



Merseyside Fire & Rescue Authority

MEMBERS POLICY & GUIDANCE DOCUMENTS 2010/11

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“THE GENERAL PRINCIPLES GOVERNING THE CONDUCT OF MEMBERS”

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory officers, and its other employees.

Duties to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

MERSEYSIDE FIRE & RESCUE AUTHORITY

CODE OF CONDUCT

FOR MEMBERS

THE CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a Member of an Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - “meeting” means any meeting of—
 - (a) the Authority;
 - (b) the Executive of the Authority;
 - (c) any of the Authority’s or its Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - “member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

- 2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006).
- (b) bully any person;
- (c) 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 a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made 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
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
 - (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 Interests

Personal interests

- 8.—(1) You have a personal interest in any business of your authority where either—
 - (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;

- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) 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 person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association;
or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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.

- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) 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;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and

- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.** 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—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive 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, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

Part 3

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14.—(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 that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under 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.
- (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

**MEMBERS CODE AND
GUIDANCE
ON THE GIVING AND
RECEIPT OF
GIFTS AND HOSPITALITY**

MEMBERS CODE AND GUIDANCE ON THE GIVING AND RECEIPT OF GIFTS AND HOSPITALITY

1. General

1.1. In this code "Benefit" means gifts; hospitality; loans and any other favour.

1.2. Receipt of Benefits

In the private sector, corporate hospitality and promotions are accepted as part of the normal conduct of business. However, within local government a greater burden of responsibility rests with members (and employees) not only to ensure the propriety of all dealings, but also to be able to demonstrate it publicly.

1.3. Each Member is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

1.4. Members should always consider the Code of Conduct in relation to Gifts & Hospitality and the Solicitor to the Authority is always available for advice.

2. Procedure

2.1. When an offer of a Benefit is made to a Member the Member should consider whether or not to accept the Benefit by applying the guidance set out in paragraph 3 below. **(If in doubt the offer should be refused, or the advice of the Solicitor to the Authority sought before the Benefit is accepted)**

2.2. A Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Solicitor to the Authority of the existence and nature of that gift or hospitality received by the Member

2.3. The Solicitor to the Authority will then record the details of the gift or hospitality in a register.

2.4. The Register will be open for inspection during normal office hours by:-

- (a) the Chief Executive & Chief Fire Officer;
- (b) the Solicitor to the Authority
- (c) the Assistant Chief Executive & Treasurer
- (d) the External Auditor

- (e) all Members of the Authority
- (f) all members of the Public

3. Guidance on Receipt of Benefits

3.1. When considering whether or not to accept the offer of a Benefit the Member should take into account the following criteria:-

- (a) the nature of the Benefit;
- (b) the value of the Benefit;
- (c) the motivation of the offer or in offering the Benefit;
- (d) the timing of the offer of the Benefit.

Benefits which should be refused

3.2. An offer of any of the following Benefits should always be refused:-

- (a) Gifts of cash;
- (b) Benefits of a personal nature from organisations which have dealings with the Authority (e.g. providing work to Members private property; holidays);
- (c) Benefits of a value which a reasonable member of the public would think may influence the Member or affect the propriety of any dealings by the Authority;
- (d) Benefits which a reasonable member of the public would regard as an inducement for the business of the Authority;
- (e) Benefits offered at sensitive times (e.g. during a tendering process);
- (f) Loans (preferential or otherwise) from persons or organisations which have or could have dealing with the Authority (other than Banks, Building Societies or other major financial lending institutions).

3.3. Benefits which may be accepted

The following Benefits may be accepted:-

- (a) Promotional calendars, diaries, pens or other gifts relating to the Member's work for the Authority which are low in value;
- (b) working lunches or other meals if:-
 - (i) Modest in value;

- (ii) Provided to allow the parties to continue to discuss relevant Authority business;
 - (iii) Those Members who receive the Benefit are properly involved in the business under consideration.
- (c) goodwill gestures or gifts of a value which a reasonable member of the public would consider that acceptance would not influence the Member concerned or the propriety of any dealings by the Authority;
- (d) offers to attend purely social or sporting functions if:-
 - (i) They are part of the life of the Community; or
 - (ii) The Authority should be seen to be represented at such functions;
- (e) hospitality offered as part of attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal;
- (f) invitations to trade fairs or similar events where this is a general invitation to customers and others.

Giving of Hospitality

4. Procedure

4.1. A Member proposing to provide hospitality should:-

- (a) ensure that prior Authority approval has been obtained;
- (b) ensure that the hospitality provided complies with the guidance set out in paragraph 5 below;
- (c) keep receipts for all expenditure on hospitality;
- (d) submit claims for reimbursement of any expenditure on hospitality with copies of such receipts; certification that the expenditure complies with these guidelines; the numbers of persons involved and the authority to incur the expenditure.

5. Guidance on provision of Hospitality

5.1. Hospitality should only be provided if:-

- (a) it is provided to allow the parties to continue to discuss relevant Authority business; or
- (b) it is provided as part of arrangements for the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the Authority or persons representative of or connected with Local Government or other public services whether inside or outside the U.K.

5.2. Any hospitality must be provided on a modest scale.

5.3. So far as practicable hospitality should be preferably provided at the Authority's premises.

5.4. If it is necessary to provide hospitality outside the Authority's premises, this must be on a modest scale appropriate to the occasion.

If a full meal is appropriate, the cost must not normally exceed £25 per head including drinks (subject to increase from 2002 in line with inflation).

5.5. The number of recipients of hospitality must be restricted and in any event must not extend beyond those directly involved with the business under consideration or the relevant official courtesy visits.

**MEMBERS CODE AND
GUIDANCE
ON OFFICIAL VISITS
BY MEMBERS**

MEMBERS CODE AND GUIDANCE
ON OFFICIAL VISITS BY MEMBERS

"GUIDANCE"

1. Proposal by Members

1.1. Members proposing an official visit on behalf of the Authority, should submit the following details to the Solicitor to the Authority:-

- (a) the location of the visit;
- (b) the purpose of the visit;
- (c) the duration of the visit;
- (d) the number of Members and Officers proposing to make the visit;
- (e) the proposed method of travel to the location and itinerary of the visit;
- (f) the estimated cost of the visit
- (g) the estimated benefit to the Authority in making the visit.

1.2. The Solicitor to the Authority after consultation with the appropriate Chief Executive and Chief Fire Officer, shall then report the proposal to the appropriate committee setting out the above details and the estimated cost of attendance in respect of travel and accommodation or travelling and subsistence allowances in order that the Authority may make a decision on the matter.

2. Proposal by Chief Officers

2.1. Chief Officers proposing an official visit by Elected Members on behalf of the Authority shall inform the Solicitor to the Authority of the proposal in order that the Solicitor to the Authority can provide an assessment, in consultation with the Treasurer, of the cost to the Authority of travel and accommodation or travelling and subsistence allowances and an indication as to whether sufficient budgetary provision is available.

2.2. The relevant Chief Officer shall then submit a report to the appropriate committee setting out the matters set out in paragraph 1 above including details of estimated costs.

3. Expenses of Visit

3.1. The Authority may agree to pay expenses as follows:

- (a) in the case of visits within the U.K., subsistence and travel allowances equivalent to the maximum rates specified by the Secretary of State for performance of approved Duties;
 - (b) In the case of visits outside the UK, subsistence and travel allowances at the maximum rates specified by the Secretary of State for performance of approved duties or such reasonably higher amount as reflects the higher cost of meals or accommodation abroad.
 - (c) expenses incurred in the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the U.K.
 - (d) other expenses reasonably incurred by or on behalf of Members during the visit (such as reciprocating hospitality on a modest scale) where proof of such expenditure is provided.
- 3.2. Where possible accommodation, meals and methods of travel should be booked and payable by the Authority direct in order to maximise discounts available and to avoid the need for individuals having to pay expenses from their own funds or requiring cash allowances.
- 3.3. Expenditure incurred in the reception and entertainment by way of official courtesy should comply with the Authority's Guidance in giving hospitality.

