



**NORTH YORKSHIRE  
FIRE & RESCUE AUTHORITY**

## **North Yorkshire Fire and Rescue Authority**

### **Pension Board**

**Meeting to be held on Thursday 30 June 2016 at 2.30 pm at North Yorkshire Fire and Rescue Service Headquarters (Meeting Room 2), Thurston Road, Northallerton DL6 2ND**

#### **Business**

1. Minutes of the meeting held on 27 January 2016. **(Pages 3 to 6)**
2. Declarations of any Personal or Prejudicial Interests.
3. Local Pension Board Training – Report of the Head of Human Resources. **(Pages 7 to 8)**
4. Pensions Update – Report of the Head of Human Resources. **(Pages 9 to 13)**
5. Proposed Amendments to Code of Conduct for Members of NYFRA Pension Board – Report of the Legal Adviser, Monitoring Officer and Secretary to the Authority. **(Pages 14 to 28)**
6. Future Dates (Pension Board and training/events).
7. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.

Barry Khan  
Secretary to the North Yorkshire Fire and  
Rescue Authority

County Hall, Northallerton  
22 June 2016

Enquiries relating to this agenda please contact Ruth Gladstone **Tel: 01609 532555, or 01347 825550 immediately prior to the start of the meeting, fax: 01609 797141 or e-mail [Ruth.Gladstone@northyorks.gov.uk](mailto:Ruth.Gladstone@northyorks.gov.uk)**  
Website of the North Yorkshire Fire and Rescue Service: [www.northyorksfire.gov.uk](http://www.northyorksfire.gov.uk)

# NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

## PENSION BOARD

North Yorkshire Fire and Rescue Authority's Pension Board was established wef 1 April 2015 in accordance with statutory requirements set out in the Public Service Pensions Act 2013.

The purpose of the Board is to assist the Authority in its role as a scheme manager of the Fire Fighters' Pension Scheme. Such assistance is to:

- (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and
- (b) ensure the effective and efficient governance and administration of the Scheme.

The Pension Board comprises six members (3 employer and 3 employee representatives). Substitutes are permitted. The members and substitutes are listed below:-

1. Membership:

	<b>Name</b>	<b>Representing</b>
1.	Boasman, Carl	Member representative – Fire Officers' Association
2.	Foster, Jonathan	Employer representative
3.	Howley, Steve	Member representative – Fire Brigades Union
4.	Rushworth, Jez	Employer representative
5.	Simpson, Stuart	Employer representative
6.	Wall, Simon	Member representative – Fire Brigades Union

2. Substitute Membership:

	<b>Name</b>	<b>Representing</b>
	Biggs, Alistair	Fire Brigades Union
	Cairns, Ben	Fire Officers' Association
	Dryburgh, Dave	Employer

The Board's meeting papers, excluding any personal or confidential information, are published on North Yorkshire Fire and Rescue Service's website.

The Board is not a committee constituted under Section 101 of the Local Government Act 1972.

# North Yorkshire Fire and Rescue Authority

## Pension Board

Minutes of the meeting of the Pension Board held on Wednesday 27 January 2016 at 10.30 am at North Yorkshire Fire and Rescue Service Headquarters, Thurston Road, Northallerton.

### Present:-

Employer Representatives:- Area Manager Jez Rushworth (in the Chair), Group Manager Jonathan Foster and Group Manager Stuart Simpson.

Member Representatives:- Steve Howley (FBU) and Simon Wall (FBU).

### Advisors in attendance:-

Ruth Gladstone (assisting the Secretary to North Yorkshire Fire and Rescue Authority), Barry Khan (Legal Adviser, Monitoring Officer and Secretary to North Yorkshire Fire and Rescue Authority) and Jan Sams (Head of Human Resources).

### Apology for absence:-

An apology for absence was received from Member Representative Carl Boasman (FOA).

**All documents considered are on NYFRS's website**

## 10. Minutes

### Resolved –

That the Minutes of the Board's meeting held on 29 July 2015 be noted.

