Leadership Team.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09
3.	OFFICER ADVICE TO PARTY GROUPS	
3.1	There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the Authority, or the relevant Committee. Party Groups may properly call upon officers to support and contribute to such deliberations .	FA 26.3.08 Min 114 (ii)
3.2	The support provided by Officers can take many forms, ranging from a briefing meeting with a Chair prior to an Authority or Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever Party Group or Groups is for the time being in control of the Authority, such support is available to all Party Groups.	FA 26.3.08 Min 114 (ii)
3.3	Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:	FA 26.3.08 Min 114 (ii)
	3.3.1 Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. The	FA 26.3.08 Min 114 (ii)

<p>observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.</p>	
<p>3.3.2 Party Group meetings, whilst they form part of the preliminaries to Authority decision making, are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>3.3.3 Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>3.3.4 Officers will not provide information and advice to a party group meeting which includes persons who are not members of the Authority. Such persons are not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and restrictions on disclosure of confidential information) and for this and other reasons Officers would not be able to provide the same level of information and advice as they would to a meeting of Members only.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>3.3.5 Officers must respect the confidentiality of any Party Group discussions at which they are present and should not, in particular, relay the content of any such discussion to another Party Group.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>3.3.6 Any request by or for an Officer to attend a meeting arranged by a Party or Party Group, for the purpose of presenting information to the meeting (e.g. in relation to an issue or proposal affecting or involving the Authority) must be made to the Chief Fire Officer who will arrange the appropriate attendance. Officers attending will normally be graded Assistant Chief Officer or above, accompanied if necessary by relevant specialist colleagues. They will attend in their official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response. Such attendance</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p>

<p>will generally be avoided during the period between the announcement and conclusion of any local, parliamentary, assembly or European election affecting the area involved.</p>	
<p>3.3.7 At any public meeting organised by any Party Group, or by any individual Member (rather than by the Authority), Officers, as defined in Paragraph 3.3.6 above, will attend only to provide information which is publicly available. Officer attendance at such a meeting will not be appropriate during any "pre-election" period unless this is with the prior approval of the Fire and Rescue Authority. Any particular difficulty or uncertainty concerning Officer advice to Party Groups should be raised with the Chief Fire Officer or with the Monitoring Officer who will, where appropriate, discuss with the relevant Group Leader(s).</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>ACO CS Del. 6.1.6 26.05.10</p>
<p>4. SUPPORT SERVICES AND FACILITIES FOR MEMBERS AND PARTY GROUPS</p>	
<p>4.1 The only basis on which the Authority can lawfully provide support services and facilities (e.g. stationery, printing, photocopying, secretarial and translation services, meeting rooms, transport etc.) to Members is to assist them in discharging their role as Members of the Authority. Except as may be provided in other agreed Authority policies, such support services and facilities must therefore only be used on Authority business. They should never be used in connection with party political or campaigning activity. Requests for support should be channelled through the Directors of the South Wales Fire and Rescue Service.</p>	<p>FA 26.3.08 Min 114 (ii)</p> <p>DLAICT Del. 7.1.6 31.08.09</p>
<p>5 MEMBERS' ACCESS TO INFORMATION AND TO AUTHORITY DOCUMENTS</p>	
<p>5.1 Members are free to request any department to provide them with such information, explanation and advice about that department's function as they may reasonably need in order to assist them in discharging their role as Members of the Authority. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Departmental Director.</p>	<p>FA 26.3.08 Min 114 (ii)</p>
<p>5.2 The legal rights of Members to inspect Authority documents arise partly from statute and partly from the common law</p>	<p>FA 26.3.08 Min 114 (ii)</p>

	(judicial decisions).	
5.3	Members have a statutory right to inspect any Authority document which contains material relating to any business which is to be transacted at an Authority or Committee meeting and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers. Members rights in this regard are fully detailed in the General Standing Orders of the Fire and Rescue Authority.	FA 26.3.08 Min 114 (ii) ACO CS Del. 6.1.6 26.05.10
5.4	The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Authority documents, so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is commonly referred to as the "need to know" principle.	FA 26.3.08 Min 114 (ii)
5.5	Whether a Member is, in any particular case, entitled to exercise this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect, a Member has no right to a "roving commission" to examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know" for a purpose necessary to enable the Member to carry out his or her public duties. This question must initially be determined by the Director whose department holds the document in question (with advice from the Monitoring Officer). In the event of a dispute, the question may be referred for determination by the Chief Fire Officer and Director responsible for the function or purpose for which the document is held, again with advice from the Monitoring Officer.	FA 26.3.08 Min 114 (ii)
5.6	In some circumstances e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.	FA 26.3.08 Min 114 (ii)
5.7	Whilst the term "Authority document" is very broad and includes, for example, any document produced by whatever means with Authority resources, it is accepted by convention that a Member of one Party Group will not have a "need to know", and therefore no right to inspect, a document which forms part of the internal working of another Party Group	FA 26.3.08 Min 114 (ii)