In summary this means that:-

- (a) prior approval of the Authority to incur expenditure on such hospitality is required.
 - (b) The hospitality provided must be of a modest scale appropriate to the occasion.
 - (c) If a full meal is appropriate, the cost must not exceed the existing levels of Members allowances.
 - (d) The number of recipients of hospitality must be restricted and must not extend beyond those directly involved in the relevant official courtesy visit.
- 3.4. Expenses will not be paid by the Authority in the respect of personal expenditure incurred by members or officers including the following:-
- (a) purchase of alcoholic drinks (except a moderate amount taken as part of a meal which qualifies for subsistence payment)

(b) renting of videos

4. Reporting Back

A report shall be prepared by the relevant Chief Officer or a Member who attended the visit, and submitted to the next meeting of the appropriate Committee detailing the results of the visit.

5. Checking Entitlement to Expenses

Members who consider that they are entitled to claim travel and subsistence allowances in relation to a visit should in cases of doubt check and confirm entitlement with Committee Services.

6. Monitoring of Expenditure

The Solicitor to the Authority shall be responsible for monitoring expenses and allowances payable as a result of such visits.

INDEMNITY

GIVEN TO

MEMBERS

INDEMNITY GIVEN TO MEMBERS

BY THE AUTHORITY

1. The Authority has determined to indemnify its Members against certain claims costs and damages against Members in the circumstances and as set out below.
2. **Indemnity**
 - 2.1. In this Indemnity:-
 - (a) "Act of Default" means any neglect, act, error, or omission including any breach of Trust or duty of care or fiduciary or any other duty committed by an employee or Member.
 - (b) "Solicitor to the Authority" means the person appointed to the Authority under S.34 of the Local Government Act 1985 and S.5. of the Local Government and Housing Act 1989.
 - (c) "Code of Conduct" means the Code of Conduct applying to the Authority for the time being in force.
 - (d) "Part 3 Proceedings" means any investigations, report, reference, adjudication or other proceeding pursuant to Part 3 of the Local Government Act 2000.
 - (e) "Treasurer" means the person appointed as Chief Finance Officer to the Authority under S.73 and 105(1) of the Local Government Act 1985 and S.6 of the Local Government and Housing Act 1989.
 - (f) "Officers and Members" means the Chief Executive and Chief Fire Officer and all employees of the Authority, all Members, the Solicitor to the Authority and the Treasurer of the Authority and its former Chief Fire Officers, employees, Councillors, Solicitors and Treasurers.
 - 2.2. The Authority will, subject to the exceptions set out in paragraph 2.3 Indemnify its Officers and Members against claims made against them (including, all damages and costs awarded) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its officers and members under any policy of insurance taken out by the Authority or any motor vehicle insurance policy taken out by the officer or member) occasioned by neglect, act, error or omission including any breach of trust, or duty of care of fiduciary or any other duty committed by them:-

- (a) whilst acting within the scope of their employment or authority;
or
- (b) where they and the Authority honestly believed that they were acting within the scope of their employment or authority (even though they were not in fact acting within the scope of their employment or authority)
- (c) whilst acting for other persons or other bodies of whatsoever nature within the scope of their employment or authority.

2.3. This indemnity shall not extend to loss or damage directly or indirectly caused by or arising from:

- (a) Fraud, dishonesty, deliberate wrongdoing or a criminal offence on the part of Officers and Members whilst acting on the Authority's business (except where the criminal offence is an offence under the provisions of the Health and Safety at Work Act etc 1974 or relevant statutory provisions within the meaning of the Act, or where it is alleged that the criminal offence arose due to the wrongful but not wilful act or default of any such person in which case the indemnity will continue to apply); and
- (b) Liability in respect of losses certified by the District Auditor as caused by wilful misconduct.

Notwithstanding paragraph 2.3 (a) above (subject to paragraph 3), an indemnity will be provided in relation to :-

- (i) the defence of any criminal proceedings brought against the Officer or Member, and
- (ii) any civil liability arising as a consequence of any action or failure to act, which also constitutes a criminal offence.

2.4. If any part of this indemnity is declared by any judicial or other competent authority to be void, illegal or otherwise unenforceable, then such part shall be severed from the remainder of this indemnity which will continue to be valid and enforceable to the fullest extent permitted by law.

3. The Member shall reimburse the Authority for any sums expended by the Authority in relation to :-
 - (a) Defence of criminal proceedings if the Member in question is convicted of a criminal offence and that conviction is not overturned following any appeal; and
 - (b) Part 3 Proceedings against a Member if :-
 - (i) a finding is made in those proceedings that the Member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal; and
 - (ii) the Member admits that they have failed to comply with the Code of Conduct
4. Wherever possible all outside bodies upon which Members are presently appointed and any outside bodies upon which Members may in the future be appointed are required to purchase and maintain henceforth insurance to cover the Member of any financial liability which might by virtue of any rule of law or otherwise attach to such Member in respect of any negligent default, breach of duty or breach of trust of which such Member may be guilty.

**SCHEME OF
MEMBERS' ALLOWANCES**

SCHEME OF MEMBERS ALLOWANCES

MERSEYSIDE FIRE & RESCUE AUTHORITY

1. This Scheme is made on the 1st day of April, 2005, in accordance with the Local Authorities (Members Allowances) England Regulations 2003 for the payment of Members Allowances
2. This Scheme revokes the previous Scheme made by the Authority with effect from the 1st day of April, 2005. This Scheme shall continue until subsequently varied or revoked by the Authority.
3. Basic Allowance
 3. 1. The Authority shall pay a Basic Allowance to each Member of the Authority who is a Councillor for each year.
 3. 2. Subject to paragraphs 3.3, 7, 8, and 12 the Basic Allowance payable in respect of each year commencing on 1st April, 2007, shall be £7,595.
 3. 3. Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a Member and Councillor subsists bears to the number of days in that year.
4. Special Responsibility Allowance
 4. 1. Subject to paragraphs 4.2, 7, 8, and 12 the Authority shall pay to a Member of the Authority who is a Councillor and who has the Special Responsibility specified in column one of Schedule 1 to this scheme a Special Responsibility Allowance in respect of each year commencing on the 1st April, 2005 of a sum specified in the corresponding part of column 2 of Schedule 1.
 4. 2. Where a Member does not have throughout a year a Special Responsibility, his/her entitlement shall be to payment of such part of the respective Special Responsibility Allowance as bears to the whole the same proportion as the number of days in the period during which he/she has such Special Responsibility bears to the number of days in that year.

5. Travelling and Subsistence Allowance

5. 1. Subject to paragraphs 8, 9, and 12 the Authority shall pay to each Member of the Authority who is a Councillor an allowance in respect of travelling and subsistence undertaken in connection with or relating to the duties specified in paragraph 5. 2. in respect of the matters specified in column 1 of the Second Schedule at the rates specified in the corresponding part of column 2 of the second Schedule.
5. 2. The duties referred to in paragraph 5.1. (for which travelling and subsistence allowance is payable) are:-
- (a) The attendance at a meeting of the Authority or of any sub – committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a committee or sub-committee of the Authority or a joint committee of the Authority and one or more Local Authority within the meaning of section 270 (1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:-
 - (i) Where the Authority is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two Members of the Authority have been invited.
 - (c) The attendance at a meeting of any association of authorities of which the Authority is a member.
 - (d) The attendance at any conference or meeting approved by the Authority (or the Clerk, acting under delegated powers on behalf of the Authority).whether inside or outside of the United Kingdom for the purpose of discussing any matter which relates to the interests or the functions of the Authority or to any function of Local Authorities in which the Authority has any interest.

