

Police, Fire and Crime Commissioner for Cumbria

Delivering to the Public



Peter McCall

POLICE, FIRE AND CRIME COMMISSIONER CODE OF CONDUCT

Document control

This policy applies to all employees of the Office of the Police, Fire and Crime Commissioner for Cumbria.

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Contents

Version Control	ii
1 Introduction	4
2 Aims	5
3 General Obligations	5
4 Use of Resources	6
5 Register of Disclosable Interests.....	6
6 Conflict of Interests	6
7 Disclosure of Information	7
8 Decision Making.....	7
9 Transparency	7
10 Complaints.....	8
11 Schedule of Disclosable Interests	8
12 Monitoring, evaluation and review	9

1 Introduction

- 1.1 This Code of conduct applies to the Police, Fire and Crime Commissioner (Commissioner) for Cumbria when acting or representing to act in that role. It also applies to any appointed Deputy Commissioner when acting or representing to act in that role.
- 1.2 This code does not apply when acting in a purely private capacity
- 1.3 The Police, Fire and Crime Commissioner will adopt this code and agree to abide by it's provisions.
- 1.4 The Policing Protocol¹ provides that all parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as the Nolan Principles
- 1.5 The Police, Fire and Crime Commissioner will agree to abide by the 'Nolan Principles' which are set out below:

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

¹ The Policing Protocol Order 2011 No. 2744

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example

- 1.6 In 2014 the Association of Police and Crime Commissioners developed an Ethical Framework based on the Nolan Principles. The Ethical Framework was adopted and customised to demonstrate how the Commissioner will comply with it in Cumbria. A copy of the Ethical Framework is attached at Appendix 2 and is also available on the OPFCC website – www.cumbria-pcc.gov.uk

2 Aims

- 2.1 To provide the Commissioner with a clear Code of Conduct to follow when carrying out the duties of their role.
- 2.2 This Code of Conduct is based upon the Ethical Framework developed by the Association of Police and Crime Commissioners (APCC).

3 General Obligations

- 3.1 The Commissioner will agree to:
 - (a) Not to conduct themselves in a manner which:
 - i. Is contrary to the policing protocol; and/or
 - ii. Could reasonably be regarded as bringing their office into disrepute.
 - (b) Not to intimidate or attempt to intimidate any person who is or is likely to be:
 - i. A complainant;
 - ii. A witness; or
 - iii. Involved in the administration of any investigation or proceedings, in relation to an allegation that the Commissioner has failed to comply with this code of conduct.
 - (c) Treat others with dignity and respect
 - (d) Not to use their position improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
 - (e) Not to do anything which compromises or is likely to compromise the impartiality of those who work for the Office of the Police, Fire and Crime Commissioner
 - (f) Not to do anything which may breach the Equality Act 2010
 - (g) Not discriminate, use bullying behaviour or harass any person

4 Use of Resources

- 4.1.1 The Commissioner will agree not to use the resources of the elected local policing body for their personal benefit or for the benefit of their friends or any other person in relation to any of their business interests.
- 4.1.2 Not to use the resources of the elected local policing body improperly for political purposes (including party political purposes).
- 4.1.3 Will only claim expenses and allowances only in accordance with the published expenses and allowances scheme of the elected local policing body.

5 Register of Disclosable Interests

- 5.1 The Commissioner will agree to act solely in the public interest and in exercising the functions of their office. They will not act to gain financial or other benefits for themselves, family, friends or any person in relation to any of their business interests or use, or attempt to use, the office of the police, fire and crime commissioner to confer or secure for any person, including themselves, an advantage or a disadvantage.
- 5.2 As soon as practicable and within 28 days of taking office enter in the register of disclosable interests maintained by the OPFCC Monitoring Officer of the elected local policing body, every disclosable interest as set out in the Schedule.
- 5.3 Within 28 days of any change in circumstances, enter in the register of interests the changes in so far as they are related to disclosable interests.
- 5.4 If the nature of the interest is such that the Commissioner and the Monitoring Officer consider that disclosure could lead to the Commissioner or a person connected with them being the subject to violence or intimidation, then any entry in the register should not include details of the interest, but should indicate that the interest has been disclosed and is withheld by virtue of this section.