## 11. Declarations of Personal or Prejudicial Interests

No conflicts of interest were declared that this meeting.

## 12. Local Pension Board Training

Considered –

The report of Jan Sams (Head of Human Resources) which advised of information and training now available to assist Board Members in acquiring, developing and maintaining the skills and knowledge required to carry out their role.

It was reported that:-

- The Local Government Association (LGA) intended to provide further training for Members of Pension Boards in the region. Dates would be circulated to Board Members once such information became available.
- The LGA online forum was now available for Members of Pension Boards at <https://knowledgehub.local.gov.uk/group/firefighters-pension-scheme-local-pension-board-members-group-forum>

- The Pensions Regulator had produced information, including an e-learning training programme, to assist Members of Pension Boards in learning about managing public service pension schemes and to increase knowledge and understanding in carrying out the role. The information could be accessed at <http://www.thepensionsregulator.gov.uk/public-service-schemes.aspx>. It was understood that this e-learning training programme should cover the majority, if not all, the training needs identified in the personal training needs analysis completed, during August/September 2015, by each Member of this Board. It was suggested that Board Members should complete all modules of this e-learning as soon as possible and by no later than 30 April 2016.

During discussion, it was suggested that Substitute Members should also be requested to complete all modules of the e-learning by no later than 30 April 2016. Members expressed support for that suggestion.

#### **Resolved –**

- (a) That the content of the report be noted.
- (b) That Board Members and Substitute Members undertake, by no later than 30 April 2016, the e-learning programme provided by the Pensions Regulator and subsequently email their development records and updated training needs analyses to the Head of Human Resources so that knowledge gaps can be identified and addressed as part of future regional training to be provided by the LGA.

### **13. Pensions Update**

Considered -

The report of Jan Sams (Head of Human Resources) which provided information concerning the following:-

- Schemes membership information, namely:
  - The numbers of Wholetime and Retained Firefighters in each of the various firefighters' pension schemes, as at December 2015, and the numbers of those who had opted out.
  - The numbers of active members, as at 1 April 2015, in each of the various firefighters' pension schemes, including the numbers protected and tapered in the 1992 and 2006 schemes.
  - The numbers of pension members of each scheme as at pension pay date 1 January 2016.
  - The numbers of deferred members of each scheme as at 1 January 2016.
  - The number of North Yorkshire complaints dealt with during the previous five years under the West Yorkshire Pension Fund's Internal Dispute Resolution Procedure.
- Updates concerning the establishment or implementation of:-
  - The Scheme Advisory Board.

- Firefighters' Pension Scheme 1992 – Pension Ombudsman decision in the Milne v GAD case.
  - 2006 Firefighters' Modified Pension Scheme.
  - Industrial action pension buyback.
  - Firefighters' Pension Scheme 2015.
  - Auto Enrolment.
  - Firefighters' Pension Scheme 1992 – Contribution Holiday.
  - Government Actuary's Department (GAD) Firefighters' Pension Schemes Valuation as at 31 March 2016.
- Pensioner re-employment and abatement.
  - The process for obtaining pension forecasts.
  - An extract from the contract with West Yorkshire Pension Fund which set out the service specification and schedule of work for the delivery of a Firefighters' Pension Scheme and Payroll Service.

The Chairman asked the FBU Member Representatives to confirm whether the Head of Human Resources' report included the information which they had asked to be submitted to this meeting. Steve Howley and Simon Wall confirmed that the information they had requested was included in the report.

During discussion, it was suggested that the numbers of active members, as at 1 April 2016, in each of the various firefighters' pension schemes, including the numbers protected and tapered in the 1992 and 2006 schemes, might be submitted to the Board's next meeting so that a comparison might be made with the situation as at 1 April 2015. Members expressed support for that suggestion.