- (e) The attendance at seminars and presentations arranged by the Chief Executive and Chief Fire Officer, the Clerk, or the Authority which relate to the interests or the functions of the Authority or to any function of local authorities in which the Authority has an interest.
- (f) Making official and courtesy visits, whether inside or outside the United Kingdom on behalf of the Authority as approved by the Authority, or a Committee of the Authority (or the Clerk acting under delegated powers on behalf of the Authority.)

6. Co-optee's Allowances

- 6. 1. The Authority shall pay a Co-optee's Allowance in respect of attendance at conferences and meetings, to each person who is not a Member of the Authority but who is a Member of a Committee (or sub-committee) of the Authority (for example the Independent Member(s) appointed to the Authority's Standards Committee.)
- 6. 2. Subject to paragraphs 6.3., 7, 8, 9, and 12 the Co-optee's Allowance payable in respect of each year commencing on 1st April, 2007 shall be £585.
- 6. 3. Where the appointment of a Member specified in paragraph 6.1. begins or ends otherwise than at the beginning or end of the year, their entitlement shall be to payment of such part of the Co-optee's Allowance as bears to the whole the same proportion as the number of days during which their term of office as a member subsists bears to the number of days in that year.

Suspension of Allowances

7. Where a Member of the Authority (or of a Committee of the Authority as the case may be) is suspended from their responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part, then the Authority may withhold;
- (a) the part of the Basic Allowance payable to that Member in respect of the period for which they are suspended or partially suspended, and/or
 - (b) the part of the Special Responsibility Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended and/or
 - (c) any Travelling and Subsistence Allowance payable to the Member in respect of the responsibilities or duties from which they are suspended or partially suspended and/or

- (d) any Co-optee's Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended.

Repayment of Allowances

- 8. Where payment of any allowance has already been made in respect of any period during which the Member concerned is:-
 - (a) suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part; or
 - (b) Ceases to be a Member of the Authority, or
 - (c) is in any other way not entitled to receive the allowance in respect of that period,

The Authority may require that such part of the allowance as relates to any such period be repaid to the Authority.

9. No Duplication of Payment

Where a Member of the Authority is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duty.

10. Elections to Forgo Allowances

A person may, by notice in writing given to the Clerk to the Authority elect to forgo their entitlement or any part of their entitlement to allowances.

11. Claims and Payments

11.1 Claims for Travelling and Subsistence Allowances, and Co-optee's Allowances must be made by the person to whom they are payable within 6 months of the date from which entitlement to such allowances arises.

11.2 Nothing in paragraph 11.1 shall prevent the Authority from making a payment where the allowance is not claimed within the period specified in paragraph 11.1.

12. Annual Adjustment of Allowances

The allowances specified in paragraphs 3 (Basic Allowance) 4 (Special Responsibility Allowance) 5 (Travelling and Subsistence Allowance) and 6 (Co-optee's Allowance) shall be increased annually with effect from the 1st day of April in each year by the same proportion as the increase in salary of firefighting staff in the Service in the year prior to 1st April of the year for which an allowance under this scheme is payable

13. Date from which Amendments to the Scheme are to apply

Where an amendment is to be made to this scheme by the Authority which affects an allowance payable for the year in which the amendment is made, entitlement to such allowance as amended shall apply with effect from 1st April prior to the date of amendment, (except in the case of payments for duties already performed) and unless otherwise determined by the Authority.

SCHEDULE 1

Special Responsibility Allowances

Column 1

Column 2

(Special Responsibility)

(Amount of Special Responsibility Allowance)

• Chairman	£16,140
• Vice Chairman	£12,105
• Opposition Spokesperson (Liberal Democrats)	£ 8,070
• Opposition Spokesperson (Conservative)	£ 8,070
• Committee Chair	£ 4,035
• Member of North West Fire Board	£ 1,354
• Vice Chair of North West Board	£ 756
• Member of Safer Merseyside Partnership	£ 849
• Co-optees Allowance	£ 623

SCHEDULE 2

Travelling & Subsistence Allowances

<u>Column 1</u>	<u>Column 2</u>
1. <u>Travel Allowance</u>	(rates of allowance)
Travel by public transport	A sum equal to the costs of the ordinary fare, or in the case of travel by rail the cost of first class travel
Travel by motor cycle	22.6p per mile
Travel by motor vehicle	56.4p per mile
Travel by taxi	A sum equal to the actual fare and any reasonable gratuity paid
Travel by air	A sum equal to the cost of the ordinary fare, or where travelling on a flight scheduled to take at least 5 hours a sum equal to the cost of club class
2. <u>Subsistence Allowance</u>	
<u>Column 1</u>	<u>Column 2</u>
(Absence period)	(Rates of Allowance)
2. 1. Where the Authority does not pay for overnight accommodation direct and:-	
• Absence overnight in U.K. from usual place of residence (other than in London)	£148

- Absence overnight from usual place of residence in London (i.e. the city of London, Boroughs of London, Greenwich, and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwall, Tower Hamlets, Wandsworth and Westminster) £1801
- Absence overnight outside the U.K. £180

2. 2. Subject to paragraph 2.3. where the Authority pays for overnight accommodation direct and there is absence from the usual place of residence, a subsistence allowance of £56.82 in London and £44.77 elsewhere, is payable. Where the absence does not involve an absence overnight:-

Breakfast Allowance

- (a) Absence of more than 4 hours before 11 a.m. £ 9.01

Lunch Allowance

- (b) Absence of more than 4 hours, including the period 12 noon and 2 p.m. £ 13.55

Tea Allowance

- (c) Absence of more than 4 hours including 3pm to 6pm, or £ 5.64

Evening meal Allowance

- (d) Absence of more than 4 hours ending after 7 p.m. £ 16.92

2. 3. Where meal(s) are provided free of charge to the Member their entitlement to an allowance will not apply in respect of the meal period for which such meal or meals are provided without charge to the Member.

MERSEYSIDE FIRE & RESCUE AUTHORITY

SUCCESSION PLANNING POLICY

CHAIRMAN & VICE-CHAIRMAN OF THE AUTHORITY

MERSEYSIDE FIRE & RESCUE AUTHORITY

SUCCESSION PLANNING POLICY

CHAIRMAN AND VICE CHAIRMAN OF THE AUTHORITY

1. Policy

The Authority recognises that it must plan for succession for positions of:-

- (a) Chair and Vice Chair of the Authority, and
- (b) Independent Members appointed to the Standards Committee.

2. Implementation

- 2.1 At each annual meeting of the Authority, the Solicitor to the Authority shall request an indication from all Members as to whether there are any Members who would wish to put themselves forward for consideration as either a future Chair or Vice Chair.
- 2.2 If there are Members who are prepared to undertake either of these roles, then arrangements will be made to enable prospective Chairs and Vice Chairs to shadow the existing Chair and Vice Chair over a period of time.
- 2.3 The Solicitor to the Authority shall arrange for an external selection process for selection and appointment of Independent Members, which will be completed in ample time to enable newly appointed independent Members to take up their appointments of independent Members.
- 2.4 The Solicitor to the Authority shall seek to retain a list of external candidates, who may be willing to take up an appointment as an Independent Member in the event that any serving Independent Members suddenly become unable to continue as an Independent Members suddenly become unable to continue as an Independent Member for any reason.