6 Conflict of Interests

- 6.1 In any case where the interests of exercising the functions of my office may conflict with any disclosable or other interest, which has become known to me, I shall as soon as possible declare such conflict as is required in accordance with the policy issued under Paragraph 3 of the Elected Local Policing Body (Specified Information) Order 2011 and determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

7 Disclosure of Information

- 7.1 The Commissioner will agree not to disclose information given to them in confidence or information acquired by them which is of a confidential nature, unless they have the consent of a person authorised to give it, or they are required by law to do so, for the lawful purposes of the OPFCC provided that they shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person.
- 7.2 Any disclosure made by the Commissioner shall be reasonable, in the public interest and in good faith.
- 7.3 The Commissioner will agree not to prevent another person from gaining access to information to which that person is entitled by law.
- 7.4 The Commissioner should understand that when handling sensitive information its dissemination should be no wider than is necessary and within the guidelines of any protective markings.

8 Decision Making

- 8.1 The Commissioner will agree to abide by the Decision Making procedure when reaching decisions on any matter. They will have regard to any relevant advice provided by the officers listed below where that officer is acting pursuant to his or her statutory duties:
 - i. The Monitoring Officer;
 - ii. The Chief Executive
 - iii. The Chief Finance Officer

9 Transparency

- 9.1 **Register of Interests** – the Chief Executive and Monitoring Officer to the COPCC will maintain a Register of Interests which will be available for public inspection on the Commissioner’s website.
- 9.2 **Gifts and Hospitality Records** – Invitations of hospitality and invitations to events will only be accepted if all of the following criteria are met:
 - The Commissioner is participating (eg speaking) or attending as part of their duties and responsibilities, representing the OPFCC, or the connection to fire, policing and crime is significant.
 - It is for charity but attendance should not be free unless invited as a valued dignitary (eg part of the attraction of the event). The Commissioner will pay as part of their contribution to the charity.

- Hospitality that could be considered excessive or might give the perception of influence will be avoided. Any hospitality received should not be greater than that which the organisation would reciprocate and which would be acceptable to the public as a use of public funds.
- Whilst a working lunch is often acceptable part of normal working relations, the following should be avoided:
 - Hospitality received which constitutes more of a social function
 - An excess of hospitality, both in terms of frequency or lavish meals
 - Hospitality which could give rise to suspicions or favour

9.3 The OPFCC Chief Executive and Monitoring Officer will maintain a register of hospitality and gifts received above a certain level. These will be available for public inspection via the OPFCC website.

9.4 When considering the officer of any gifts or hospitality consideration will be given to the guidance held within the Anti-Fraud and Corruption Arrangements.

10 Complaints

10.1 Any complaints about the conduct of the Police, Fire and Crime Commissioner or their deputy shall be referred to the Cumbria Police, Fire and Crime Panel to deal with. An initial assessment of the complaint will be carried out by the designated Monitoring Officer.

11 Schedule of Disclosable Interests

11.1 In this Schedule:

- “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” includes 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;
- “elected local policing body” means the elected Local Policing Body to which the relevant person has been elected;
- “relevant period” means the period of 12 months ending with the day on which the relevant person makes an entry amendment or deletion to the register of disclosable interests;
- “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(b) and other securities of any description, other than money deposited with a building society

12 Monitoring, evaluation and review

12.1 The OPFCC will review this Code of Conduct on a three-year cyclical basis. The Code will be revised as required to reflect any changes in regulation and statutory guidance.



POLICE, FIRE & CRIME COMMISSIONER
CODE OF CONDUCT - DECLARATION

I agree to conduct myself in accordance with and abide by this Code of Conduct whilst conducting duties of the Office of the Police, Fire and Crime Commissioner for Cumbria.

Signed: **Date:**

Police, Fire & Crime Commissioner for Cumbria

This undertaking was made and signed before me

Signed Date

Monitoring Officer

SUBJECT

DISCLOSABLE INTEREST

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 elected local policing body) made or provided within the relevant period in respect of any expenses incurred in carrying out duties and responsibilities, as of a Police or Deputy Police and Crime Commissioner, or towards the election expenses of the PCC or Deputy PCC. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a)

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the elected local policing body:-

- (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 elected local policing body.

SUBJECT

Licences

Corporate tenancies

Securities

Gifts and Hospitality

DISCLOSABLE INTEREST

Any licence (alone or jointly with others) to occupy land in the area of the elected local policing body.

Any tenancy where (to the knowledge of the relevant person) :

- (a) the landlord is the elected local policing body; and
- (b) the tenant is a body in which the relevant person has a beneficial interest

Any beneficial interest in securities of a body where:

- (a) that body (to the relevant person's knowledge has a place of business or land in the area of the elected local policing body; and
- (b) either:
 - i. the total nominal value of the securities exceeds £15,000 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.

The interests of any person from whom the relevant person has received a gift or hospitality with an estimated value of at least £10.