Steve Howley (FBU) advised that he understood that Authorities had now received the necessary information in order to write to relevant retired firefighters to implement the contribution holiday under the Firefighters' Pension Scheme 1992. Jan Sams (Head of Human Resources) advised that the Authority was not currently in a position to write because guidance was still awaited from DCLG. The Chairman asked Steve Howley and Jan Sams to share information on this issue outside the meeting.

Jan Sams (Head of Human Resources) offered to circulate to Board Members, for information purposes, the form which new starters were now required to complete to provide information relating to a public sector pension in payment, thereby enabling the calculation and application of any pension abatement which might be necessary.

Steve Howley (FBU) asked whether the Authority was actively informing relevant individuals, who the Service had re-employed, that they might have a tax liability arising from the outcome of the Pension Ombudsman's decision in the case of Milne v GAD. Jan Sams (Head of Human Resources) undertook to include such information in a letter to relevant individuals.

Steve Howley (FBU) asked whether the Authority would be circulating information about the implications of the ending of contracting-out of State Pension. Jan Sams (Head of Human Resources) advised that such information had already been circulated and that she would arrange for a reminder to be sent out.

**Resolved –**

- (a) That the content of the report be noted.

- (b) That the numbers of active members, as at 1 April 2016, in each of the various firefighters' pension schemes, including the numbers protected and tapered in the 1992 and 2006 schemes, be submitted to the Board's next meeting.
- (c) That Steve Howley (FBU) and Jan Sams (Head of Human Resources) share information to clarify when the Authority will be in a position to write to relevant retired firefighters to implement the contribution holiday under the Firefighters' Pension Scheme 1992.
- (d) That the Head of Human Resources circulate to Board Members, for information purposes, the form which new starters are now required to complete to provide information relating to a public sector pension in payment, thereby enabling the calculation and application of any pension abatement which might be necessary.
- (e) That the Head of Human Resources write to relevant individuals, who the Authority has re-employed, to advise them that they may have a tax liability arising from the outcome of the Pension Ombudsman's decision in the case of Milne v GAD.
- (f) That the Head of Human Resources arrange for a reminder to be circulated to staff about the implications of the ending of contracting-out of State Pension.

#### **14. Reporting Breaches of the Law to the Pensions Regulator**

Considered -

The report of Barry Khan (Monitoring Officer) which advised of the Pension Board's responsibility to report breaches of the law to the Pensions Regulator and set out a proposed procedure for doing so.

During discussion, Members expressed support for the proposed procedure, subject to correcting the title of the post of Director of Finance and Technical Services.

**Resolved -**

That the Procedure for reporting breaches of the law to the Pensions Regulator, as set out at Appendix A to the report, be approved, subject to correcting the title of the post of Director of Finance and Technical Services.

#### **15. Future Dates**

**Resolved –**

- (a) That the next meeting of the Board be held in June 2016, the date/time/venue to be notified by Ruth Gladstone (assisting the Secretary to the Authority) following email consultation concerning Members' and Advisors' availability.
- (b) That a half-day's training be held during May, July or September 2016, the date/time/venue to be notified.

There being no other business, the Chairman declared the meeting closed at 11.05am.

## LOCAL PENSION BOARD

**Report of the Head of Human Resources**30<sup>th</sup> June 2016

## LOCAL PENSION BOARD TRAINING

**1.0 Purpose of Report**

- 1.1 To provide an update on training for the Local Pension Board (LPB) and to consider further ongoing training to assist in acquiring, developing and maintaining the skills and knowledge required to carry out their role.

**2.0 Introduction**

- 2.1 The LPB agreed at their meeting in January 2016, that Board and Substitute Members would undertake, by no later than 30 April 2016, the e-learning programme provided by the Pensions Regulator, and email their development records and updated training needs analyses to the Head of Human Resources so that knowledge gaps can be identified and addressed as part of future regional training to be provided by the LGA. The majority have been completed and the development records returned.
- 2.2 Further training is now being provided by the Local Government Association's (LGA) Firefighters' Pension Adviser on an individual Board basis so that the training can be tailored to specific requirements, an example of a recent training programme agenda is as follows:

Introduction and Objectives

Group Discussion:

What training do individuals need to be effective Pension Board Members?