MERSEYSIDE FIRE & RESCUE AUTHORITY

**PROTOCOL FOR MEMBER & STAFF
RELATIONSHIPS**

Protocol on Member and Officer Relations

“Every Local Authority should have its own written statement or protocol governing relations between Members and Officers” (Third report of the committee on standards in public life, the Nolan Committee)

1. Introduction

- 1.1 The relationship between the Elected Members and the officers of the Fire Authority is one of its main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between Elected Members and officers. This protocol is prepared to meet those requirements but against a background of a good working partnership which benefits everyone who serves or is employed in the Authority. It will provide a safe guide to help ensure that current good practice continues.
- 1.2 The Fire Authority recognises that a strong, constructive and trusting relationship between Members and officers is essential to the effective and efficient working of the organisation. Members and Officers should work in partnership in developing the policies of the Authority and in ensuring the delivery of services to the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral.
- 1.3 This protocol takes into account the respective and different roles of Members and Officers and does not seek to change or influence these roles. The intention is to build on the good relationship which already exists.
- 1.4 It is accepted that from time to time issues do arise which need to be addressed from both sides. This protocol will be used as appropriate to help in addressing any such matters.
- 1.5 It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an administration and opposition dimension which involves both Members and Officers operating in a politically sensitive climate. Officers have an obligation to serve the Authority as a corporate body.
- 1.6 This protocol forms a key part of the Authority’s approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports also the wider aims of protecting and enhancing the integrity and reputation of public services and the higher standards of personal conduct.

2. Operation of this protocol

- 2.1 This protocol will be applied to having regard to the requirements of the Members’ Code of Conduct and the Officers’ Code of Conduct, as set out in the Authority’s Constitution, and relevant Authority policies, procedures and processes. Members and Officers must at all times observe this protocol.

- 2.2 Where there is a conflict or discrepancy between this protocol and those codes and policies referred to in 2.1 above, then those codes and policies shall have precedence. Account will also be taken of any conventions in the case of conflict or discrepancy.
- 2.3 This protocol does not affect or interfere with any rights of or protection which a person may have in law.

3. Responsibility for the protocol

- 3.1 The Chief Fire Officer is responsible for the operation of this protocol and will ensure that it is reviewed from time to time.
- 3.2 He or she will rule on the interpretation and / or the application of the protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Fire Officer then the Monitoring Officer shall be the appropriate Officer under this paragraph.
- 3.3 The Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and Officer representatives and the Standards Committee where appropriate.

4. Member and Officer Roles

- 4.1 This protocol recognises that Members are elected and Officers are appointed to serve the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral and that their roles are distinct.
- 4.2 The Members are accountable to the electorate who determine the people they wish to represent them on various unitary authorities. These five Authorities then nominate Elected Members to sit on the Fire Authority.
- 4.3 Officers are accountable to the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral through the full Fire Authority.
- 4.4 Councillors are mainly responsible for:
- The political direction and leadership of the Authority. The determination of policies, plans and strategies and deciding matters to give effect to or implement those policies, plans and strategies, particularly in service delivery terms.
 - Performing the Authority's regulatory functions.
 - Monitoring and reviewing functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
 - Participation in partnership working.

- Representing the Authority on national, regional and local bodies and organisations.
- Representing the views of their communities and individual constituents in respect of the work of the Fire Authority.

4.5 Members should not involve themselves in the day to day management of the Authority's services as the responsibility rests with the Chief Fire Officer and Senior Managers and there are clearly defined lines of accountability to Members.

4.6 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chair or a committee panel or as lead or champion Member for a specific area of the Service. The holding of these Offices will involve a different relationship with certain Officers in areas where the Member has a particular role and responsibility. Also, the relationships will be more complex and expectations will be different from other Members.

4.7 The roles of certain Members and Officers can be summarised as follows:-

Chair – Chair of the Authority who is responsible for promoting and developing the Authority

Vice Chair – who deputises for the Chair in their absence

Committee Chairs - who Chair and co ordinate Committee meetings and work together to ensure effective scrutiny. The Chair of the Standards Committee is independent but is responsible for chairing that Committee and co coordinating its work

Deputy Chairs of Committees – who deputise for Chairs in their absence and assist in coordination of work

Opposition Spokesperson – who leads the main opposition Group and represents it at meetings of the Authority and its Committees

Minority Party Group Leaders – who lead the other opposition Groups and represent them at meetings of the Authority and its Committees

Group Whips – who are responsible for the organisation and administration within Party Groups and for liaison with Officers about Members' attendance at meetings and representation on outside bodies

4.8 It is important that Members of the Authority:

- Respect the impartiality of officers and not undermine their role in carrying out their duties.

- Do not ask officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
 - Do not ask officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.
- 4.9 This protocol recognises the role of opposition groups in the Fire Authority acting individually or jointly, and that relationships will be again different and complex. Members in opposition have the same rights and obligations in their relationships with officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then the requirement of 4.6 above will apply.
- 4.10 It is however envisaged that all members will work co operatively to ensure that the Fire Authority meets its statutory obligations and provides an effective and efficient Fire and Rescue Service to the people of Merseyside
- 4.11 The primary role of officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.
- 4.12 In performing this role, officers will act professionally, impartially and with political neutrality. Whilst officers will report a Member's view on an issue, the officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.
- 4.13 The Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer) have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Fire Authority. Where an officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:-
- Interfere with or obstruct the officer in exercising those responsibilities.
 - Victimise any officer who is discharging or has discharged his or her responsibilities of the statutory office.

5. Member/Officer Obligations and Expectations

- 5.1 Members will require and expect officers:-
- To be committed to the Authority as a whole and not to any political group or individual.
 - To work in partnership with Members in an impartial and professional manner.
 - To understand and support the respective roles of Members and the associated workloads and pressures.

- To implement decisions of the Fire Authority and its subordinate committees which are lawful, have been properly approved in accordance with the law and the Authority's Constitution and formally recorded.
- To respond to enquiries and complaints in accordance with the Fire Authority's standards.
- To provide professional advice, which is not influenced by political views or preferences, and which does not comprise the political neutrality of officers.
- To provide information as agreed on matters that can reasonably be considered appropriate and relevant to their needs, taking into account the Members' individual responsibilities and position and the requirements on Members' access to documents and information, subject to specific exclusions, e.g. personal interests and confidentiality.
- To be aware of and sensitive to the internal and external political environment.
- To act with honesty, respect, dignity and courtesy at all times.
- To provide support and learning and development opportunities for Members to help them in performing their various roles.
- To act with integrity and appropriate confidentiality.
- Not to raise issues of a personal nature outside agreed procedures.
- Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- To comply at all times with the officer code of Conduct and such other policies or procedures approved by the Fire Authority to support the role of Councillors with any policy or procedure agreed by the Fire Authority.
- Not to support Members in any role other than that of a Fire Authority Member and not to undertake any actions which are not compatible with this Protocol.

5.2 Officers can expect Councillors:-

- To act within the policies, practices, processes and conventions established by the Fire Authority.

- To work constructively in partnership with officers, acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.
- To give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision and issues based on advice.
- To treat them fairly and with respect, dignity and courtesy.
- To act with integrity, to give support and to recognise appropriate confidentiality.
- To recognise that officers work to the instructions of their senior officers and not to individual Members.
- Not to subject them to intimidation, harassment or put them under pressure. Councillors will have regard to the seniority of officers in determining what are reasonable requests, having regard to the relationship between with Councillor and officer and the potential vulnerability of officers, particularly at junior levels.
- Not to request them to exercise discretion which involves acting outside the Fire Authority's policies and procedures.
- Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Fire Authority, or in their role as Member of the Fire Authority without proper and lawful authority.
- Not to use their position or relationship with officers to advance their personal interest or those of others, or to influence decisions improperly.
- To comply at all times with the Members Code of Conduct, the law, the Constitution and such other Policies, Procedures, Protocols and Conventions agreed by the Fire Authority.

6. Behaviour Limitations

- 6.1 The different roles of Members and Officers require particular limitations upon behaviour. Both Members and Officers need to ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.

- A close personal relationship between a Member and an Officer can confuse their separate roles and influence the proper discharge of the Authority's functions, not least in creating a perception that a Councillor or Officer may be securing advantageous treatment.
- The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an officer, both in relation to personal matters and party political issues.
- Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Councillor or group above the others.