5.8	Further and more detailed advice regarding Members' rights to inspect Authority documents may be obtained from the Monitoring Officer	FA 26.3.08 Min 114 (ii)
5.9	<p>Finally, Authority information provided to a Member must only be used by the Member for the purpose for which it was provided; that is, only to enable the proper performance of the Member's duties as a Councillor. This point is emphasised in the Code of Conduct for Members in the following terms:</p> <p>Members:</p> <ul style="list-style-type: none"> (a) must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so; (b) must not prevent any person from gaining access to information to which that person is entitled by law. 	FA 26.3.08 Min 114 (ii)
6.	OFFICER/CHAIRPERSON RELATIONSHIPS	
6.1	It is clearly important that there should be a close working relationship between the Chairs of the Authority and its Committees and Sub Committees and the Directors, Head of Services and other senior officers of any department which reports to the Meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups, or with any other individual or organisation.	FA 26.3.08 Min 114 (ii)
6.2	Whilst the Chairperson may routinely be consulted as part of the process of drawing up the Agenda for a forthcoming meeting, it must be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on an Agenda. Directors will always be fully responsible for the contents of any report submitted in their name. Any issue concerning the inclusion of any item on an Agenda or the submission of any particular report that cannot be agreed between a Chairperson and a Director should be referred to Monitoring Officer. There may also be circumstances in which the Chief Fire Officer (as Head of Paid Service) or the Treasurer (as statutory Finance Officer), or Monitoring Officer, will be under a duty to submit a report.	FA 26.3.08 Min 114 (ii)
6.3	In relation to action under any delegated power, it is important to remember that the law only allows for decisions (relating to the discharge of any of the Authority's functions) to be taken by the Authority, a Committee, a Sub-Committee or a designated Officer with delegated powers. The law does not at present allow for any such decision to be taken alone, or indeed by any other single Member. On some occasions	FA 26.3.08 Min 114 (ii)

	when the Authority makes a decision it is delegated to an Officer. The Authority's Standing Orders specify the extent of Delegation to Officers and how these are to be exercised.	
6.4	It must be remembered that Officers within a department are accountable to their Director, and that whilst officers should always seek to assist a Chairperson (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Fire Officer has statutory responsibility, as Head of Paid Service, for ensuring the proper organisation and management of the Authority's staff, and has therefore an overall responsibility for the direction and management of all Officers.	FA 26.3.08 Min 114 (ii)
7.	CORRESPONDENCE	
7.1	Correspondence including e-mails between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member, except at the discretion of the Departmental Director, or with the agreement of the Members concerned, where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, "blind" copies of such correspondence should not be circulated.	FA 26.3.08 Min 114 (ii)
7.2	Official letters on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of Member. It may be appropriate in certain circumstances (e.g. representations to a government minister or correspondence with the Chairperson of another public authority) for a letter to be issued in the name of the Chairperson of the Authority. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Authority should always be sent out in the name of the Chief Fire Officer or the appropriate Director or Head of Service or other Senior officer.	FA 26.3.08 Min 114 (ii)
8.	PUBLICITY AND THE MEDIA	
8.1	Contact with the media on issues related to the Authority, or to Authority business, including the issue of press release, will be handled through the Media and Communications Officer in the Communications Directorate.	FA 26.3.08 Min 114 (ii) DLAICT Del. 7.1.6 31.08.09

8.2	Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chairperson, Committee Chair person and or Media and Communications Officer will be responsible for such action.	FA 26.3.08 Min 114 (ii)
9.	PERSONAL RELATIONSHIPS	
9.1	No Member or Officer should allow any personal connection or relationship with any other Member or Officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Authority. This includes, for example, any family relationship, membership of the same household, or any business connection. Members and Officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of bias or unfairness	FA 26.3.08 Min 114 (ii)
9.2	An Officer who is, or becomes personally connected or related to any Member should notify the Chief Fire Officer in writing.	FA 26.3.08 Min 114 (ii)
9.3	Members should take into account any personal relationship or connection with any other Member or Officer, in considering the need to register or declare an interest whenever appropriate.	FA 26.3.08 Min 114 (ii)
10.	INVOLVEMENT OF COUNCILLORS IN LOCAL ISSUES	
10.1	Whenever a public meeting is organised by the Authority to consider a local issue, all the Constituent Authority Members representing that area should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, the local Members from the relevant Constituent Authority should be notified at the outset of the exercise.	FA 26.3.08 Min 114 (ii)
11.	FURTHER GUIDANCE	
11.1	Any Member of the Authority, who needs further guidance on any of the matters referred to in this Protocol, or on any similar or related issue, is advised to contact the Chief Fire Officer or Monitoring Officer. Any Officer needing such guidance should refer initially to their manager, who will consult senior management and obtain advice as necessary.	FA 26.3.08 Min 114 (ii)