What do you think are the responsibilities of a Pension Board Member?

Introduction to the Firefighter Pension Schemes

Firefighters' Pension Fund

Scheme Membership

Roles and Responsibilities of a Pensions Board

Protections

Scheme Benefits

Current and Future Issues

Feedback

- 2.3 Members' views are sought on whether this agenda covers the issues that they wish to explore further, or if there is a specific issue that they would wish to be added; arrangements will then be made for a local training day.
- 2.4 Members are also reminded of the resources available on the knowledge hub Firefighters Pension Board Members Forum: <https://khub.net/group/firefighters-pension-scheme-local-pension-board-members-group-forum/forum>

This forum contains lots of useful information and is regularly updated and includes all emails sent to Pension Boards, along with GAD guidance. Members may also post pension questions. If you have any difficulties joining the forum please inform the Head of Human Resources.

## LOCAL PENSION BOARD

### **3.0 Recommendation**

3.1 That Members note the content of this report and consider and advise on:

- i) any additions to the training agenda at paragraph 2.2

**JAN SAMS**

**Head of Human Resources**

[jan.sams@northyorksfire.gov.uk](mailto:jan.sams@northyorksfire.gov.uk)

20<sup>th</sup> June 2016

### **Background Documents**

There are no background documents



## LOCAL PENSION BOARD

Report of the Head of Human Resources30<sup>th</sup> June 2016

## PENSIONS UPDATE

**1.0 Purpose of Report**

- 1.1 To provide Members with information on scheme membership and progress on implementation of scheme changes.

**2.0 Introduction**

- 2.1 This report provides Members with scheme membership information, together with updates on the following issues:

- Scheme Advisory Board
- Firefighters' Pension Scheme 1992 – Pension Ombudsman decision in the *Milne v GAD* case
- Industrial action Pension buyback
- Auto Enrolment

**3.0 Schemes Membership Information**

- 3.1 The following active memberships of the firefighters' pension schemes are taken from pay data as at 10<sup>th</sup> June 2016 compared to 24<sup>th</sup> December 2015 for Wholetime Firefighters, and 15<sup>th</sup> June 2016 compared to 15<sup>th</sup> December 2015 for Retained Firefighters.

## 3.1.1

Firefighters' Pension Schemes Membership	Wholetime	
	10/06/2016	24/12/2015
1992	105	115
2006	4	4
2015	179	177
Retained Modified	8	8
Opted out	6	7

The variations for wholetime members are as follows:

- **1992 scheme:** 5 retirements and 5 tapered to 2015 scheme
- **2015 scheme:** 5 who have tapered in from the 1992 scheme, less 3 'leavers' (Retained Duty System staff who have been on a temporary wholetime contract which has now ceased)
- **Opted Out:** 1 leaver

## LOCAL PENSION BOARD

### 3.1.2

Firefighters' Pension Schemes Membership	Retained	
	15/06/2016	15/12/2015
1992	0	0
2006	26	27
2015	245	232
Retained Modified	35	38
Opted out	18	18

The variations for retained members are as follows:

- **2006 scheme:** 1 tapered to 2015 scheme
- **2015 scheme:** 1 tapered in from the 1992 scheme and 12 new starters
- **Retained Modified:** 3 retirements

3.2 The following tables show the active members as at 1<sup>st</sup> April 2016 compared to the 1<sup>st</sup> April 2015, including the numbers protected and tapered in the 1992 and 2006 schemes. Data provided by West Yorkshire Pension Fund.