7. Members' Access to Information

7. 1. Information requested by Members should be supplied to them unless there are good reasons for withholding it in accordance with this Protocol, and those reasons are given in writing and copied to the Monitoring Officer. Information requested should be supplied accurately and quickly. In a few instances, the need to meet legal constraints, and to protect the Authority's and the public interest, may lead to contention. The following paragraphs set out some guidance on how to resolve those issues.

They describe:-

- the circumstances in which members have a legal right to access the information
 - the limits to those legal rights
 - the process that will determine a dispute
7. 2. Under the "need to know" principle, Members are entitled to the information that they reasonably require to enable them to discharge their functions as Members. They are not entitled to go on fishing expeditions through Authority files. They are not entitled to access information for some other purposes, such as to help somebody to attack the Authority. Their rights will therefore depend on their individual roles, and on which Committee they serve on. Statute law gives Members rights of access to certain Authority documents.
7. 3. Members do not have a general right to require Officers to carry out research or administrative work to provide information, apart from officers whose job is to provide such support to Members. Unless they have authority to do so by virtue of their specific role they cannot require resources to be re-allocated for work of this kind, however, all officers will assist wherever they can.
7. 4. Members are entitled to publicly accessible information, and personal information about themselves, like any other member of the public (for example under the Data Protection Act or in due course the Freedom of Information Act). Members may be authorised by a member of the public to

access personal information on their behalf, but the authority must be clear and explicit.

7. 5. An Officer may require a Member to undertake that the information will be treated as confidential before supplying it, and may refuse to supply it if the undertaking is not given. Reasons for confidentiality should be given in writing and subject to the Right of Appeal to the Monitoring Officer.
7. 6. Information provided by Officers should be prompt and accurate.
7. 7. Any Member who is dissatisfied with the decision to withhold information should complain to the relevant Director. If a Member is still dissatisfied, they should raise the matter with the Chief Executive and Chief Fire Officer, who may take legal advice. If the Member disagrees with the decision of the Chief Executive and Chief Fire Officer they can place the matter before the Authority, or the relevant Committee, or raise it with the District Auditor.

8. Confidentiality

8. 1. Members and Officers must keep confidential information and papers confidential. This means not sharing them with anyone.
8. 2. Authority and Committee papers marked "exempt" are "confidential" and are to be treated as confidential. Other information may be confidential because it is against the Authority's or the public interest to disclose it or because of the circumstances in which it was obtained.
8. 3. Information about someone's private or business affairs will normally be confidential, as will their correspondence with the Authority.
8. 4. Officers should make it clear to Members if they are providing them with confidential information. If a Member is uncertain about whether or not information might be confidential, he or she should seek guidance from the Monitoring Officer, and in the meantime treat it as confidential.
8. 5. If a Member receives confidential information but thinks that it should be released on a "whistle-blowing" basis in the public interest, he or she must check with the Chief Executive and Chief Fire Officer, Monitoring Officer or Chief Finance Officer or the appropriate external Regulatory Authority before deciding to release it.

9. Personal Relationships

9. 1. The relationship between Members and Officers must be based on mutual respect and confidence.
9. 2. Close personal relationships between Officers and Members can arise, for example, where a Member's relative works for the Authority. This needs special care. The Member should declare the relationship to his or her Group Leader or Whip. The Officer should declare a relationship to his or her line

manager, who should make it known to the Clerk and Monitoring Officer. These disclosures should be recorded in writing. They may be made on a completely confidential basis, that is to say on the very clear understanding that no one else will be told without both parties' consent. If there is a special reason why the Group Leader, Whip or Line Manager should not be told then the advice of the Monitoring Officer should be taken. The Officer and the Member must strive to avoid giving any impression of favouritism. The relationship may give the Member a declarable personal interest, and possibly a prejudicial interest preventing him or her from relevant Authority activity. The Officer may be unable to carry out certain activities that would otherwise be part of his or her job. Both need to bear these constraints in mind when they seek changes in their areas of responsibility. In an extreme case the relationship may make it impossible for them to perform those responsibilities properly.

9. 3. Officers and Members should likewise strive to avoid developing antagonistic or combative relationships with each other. They should show respect to one another at all times. Offensive behaviour by an Officer to a Member is likely to be a disciplinary offence. Offensive behaviour by a Member to an Officer is likely to be a breach of the Code of Conduct.
9. 4. A Member who is criticised by another Member can answer back. It would not be appropriate for an officer to do so. Members should avoid public criticism of individual Officers, as it is unfair and oppressive. Members should not attempt to pressurise individual Officers to give them preferential treatment, or to compromise their professional integrity.
9. 5. Officers' performance is monitored by their line managers and the performance of each service is monitored by the Authority.
9. 6. Complaints about the performance of individual Officers should be made to their line managers. Complaints about Directors should be made to the appropriate line manager on the Executive Leadership Team. Complaints about the legality or financial probity of the activities of the Chief Executive and Chief Fire Officer should be made to the Monitoring Officer and the Chief Finance Officer. Otherwise complaints about the Chief Executive and Chief Fire Officer should be placed before the Authority or taken to the appropriate external regulator such as the District Auditor.
9. 7. If a Member has a personal, private or business interest in a matter being dealt with by an Officer, he or she should strive to ensure that no suspicion of preferential treatment can arise. The objective should be as much transparency as possible, but subject to this it may be better for the Member to arrange for someone else to deal direct with the Officer. The Member should write to the relevant officers placing it on record that he or she does not expect preferential treatment. A Member should not badger or pressurise the Officer, or use ease of access to his or her personal advantage.

10. Officers, the Board and Committees

10. 1. Reports to the Authority, its Committees and Management Board are made by officers. Initially the reports will have been drafted by Officers, and they will bear the name of the Reporting Officer (usually a member of the Executive Leadership Team) and a Contact Officer.
10. 2. The agenda for the Management Board is agreed by the Chief Fire Officer and the Chairman (or Vice Chairman). The agenda for a Committee is agreed by the Chair on the advice of the relevant Officers. If, exceptionally, an Officer needs to report to an Authority body outside these principles but in discharge of his or her professional or legal duty, the Officer must consult the Chief Executive and Chief Fire Officer and the Chair of the body in question first.

11. Correspondence

11. 1. Only the Chair (or Vice Chair) can write official letters (that is to say a letter intended or appearing to be written on behalf of the Authority as a body, as opposed to on behalf of an individual member) although generally officers will handle correspondence of all kinds. Chairs of Committees may write letters concerning the conduct of their meetings, but not otherwise. Members writing official letters on behalf of the Authority must use a style which distinguishes this from the letters written in their personal or political capacities. Other Members' letters are written in personal or political capacities.
11. 2. A Member can ask an Officer to keep their correspondence private. If the Officer cannot do this (because they are under an obligation to someone else, or because the Authority ought to respond to the issue raised in a different way) they must make this clear straight away. Otherwise, the Officer must observe confidentiality.
11. 3. Unless correspondence is private, Officers may copy letters of general interest to the relevant Member or Committee Chair. They should always state that they are doing this on the letter itself. Officers should never copy Members' correspondence to other Members secretly.
11. 4. Officers should be aware that members may circulate their letters to the public unless requested not to do so.
11. 5. This all applies to e-mails.
11. 6. If an Officer needs to reproduce and communicate an oral conversation with a Member in written form, he or she will copy the correspondence to the Member concerned as a matter of courtesy.
11. 7. Officers should respond to correspondence from Members within 5 working days.

12. Staffing Matters

- 12.1. Members may be formally involved in staff recruitment, disciplinary and grievances issues as a member of a panel.
- 12.2. That apart, Members should not become personally involved in such matters.
- 12.3. Officers should not raise individual personal issues with members concerning their jobs.
- 12.4. If a member receives a "whistleblowing" disclosure from an employee he or she should pass it on in accordance with the whistleblowing code (Appendix 5). Members should contact the Monitoring Officer should they require guidance.

