

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

PENSION BOARD

30 June 2016

Proposed amendments to Code of Conduct for Members of NYFRA Pension Board**Report of the Legal Adviser, Monitoring Officer and Secretary to the Authority****1.0 PURPOSE OF REPORT**

- 1.1 To recommend certain amendments to the NYFRA Pension Board's Code of Conduct for Members.

2.0 BACKGROUND

- 2.1 The NYFRA Pension Board adopted a Code of Conduct for Members of the Pension Board at its meeting on 27 July 2015.
- 2.2 Upon reviewing the Code of Conduct, the Monitoring Officer to the Authority has identified some low level amendments which it may be helpful to implement, in order to further tailor the Code to the Pension Board's requirements.

3.0 PROPOSED AMENDMENTS TO CODE

- 3.1 The proposed amendments to the Code of Conduct are set out by way of tracked changes on the version attached at **Appendix 1** to this report, for Members' consideration and, subject to any comments they may have, approval.

4.0 PENSION BOARD REGISTER OF INTERESTS

- 4.1 The Local Government Pension Scheme (LGPS) Guidance on the creation and operation of Local Pension Boards in England and Wales states, at paragraph 7.33:

7.33 The Local Pension Board's register of interests should be circulated to the Local Pension Board for ongoing review it should be made available to the Administering Authority and it should be published (for example, on the Fund's website). The Local Pension Board should report any concerns to the Administering Authority and include in an annual report a section on good governance and management of conflicts.

- 4.2 Members of the Board are asked to consider whether the NYFRA Pension Board Register of Interests should be published on the North Yorkshire Fire and Rescue Service website, in order to comply with the spirit of the Guidance.

5.0 RECOMMENDATIONS

- 5.1 That, subject to any comments Members may have, the Board approves the amendments to the Code of Conduct for Pension Board Members, as set out in **Appendix 1** to this report.
- 5.2 That Members determine whether or not the NYFRA Pension Board Register of Members' Interests should be published on the NYFRS website.

BARRY KHAN
Legal Adviser, Monitoring Officer and Secretary to the Authority

Background Documents:

Public minutes of meeting of NYFRA Pension Board on 27 July 2015

Firefighters' Pension Scheme - Guidance on the creation and operation of Local Pension Boards in England

County Hall
NORTHALLERTON

20 June 2016

CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY'S PENSION BOARD

This Code sets out the standards of behaviour required of you whenever you are acting as a Member of North Yorkshire Fire and Rescue Authority's Pension Board or as a voting co-opted Member on one of ~~its~~ the Board's committees ("Members").

You must sign an Undertaking to comply with this Code of Conduct before acting as a Member ~~or voting co-opted Member~~.

The Code has been adopted by the Authority-Board and also requires compliance with the general principles of public life set out at the end of the document. The Authority's Audit and Performance Review Committee has established a Standards Sub-Committee, consisting of Members of the Authority, to deal with any allegations of breaches of ~~the~~ this Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the Authority or Board to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who administers the Pension Fund, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Authority or Board to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Authority's Monitoring Officer and/or the Chief Fire Officer/Chief Executive.

6. You must not prevent another person gaining access to information which that person is entitled to by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority or Board into disrepute, or your position as a Member into disrepute.

8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the ~~Authority Board~~, or upon yourself as a Member, If you do accept any gift or hospitality which might be attributable to your membership of the ~~Authority Board~~ (other than the refreshments which might usually be expected at ~~an Authority meeting~~ ~~a Board~~ or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Authority's guidance or requirements when using the resources of the Authority (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Authority's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Authority.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any standing order adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

INTERESTS

Disclosable Pecuniary Interests

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
 - (a) it is your interest; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you are civil partners;and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

15. (1) You must, before the end of 28 days beginning with the day on which you become a member ~~or co-opted member~~ of the AuthorityBoard, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member ~~or co-opted member~~ as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Authority's Board's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Authority's Board's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Authority Board or of any committee, sub-committee, joint committee or joint sub-committee of the AuthorityBoard;
- (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
- (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Authority's Board's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.
- (3) If the interest is not entered in the Authority's Board's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting; or
- (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

- (5) Where you give a notification for the purposes of sub-paragraph (3), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (6) The Authority's Standing Orders provide for the exclusion of a member or co-opted member of the Authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate. Such provisions also apply to meetings of the Board.
- (7) An interest is "subject to a pending notification" if:
 - (a) the interest has been notified to the Monitoring Officer, but
 - (b) has not been entered in the Register in consequence of that notification.

Other Interests

- 16A.
- (1) You must, before the end of 28 days beginning with the day on which you become a member ~~or co-opted member~~ of the Authority Board, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.
 - (2) Where you become a member ~~or co-opted member~~ as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Authority's Board's register when the notification is given.
 - (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
 - (4) Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Authority Board business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

Sensitive interests

- 17.
- (1) Sub-paragraphs (2) and (3) apply where:
 - (a) you have an interest (whether or not a disclosable pecuniary interest); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
 - (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not

include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).

- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

18. (1) The Authority may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
 - (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2) or (3); or
 - (b) participate in any discussion or vote in contravention of paragraph 16(4).
 - (2) You commit an offence if under paragraph 15(1) or 16(2) or (3) you provide information that is false or misleading and you:
 - (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.
 - (3) A person who is guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

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APPENDIX 1

TO PENSION BOARD MEMBERS' CODE OF CONDUCT

DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) **that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and**
- (b) **either—**
- (i) **the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or**
 - (ii) **if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.**

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act (the corresponding provision in this Code is paragraph 15(1));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

- M's spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act

2000 and other securities of any description, other than money deposited with a building society.

APPENDIX 2

TO PENSION BOARD MEMBERS' CODE OF CONDUCT

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than pecuniary interests which are required by the Authority Board to be registered in the Register of Members' Interests are set out below:

Membership of Trade Unions/Professional Associations

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

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The Seven Principles of Public Life

Principle	Description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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