Firefighters' Pension Schemes Membership	Wholetime	
	01/04/2016	01/04/2015
1992 Protected	70	81
1992 Tapered	40	45
2006 Protected	2	5
2006 Tapered	2	2
2015	177	163
Retained Modified Protected	5	8
Retained Modified Tapered	3	3

Firefighters' Pension Schemes Membership	Retained	
	01/04/016	01/04/015
1992 Protected	0	0
1992 Tapered	0	0
2006 Protected	11	13
2006 Tapered	15	19
2015	234	194
Retained Modified Protected	29	24
Retained Modified Tapered	6	6

3.3 The following table shows the pension members of each scheme as at pension pay date 1<sup>st</sup> June 2016, compared to those at 1<sup>st</sup> January 2016.

## LOCAL PENSION BOARD

### 3.3.1

<b>Pension Members</b>	<b>01/06/16</b>	<b>01/01/16</b>
1992	501	494
2006	10	12
2015	0	0
Retained Modified	30	23

The variations for pension members are as follows:

- **1992 scheme:** 7 retirements
- **2006 scheme:** 2 previously costed to this scheme now in Modified
- **Retained Modified:** 2 from the 2006 scheme, 3 retirements implemented and 2 deferred pensions implemented

3.4 The following table shows the deferred members of each scheme as at 1<sup>st</sup> June 2016 compared to those at 1<sup>st</sup> January 2016.

### 3.4.1

<b>Deferred Pension Members</b>	<b>01/06/16</b>	<b>01/01/16</b>
1992	29	23
2006	112	136
2015	22	0
Retained Modified	33	30

The variations in deferred pension members cover pensions that have come into payment, leavers and those who have opted out of the scheme.

3.5 There is an Internal Dispute Resolution Procedure for dealing with any complaints, this can be accessed at:

[http://www.wypf.org.uk/Member/Fire/Active/1992/IDRP/pdf/IDRP\\_Firefighters.pdf](http://www.wypf.org.uk/Member/Fire/Active/1992/IDRP/pdf/IDRP_Firefighters.pdf)

Since the last meeting of the Pension Board in January 2016, 2 complaints have been received as follows:

- Stage 1 – upheld: the complaint related to an underpayment of an injury pension.
- Stage 1 – not upheld: the complaint related to an incorrect deferred pension benefit statement, which was subsequently corrected, the complainant was seeking the pension to be brought in based on the incorrect benefit statement as this would have given a higher pension payment when it becomes due in 2019. To date, an appeal to Stage 2 has not been received.

## 4.0 **Scheme Advisory Board**

4.1 The Scheme Advisory Board (SAB) members have been appointed by the Secretary of State; they have met twice in quick succession in order to formalise terms of reference and other issues so that they can start to engage with local pension boards. Malcolm Eastwood, the Chair of the SAB is eager to engage with Local Pension Board chairs to provide a verbal update. The SAB will have a website and issue communications to pension boards and work is progressing on this matter, therefore, at this time, the minutes of the meetings and terms of reference are not available.

## LOCAL PENSION BOARD

4.2 The other SAB members are as follows:

### **Employee Representatives**

Sean Starbuck  
Samantha Rye  
Francis Bishop  
Dave Limer  
Tristan Ashby  
Glyn Morgan  
Des Prichard

### **Employer Representatives**

Cllr Maurice Heaster  
Cllr Jeremy Hilton  
Cllr Rebecca Knox  
Cllr Darrell Pulk  
Cllr Thomas Wright  
Cllr John Fuller  
Cllr Philip Howson

4.3 Notification has been received that a two day event is being planned at Local Government House in London on 10<sup>th</sup> and 11<sup>th</sup> October 2016, the current proposal is as follows, and Board members are asked to consider attendance:

- 10th October 2016  
13.30 – Firefighters’ Technical Group (all welcome)  
16.30 – Round Table for LPB Chairs and Scheme Advisory Board
- 11th October 2016  
Firefighters’ Pension Scheme AGM (for Boards and administration), times to be advised