13. Authority Property

- 13.1. Individual Members do not have a general right to visit Authority premises or land that are not open to the public. However, Members are encouraged to visit Fire Stations and other Fire Authority premises.
- 13.2. Members may have a "need to know" what is happening on Authority premises in the same way as they have access to other information. This will entitle them to visit premises for specific such as scrutiny.
- 13.3. If Members do visit premises, they should normally make themselves known to the person in charge.

14. Attendance at Meetings

- 14.1. Members may wish Officers to attend public meetings to provide them with support. This is subject to the principles set out below:-
 - Officers cannot become involved in political debate. This includes public meetings at which members are not present.
 - Officers will be able to explain particular proposals and issues but technical officers are not expected to deal with issues outside their area of knowledge.
 - Officers will not normally attend such meetings after the publication of notification of election.
- 14.2. Officers may be invited to public meetings by local people or Organisations. If so, they should consider whether any Members, should be notified.

15. Political Groups

- 15.1. It is in the interests of the Authority to support to some degree the effective operation of all its political groups and not one particularly group. The operation of Political Groups may, however, pose particular issues for officers in terms of their impartiality.

- 15.2 A political group may request the Chief Fire Officer or a senior manager to prepare a written report on a matter or matters relating to the Authority for consideration by the Group.
- 15.3 An officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications or the matter or any option. Such reports will not include any recommendations.
- 15.4 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.
- 15.5 A political group may request the Chief Fire Officer or a senior manager to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Fire Officer or senior manager may arrange for the attendance of the representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 15.6 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any option.
- 15.7 All officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.

16. Breaches of the Protocol

- 16.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Brigade Manager. Where the officer concerned is a Brigade Manager, the matter should be made with the Chief Fire Officer. Where the employee concerned is the Chief Fire Officer, the matter should be raised with the Monitoring Officer.
- 16.2 On the Members side, where the relationship between Councillors and officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Councillors. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate, in certain circumstances. In the event of a Grievance or Complaint being upheld, the matter will be referred to the Chief Fire Officer who, having advised the Chair of the Authority and the other appropriate party spokespersons, will decide on the course of action to be taken, following consultation with the Standards Committee if appropriate.

16.3 Breaches of the Protocol by a Member may result in a Complaint to the Standards Committee and in the case of officers may lead to Disciplinary Action.

MEMBERS TRANSPORT GUIDANCE

MERSEYSIDE FIRE AND RESCUE AUTHORITY

MEMBERS TRANSPORT GUIDANCE

Introduction

In order to attend meetings of the Authority, its Committees and other approved duties which are for the purpose of or in connection with the discharge of the functions of the Authority, the elected Members of the Authority are entitled to claim travelling allowances in accordance with the Local Government Act 1972 and the Local Authorities (Members Allowances) England Regulations 2003 (as amended). The Members Allowance Scheme of the Authority provides for travel allowances payable at specified rates to any Councillor who carries out any approved duty as defined in the Scheme.

This document sets out the guidance of the Authority with regard to the various options available to elected Members for travelling to perform their duties. It also sets out the allowances that they are eligible to claim in respect of any travel expenses that they do incur.

Policy

Guiding Principles for Members Transport

Members are asked to attend meetings and other duties wherever possible by use of their own vehicles, public transport or where no public service is reasonably available, by taxi. Where a taxi is not available the use of a hired vehicle may be authorised by the Solicitor to the Authority. It is accepted that such modes of transport represent the most convenient and best value options for both Members individually and the Authority in general.

The “last resort” option would be for Service vehicles, driven by Service personnel to transport Members to their duties. However this is clearly a costly and inefficient use of resources and it would also inevitably, on occasion, prove logistically impractical, particularly as Members are not permanently based at any particular Service premises. However there will be certain instances where transport of Members by Service vehicle is appropriate and this guidance indicates such circumstances and the procedure which should be followed in the event that a request for such use is contemplated.

Strategy & Member Development will provide a journey planning service to Members for all journeys outside the county area. Members are requested to advise the Unit of the date and location of the event they are attending as soon as they become aware of it. An assessment will then be made of the most efficient and effective mode of transport, given the specific circumstances of the journey and according to the balance between the criteria of time saved, the alternative available modes of public or private transport, the cost of such alternatives, the practicality, convenience and ease of travel for the individual and the implications for the Authority of otherwise providing transport directly.

In the event that the Authority directly meets the cost of providing transport, Members are not entitled to claim an expense.

In certain situations, as detailed below, Members are requested, where possible, to provide receipts or other evidence of expenditure for costs actually incurred in the course of travel.

Use of Members Own Vehicles

If Members on approved duties use their own private motor vehicle, they are entitled to claim back the following mileage allowances:

Motor Cycle	22.6 pence per mile
Motor Vehicle	56.4 pence per mile

Members may claim the amount of actual expenditure for car parking and of tolls for tunnels or bridges. If absent overnight on an approved duty, reimbursement of the actual cost of garaging a motor vehicle may be made to Members.

All of the above claims can be made by completing the standard yellow claim form for allowances that are available from Strategy & Member Development. Receipts or other evidence of expenditure, if possible, are requested where claims are made for car parking or garaging fees. They will not be required for payment of Mersey Tunnel or other toll fees.

Use of Public Transport

Rail

Members, if they so wish, are entitled to use first class rail travel, where it is available or otherwise they may use second class, ordinary or any saver fare that is available.

Claims for reimbursement of transport within the county by way of the Merseyrail network should be made to Strategy & Member Development on the standard allowances claim form.

In respect of travel by rail outside the county, Strategy & Member Development will make arrangements in advance, specifying the time and date of travel and the nature of the tickets they require. It should be remembered that, in particular with rail travel, discounted and saver tickets are available when tickets are reserved sufficiently in advance. Alternatively, if appropriate, Members may meet the costs of travel themselves and reclaim the expenditure later, providing receipts or other evidence of expenditure wherever possible.

Bus, Ferry and other Public Transport

Members may claim first class travel where available or otherwise the actual amount of the ordinary fare or any saver fare where available. Claims should be made on the standard claims form.

Use of Taxis

The Solicitor to the Authority is delegated to determine if a specific journey by taxi is acceptable by undertaking an assessment of the balance between time saved, alternative available modes of public or private transport, the cost of such alternatives, the practicality, convenience and ease of travel for the individual and the implications for the Authority of otherwise providing transport directly.

After considering the above issues and having determined that there are clear circumstances - such as there being a case of urgency or where no public transport service is reasonably or directly available – where the use of a taxi is acceptable, the Solicitor to the Authority will authorise such use. Members should claim on the standard form the actual fare incurred and any reasonable gratuity paid. Receipts or other evidence of expenditure, where possible, should be provided. Members should use the direct taxi booking arrangements notified to Members, via CabFind (tel: 0870 1700 777).

Use of Hired Vehicle

Where there is an entitlement, as detailed above, to reclaim taxi fare and where such a vehicle is not available or where the likely cost of the fare is excessive, a Member is entitled to be repaid the cost of hiring a motor vehicle other than a taxi. However, if such an event is likely to occur, Members are requested in the first instance to contact Strategy & Member Development. They will ascertain first of all the possibility of a Service vehicle being provided or if not, they will arrange for the Service to make appropriate efforts to hire a suitable vehicle for the use of the Member. In the event that this is not possible and the Member hires the motor vehicle directly, they should provide appropriate receipts or other evidence of expenditure when submitting a claim for reimbursement.

Air Travel

Members are entitled to claim the railway fare between destinations or where travelling on a flight scheduled to take at least five hours, a sum equal to the cost of club class.

In most cases the Authority, via Strategy & Member Development, will directly meet the costs of air travel but in the event that Members do pay their own fare, they should provide receipts or other evidence of the fare, along with their claim for reimbursement.

Use of Transport provided by Service

Members will be assisted with directly provided transport for certain particular events. There are two broad categories for the provision of Service transport:-

- (i) where for a visit which will involve a number of Members, (for example a Members Strategy Day or a visit to the Fire Service College or Westminster) the Authority directly arranges transportation, usually in the form of a car, minibus or coach, in order to minimise overall transport costs; and
- (ii) where there is a direct request from a Member for the use of a Service vehicle and/or the provision of a Service driver.

In the latter category, the Member should initially make their request to Strategy & Member Development who will act on behalf of the Solicitor to the Authority in liaising with the Chief Executive and Chief Fire Officer to ascertain if the request is feasible both in terms of the availability of a vehicle and/or driver and of the existence, in the specific circumstances, of any potentially more economic and practical alternatives such as the use of a taxi.

Members in possession of a full, valid driving licence, are insured to drive Service vehicles and are eligible to make a request to do so. In the event that Members are authorised to self-drive a Service vehicle and that it is necessary for them to purchase petrol, oil or any other necessary commodity or accessory which is essential to ensure they complete their journey, they may claim reimbursement of the actual costs incurred. Receipts or other evidence of expenditure should be produced wherever possible.

Travel Insurance

Members are requested to ensure that Strategy & Member Development are aware in advance of all occasions when they will be either travelling outside the UK or travelling by air as such trips will require specific notification to the insurers of the Authority.

SUPPORT SERVICES FOR MEMBERS

1. The Authority provides support services for Members:-
 - Group officers, including administrative officers and facilities;
 - ICT facilities;
 - Development and training;
 - The Members' research facility in Strategy & Member Development Department;
 - Allowances and expenses;
 - Official transport.
- 1.2 There are three constraints on the use of these facilities: legal limits, cost factors, and the importance of providing equivalent facilities to all political groups.
- 1.3 Members must not abuse these facilities. This protocol sets out the general principles.
- 1.4 None of these rules affect the activities of Members using other resources, for example using support provided by their political parties. Political lobbying and campaigning is an essential part of the government at all levels. The different level of resources available to the different political parties and groups is not a matter for the Authority.
- 1.5 Authority resources must never be used for party political publicity. "Publicity" has a very wide legal definition - any communication to any section of the public is covered.
- 1.6 Leaving aside publicity, the Code of Conduct says "a Member..... Must when using or authorising the use by others of the resources of the Authority..... ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed."
- 1.7 Resources are limited, so explicit limits are placed on copying, posting etc. These can be waived in exceptional circumstances by the Director of Strategy & Member Development or Member Liaison Officer, or the Clerk, but the situation must be truly exceptional. Members should not divide up work into parcels, or trade entitlements to find ways around the limits.
- 1.8 Members using IT facilities must abide by the Authority's email and intranet code. A copy of the policy is included in the document entitled Members Policy & Guidance Documents.

- 1.9 Members must not use any facilities for their own private purposes, unless they are just using spare capacity at no cost to the Authority and in accordance with any instructions given by the Authority.
- 1.10 Official cars and taxis are made available to Members and Officers solely for use on official duties. Guidance is included in the document entitled Members Policy and Guidance Documents.
- 1.11 Members' allowances, and subsistence and travel expenses, are paid in accordance with the Scheme and the legislation. Members may only claim expenses that they have actually incurred, and that they needed to incur for Authority activities. This should comply with the legal code.

INTERNET, INTRANET AND EMAIL USAGE

The existing Standard Operating Procedure ADM 0069 has now been extended to cover software downloading and the reporting of Internet usage. ADM 0069 is now incorporated within this suite of procedures.

Policy

This policy covers access to the Internet, the use of e-mail facilities through computer equipment hardware and software (systems), owned or licensed by MF&RA and the use of any telephone system owned or rented by the Authority. Use of the Internet is a complex technical issue and this policy cannot cover all eventualities. However, it is the individual's responsibility to use the facility responsibly and use judgement and common sense about what is acceptable. Breaches of policy will be treated very seriously. Anyone who has access to the facility of e-mail and the internet, i.e. 'authorised users', and telephone users are required to read and comply with this policy. The policy contains rules that form part of your terms and conditions of employment and are of crucial importance therefore it is vital that you read this policy carefully. The policy applies equally to authorised users who are employees of MF&RA, employees of contractors, volunteer workers and Elected Members.

If an individual's access to the Authority's computer system (including Internet and email access) is at any time to be considered no longer necessary these access rights will be withdrawn. MF&RA's e-mail, telephone and Internet systems and any documentation or correspondence produced using these systems are the property of MF&RA and the Authority has the right to monitor use of its systems for business purposes. Unauthorised access or misuse of these systems are strictly forbidden, will constitute an offence under The Computer Misuse Act 1990 and will also be dealt with under the Authority's disciplinary policy and/or regulations. Excessive usage of the Internet or attempts to access blocked websites could also be the subject of a disciplinary investigation.

If there is anything you do not understand it is your responsibility to contact the **ICT Team** (the point of contact for the ICT Team is the ICT Service Delivery Manager based at Bridle Road) for an explanation.

Procedure

Any unauthorised access to any part of the Authority's computer systems (including Internet and email) is strictly forbidden and will be dealt with under disciplinary policy and/or regulations.

E-Mail

You should ensure you are aware of and comply with the rules below that cover the use of email within MF&RA.

When can I use my e-mail facility?

The Authority's e-mail system is primarily for business use, however, reasonable personal use (in terms of time and frequency) is permitted, provided that this does not interfere with your job performance or the operation of the Authority's business or

the system. You are not permitted to use MF&RA IT facilities to access personal email accounts such as Hotmail.

Can anyone else read my e-mails?

All e-mail is stored, and e-mail (including personal e-mail) sent and received by you may be inspected, examined or monitored by MF&RA or its agents, without notice if there is any suspicion of improper use. Whilst limited personal use of the e-mail system is permitted, **you have no expectation of privacy in respect of personal or business use.** MF&RA reserves the right to retrieve the contents of messages in order to delete messages that are in breach of the current e-mail policy, find lost messages or to retrieve messages lost due to computer failure or any other reason, to retrieve messages during periods of staff absence and to assist in the investigation of wrongful acts, or to comply with any legal obligation. **Authorised users will be informed that their email use is being monitored or investigated, or that their emails are being accessed, unless doing so would prejudice any investigation.** Sending personal e-mails should not adversely impact upon the employee's performance of their job and supervisors/managers are expected to be alert to potential abuses of this privilege and breaches of the policy. The Authority will only monitor the contents of email in order to assist in establishing facts where a disciplinary offence is suspected or for the prevention or detection of crime. If monitoring reveals unauthorised, inappropriate or excessive use, any serious or repeated breach of this policy or any other form of use potentially damaging to the Authority, this may lead to disciplinary action including dismissal and in the case of potential crime may also lead to the reference of such matters to the police.

Are there any restrictions to the type of information I can send via e-mail?

MF&RA will not tolerate offensive e-mails. You have a responsibility to draft all e-mails carefully taking into account possible repercussions in relation to discrimination, harassment, MF&RA representation and defamation issues. For example, you must not send or forward jokes or other material that refer to race, pornographic material, sex or disability. Even if they seem harmless to you, you must remember that they could cause offence, embarrassment or even distress to others. Distribution of such material may lead to disciplinary action being taken against you.

Such messages could also result in liability not only for you but also for MF&RA as anything done by any staff member in the course of employment is also treated as having been done by the Authority. You must also be aware that the same laws apply to e-mail as to any other written document, therefore, you should not make any inaccurate or defamatory statements or infringe copyright. Damaging or confidential e-mails may have to be disclosed in litigation or in investigations by other authorities. Under the Data Protection Act 1998 any e-mail may be disclosed to any individual named within it. E-mails containing personal data should be treated with the same care as any other document containing personal data and the Data Protection Policy and guidelines should be adhered to at all times. Use of the Authority's email systems in connection with any outside business activity, whether for profit or not, is not permitted. You should at all times ensure the security of the data you hold on your computer. Change your password frequently and lock your computer when you are not at your desk. This will also prevent e-mails being sent in your name without

your permission. Do not let others use your password; this is a personal responsibility for every user. **Unauthorised use of any other person's password to gain access to MF&RA's computer system (including Internet and email) is strictly forbidden.**

I am working at home and need to send a work related e-mail; can I use my own personal email account (such as hotmail) to do this?