### **5.0 Firefighters’ Pension Scheme 1992 – Pension Ombudsman decision in the Milne v GAD case**

5.1 All the payments to members affected in this Service have been made. In March 2016 the Ombudsman considered a number of claims that the interest paid on the additional lump sum does not adequately compensate for investment that could have been made if the additional lump sum had been made at retirement. The ombudsman decision on these claims is not to investigate claims on this theme. He has however, confirmed that he would now consider complaints on non-payment now the government have facilitated funding for the additional payments. He explains both these points in full in his statement:  
<https://www.pensions-ombudsman.org.uk/wp-content/uploads/Police-and-firefighters-full-announcement-March-16-1.pdf>

### **6.0 Industrial Action - Pension buyback**

6.1 All the information for RDS pension members has been provided to West Yorkshire Pension Fund (WYPF). The information, for WYPF to amend the pension records, on the 87 wholtime employees who have not bought back is more problematical, this is having to be compiled manually from the strike records; leavers are being prioritised to ensure their pension record (active or deferred), or cash equivalent transfer values (CETV), can be produced accurately.

### **7.0 Auto Enrolment**

7.1 The re-enrolment anniversary is approaching; under the rules of auto enrolment the Service has to repeat the auto enrolment process on all opted out employees, reassessing their earnings to ascertain if they should be re-auto enrolled. There are 27 employees currently that have opted out between September 2013 and August 2015. An employee who has opted out between 1<sup>st</sup> September 2015 and 31<sup>st</sup> August 2016 does not have to be reassessed until the next third year re-enrolment anniversary. Although not part of the required process we are writing to the 27 employees who may be affected, advising them in

## LOCAL PENSION BOARD

advance, that their pay, closest to 1st September 2016 re-enrolment date, will be assessed and should they be over the earnings limit they will be re-enrolled into the pension scheme, with the option to opt out again, should they so wish. Once the assessment has been completed they will be provided with the outcome and all the relevant information. This process must be completed by 28<sup>th</sup> September 2016.

### **8.0 Recommendation**

- 8.1 That Members note the content of this report and provide instruction as to who should attend the event that is being planned by the LGA and SAB in October 2016.

**JAN SAMS**

**Head of Human Resources**

[jan.sams@northyorksfire.gov.uk](mailto:jan.sams@northyorksfire.gov.uk)

20<sup>th</sup> June 2016

### **Background documents**

March 2016 Ombudsman statement:

<https://www.pensions-ombudsman.org.uk/wp-content/uploads/Police-and-firefighters-full-announcement-March-16-1.pdf>

## NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

## PENSION BOARD

30 June 2016

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

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

**2.0 BACKGROUND**

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

**3.0 PROPOSED AMENDMENTS TO CODE**

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

**4.0 PENSION BOARD REGISTER OF INTERESTS**

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

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

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

**5.0 RECOMMENDATIONS**

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

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

Background Documents:

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

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

County Hall  
NORTHALLERTON

20 June 2016

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

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

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

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

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

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

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



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

## **INTERESTS**

### ***Disclosable Pecuniary Interests***

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

### ***Disclosure of pecuniary interests on taking office***

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

### ***Pecuniary interests in matters considered at meetings***

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

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

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

### ***Other Interests***

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

### ***Sensitive interests***

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

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

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

#### **DISPENSATIONS FROM NON-PARTICIPATION**

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

#### **OFFENCES**

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

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TO **PENSION BOARD** MEMBERS' CODE OF CONDUCT  
**DISCLOSABLE PECUNIARY INTERESTS**

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

SCHEDULE

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

Securities

**Any beneficial interest in securities of a body where—**

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

For these purposes:-

“the Act” means the Localism Act 2011;

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

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

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

“M” means a member of a relevant authority;

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

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

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

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

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

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

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



## APPENDIX 2

### TO PENSION BOARD MEMBERS' CODE OF CONDUCT

#### INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

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

##### **Membership of Trade Unions/Professional Associations**

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

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# The Seven Principles of Public Life

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

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