It is undesirable to use any personal e-mail account you may have at home to send e-mails on behalf of MF&RA, regarding fire service matters. The e-mail you send will not contain the standard MF&RA footer, may not identify clearly who has sent it and will not give a good impression professionally, as it will not be in the standard MF&RA format. In addition we cannot ensure that any e-mail sent or received will be virus checked. If it is necessary for emails to be sent from a home account, the sender should ensure that a follow-up confirmation e-mail is sent from a work account as soon as possible. Anyone working from home and dialled into the MF&RA network must use their work account.

What if an offensive e-mail is sent to me from someone outside MF&RA?

Employees accept the risk that inbound e-mail may contain offensive material that is beyond the control of MF&RA. If you do receive an offensive in-bound e-mail then please ensure you report it to your line manager straight away. **If you continue to get such e-mails please advise the ICT Team.** If you keep offensive emails on your computer you could be subject to disciplinary action, even if you were not the originator of the email.

I regularly get attachments from people outside MF&RA; can I open these straight away?

We have an automatic virus check on the system that deals with attachments on internal and external e-mail. **However, if there is any doubt as to the source of an e-mail, or it looks suspicious DO NOT OPEN IT, inform a member of the Marconi ICT Helpdesk (the ICT Help Desk can be contacted by telephone on 0151 254 1239 or by e-mail to Help Desk) immediately.**

Internet Use

MF&RA encourages authorised staff to access the Internet when direct work-related benefits can result.

Can I use the Internet for personal use?

MF&RA's Internet access is primarily for business use, however, reasonable personal use is permitted provided that this does not interfere with your job performance or the operation of fire service business or the system. Personal use should be limited to lunchtimes and before or after working hours (unless expressly agreed by the line manager), subject to limitations regarding the type of information that may be accessed. Line managers are, as far as possible, expected to supervise and manage the personal use of the Internet by their staff.

Note - It is important that staff in the Mobilising and Communications Centre MACC do not download from the Internet, as this would place the mobilising system at risk.

What represents excessive use of Internet Resources?

The following activities are prohibited because of the drain they create on Merseyside Fire & Rescue Service's Internet access capacity:

- . Downloading any file over 10 MB from the Internet for personal use
- . Viewing video media via the Internet
- . Listening to audio media via the Internet
- . Any type of continuous media streaming

Is there a record of all the sites I access?

MF&RA will not monitor **all** Internet usage but reserve the right to do so at any time as is necessary to investigate suspected breaches of the policy. Whilst limited personal use of the Internet is permitted, you have no expectation of privacy in respect of personal or business use. The ICT Service Delivery Manager will arrange for monthly reports of internet usage to be reported to CLT members for their Departments and, if requested, will provide more detailed information on an individual's internet or e-mail usage. In addition, MF&RA will monitor the types of sites being accessed and the extent and frequency of use of the Internet by a random sample of workstations each year. This is to ensure that the system is not being abused and to protect the Authority from potential damage or disrepute. If monitoring by managers or random sampling reveals unauthorised, inappropriate or excessive use, any serious or repeated breach of this policy, or any other form of use potentially damaging to the Authority, this may lead to disciplinary action including dismissal.

Are there any sites I cannot enter?

Access to sites containing offensive material including, but not limited to, sexually explicit content is **strictly prohibited** and is a violation of the Authority's policy which will be dealt with through the disciplinary procedure. We also reserve the right to block access to certain Internet sites when we consider it necessary, including but not limited to, sex sites or chat rooms. **If any employee accesses sites containing offensive material in error you must inform the ICT Team immediately and keep a note of the date and time that the access occurred.**

I would like to buy something over the Internet, can I do this?

Purchasing on-line is not deemed Fire Service business unless it is performed by the relevant departments, such as Finance and Purchasing. To that end, special access to secure sites for secure business transactions is limited to such departments. Personal purchases over the Internet are also deemed non-business functions and are permitted only with the relevant line manager's permission. However, such purchasing is at the users own risk.

A site I have entered has asked "do I want to download the information", can I do this?

N.B. Due to the business critical nature of the FIRES mobilising system, staff in **MACC are not permitted** to download any material from the Internet at this time. Staff will be advised if this changes in the future. You have a responsibility to ensure that copyright and licensing laws are not breached when downloading information from the Internet. For example if you were downloading a document in an application programme that is not loaded on your computer, you may be prompted to install the application. **If this situation occurs please contact the IT Helpdesk for**

advice. Software must not be downloaded without first checking with the IT Helpdesk regarding the potential copyright and licensing implications.

Can I download any material from the Internet?

Downloading offensive, obscene or indecent material is strictly prohibited. Downloading certain pornographic images may constitute the committing of a criminal offence. No inappropriate software should be stored on any of MF&RA's systems, local or network disk drives or hard drives. You should not download or use material from the Internet that may be in violation of software license, copyright, trademark or patent laws. You should not download, install or use any unauthorised software or data from the Internet, including but not limited to, applications, screen savers, sound files, video clips, or graphics files. **If you are in doubt about the material you wish to view or download, you should speak to the ICT Team for clarification.** If a user has a valid and approved reason for a piece of software available on the Internet, they will inform the ICT Help Desk using the standard Software Request Form. The Software Acquisition, Delivery and Installation Procedure (see section 2) must then be followed.

Do I need to worry about viruses whilst using the Internet?

The greatest risk from viruses lies in downloaded programs and executable files. Spreading of viruses is subject to prosecution under The Computer Misuse Act 1990. All software for use in MF&RA should be obtained from legal sources via the ICT Team. Any unauthorised downloading of programs onto MF&RA network systems will result in disciplinary action being taken.

Will anyone outside MF&RA be allowed to see any records on Internet activity?*

MF&RA will keep records of which workstations have been checked (including the user's name) and this information will be kept for 3 years. MF&RA will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individual Internet activities.

Telephone Use

Paying for Personal Calls

Limited personal use of the telephone system (including mobile phones) is permitted but personal calls must be paid for. Payments can be made to the finance department at Service Headquarters. Cheques should be made payable to Merseyside Fire and Rescue Authority.

Monitoring of Telephone Use

MF&RA will continue to monitor telephone calls in the Mobilising and Communications Centre (MACC). This has the benefit of assisting MF&RA and the Police in any investigations of hoax calls and criminal activity such as arson.

Review

This policy is subject to review and change as deemed necessary to provide assurances that practices properly reflect the policy and that it is feasible and effective.

Links to Disciplinary Policy

Where breaches of this policy are found to have occurred, normal disciplinary procedures apply, the level of which will depend on the seriousness of the breach.

Policy Ownership

Responsibility for issue and ownership of this policy lies with the ICT Team, Corporate Research Team and Human Resources.

Third Party Use

Requests for e-mail facilities from third parties (e.g. representative bodies) must be made in writing will be considered by the ICT Team. Where the facility is provided, all use will be subject to the provisions of this policy. *MF&RA's IT Services are managed by an external ICT Support Contractor and as a result the Contractor's staff will have access to records relating to all computer usage. The ICT Support Contractor adhere to Data Protection legislation and will only process personal data when instructed to do so by MF&RA. The ultimate responsibility for issuing such instructions in relation to personal data rests with MF&RA's nominated Data Controller ACFO (HR). For practical purposes this responsibility will be delegated to other officers by ACFO (HR). The ICT Manager is one such officer.

Further Information

For further information or questions on any aspects of this policy, please contact Strategy & Member Development

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