



**Nottingham
City Council**

Part 6

Codes of Conduct

Contents

- 1 Members' Code of Conduct**
 - **Part 1 – General Provisions**
 - **Part 2 – Interests**
 - **Part 3 – Register of Members' Interests**
- 2 Code of Conduct for Employees**
- 3 Councillor/Officer Protocol**

Part 1 – General Provisions

1. Introduction and interpretation

- (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^(a).
- (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, 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.

2. Scope

- (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).

^(a) See the Relevant Authorities (General Principles) Order 2001 (S.I.2001/1401)
Version 7.3

- (5) Where you act as a representative of your authority:
- (a) on another relevant authority, you must, when acting for the 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.

3. General obligations

- (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));
 - (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) for 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) 2006 c.3.
Version 7.3

- (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^(c).

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.

^(c) 1986 c.10.
Version 7.3

8. Personal interests

- (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 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).

9. Disclosure of personal interests

- (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^(d).

10. Prejudicial interest generally

- (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

^(d) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272)

public interest.

- (2) You do not have a prejudicial interest in any business of the authority where the 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.

11. Prejudicial interests arising in relation to overview and scrutiny committees

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.

12. Effect of prejudicial interests on participation

- (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. Registration of members’ interests

- (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 appointments 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.

14. Sensitive information

- (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 changes 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.

Introduction

The purpose of this Code of Conduct is to give all employees guidance on how the City Council and the public in general expect them to behave. This Code is designed for the protection of staff and, if the Code is followed, then staff should not find themselves in a situation where their conduct could create an impression of a conflict of interest, or corruption, in the minds of the public. It cannot cover every eventuality and further guidance should be sought from an employee's Corporate Director or, in the case of Corporate Directors, the Chief Executive, if they are unsure of the standards expected of them.

1. Standards

- 1.1 All employees of the City Council are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees are expected without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service, impropriety or breach of procedure.
- 1.2 It is the Council's duty to protect employees against unjustified allegations of wrong doing and adherence to this Code is essential for this purpose. However, it should be noted by all employees that failure to comply with the standards detailed in the Code may result in disciplinary action.
- 1.3 It is expected that all employees will observe the following standards, which have been agreed by Nottingham City Council and the trade unions. All employees should:
 - have the right to be treated with respect;
 - have a duty to treat other people with respect;
 - be sensitive to other people's different needs, attitudes and lifestyles;
 - oppose all forms of discrimination;
 - help put an end to bullying;
 - be prepared to be challenged over their own behaviour.

2. Disclosure of Information

- 2.1 The City Council believes that open government is best. The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public. The Council believes that all information should be disclosed unless there is a good reason for not doing so, i.e. in the public interest or in the particular interest of clients where the information has been obtained on the basis of confidentiality.
- 2.2 Many employees obtain information in their official position which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed, during or after employment, to a third party where there is a legal responsibility to provide it, or where the employee or client or customer of the Council provides a written authority for the information to be provided.

- 2.3 The restrictions in paragraph 2.2 apply equally to information which employees may obtain from their employment about a contractor, debtor or creditor of the Council. Employees must adhere to the Council's guidelines relating to confidential information as covered by the Data Protection Act 1984. This Act requires that personal information held on computer must be obtained fairly, only used for the purpose for which it was gathered, kept up to date and accurate, kept secure and made available to individuals to let them know what is held about them. It also requires that personal information must not be disclosed to unauthorised people or organisations or kept for longer than is necessary.
- 2.4 Employees who discover information about customers or members of the public in the course of their duties which gives cause for concern (e.g. evidence of criminal activity, child abuse, etc.) are expected to report it to the appropriate level of management.
- 2.5 Employees should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way.
- 2.6 Where employees have access to and are entrusted with confidential information concerning the business or finances of the Council, or its suppliers, agents, contractors, customers, residents or employees, they shall not, during the period of employment, divulge such information except in the proper course of their duties or in any circumstances after the period of employment without the written consent of the Council.
- 2.7 Employees must not, during employment or for a period of six months after ceasing to be employed:
- (i) seek to procure orders from, and do business with, any person, firm or company who has done similar business with the Council;
 - (ii) directly or indirectly, carry on or engage in any activity or business which shall be in direct competition with the Council;
 - (iii) endeavour to entice away employees of the City Council to work for their new business.

3. Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.
- 3.2 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council whilst at work and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. Relationships

4.1 Councillors

Employees are responsible to the City Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good Local Government. Where close personal relationships between employees and individual Councillors exist, there is a need for care to be taken to avoid inappropriate standards of conduct.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they service and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. Where employees are linked to groups or individuals within the community (e.g. community associations, religious groups, or community leaders, Councillors, etc.) they must recognise the potential for allegations of bias and/or for them to be exposed to inappropriate pressure. Employees should discuss such links (or any pressure put upon them) with their line manager or Corporate Director.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's Corporate Director. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

4.4 Employees who engage or supervise contractors or who have any other official relationship with contractors and have previously had or currently have a relationship in a professional, private or domestic capacity with contractors, should declare their relationship directly to their Corporate Director or, in the case of Corporate Directors, to the Chief Executive, who should decide what action is necessary and convey that decision to the employee in writing.

4.5 No employee shall purchase for private purposes goods or services from a firm which has dealings with the City Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the City Council. This equally applies to ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. This also applies to the use of services of a contractor with whom employees have official contacts as part of their employment with the City Council. It also precludes employees from using, for private purposes, any special trading cards which the City Council may hold for Council business. It does not, however, preclude employees from benefiting from general discounts available to all Council employees, e.g. Staff Discount Scheme, Local Government Travel Club or discounts available through membership of a trade union.

5. Appointment and Other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit in accordance with the procedures laid down in the City Council's Code of Practice on Recruitment and Selection. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. Employees must not act with unfair bias either in favour or against candidates in making appointments. In order to avoid any possible accusation of bias, employees must not be involved in any appointment where they are related to, or have close personal relationship with, an applicant. (Close professional relationships between managers [and/or between managers and members of staff] should not prevent managers from being involved in appointments, provided that there is no relationship between them that would cause a reasonable on-looker to suspect that the appointment was biased either in favour or against candidates).
- 5.2 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner.

6. Outside Commitments

- 6.1 It is a condition of service that employees on the Greater London Provincial Council (GLPC) Job Evaluation Scheme above spinal column point 30 shall devote their whole time service to the work of the City Council and shall not engage in any other business (including self employment) or take up any additional appointment without the express written prior consent of their Corporate Director or, in the case of Corporate Directors, the Chief Executive. The Corporate Director or the Chief Executive reserve the right to withdraw such consent at any time in the future. (Note: It is the intention of the Council that this contractual provision should remain in force for employees at or above the corresponding pay point on the new spinal column despite the absence of a specific term to this effect in the new Green Book).
- 6.2 The Council will not unreasonably preclude any of its employees from undertaking additional employment, but any such employment must not, in the City Council's view, conflict with or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business, for example, it would be deemed quite improper for any work to be carried out for private gain that has been procured through the employee's normal duties.
- 6.3 No personal business activity or outside work of any sort may be undertaken by employees during their normal working hours for the City Council. Similarly, no Council equipment, accommodation or resources must be used in connection with these activities.
- 6.4 Although it is accepted that employees' off duty hours are their personal concern, all employees should avoid situations whereby their work and personal interests conflict or may appear to conflict.
- 6.5 Where a request is received by the Council for an officer to make a presentation, speak at a seminar, lecture or course and an individual employee is required to do this within their normal field of work and during working hours, the work will be undertaken on behalf of the City Council and any fee will be treated as income to

the Council.

- 6.6 Where an approach is made directly to an individual implicitly or explicitly because of that individual's reputation and personal skills/knowledge/ experience and a fee is payable, there is potential for the fee to be treated as income for the individual. Corporate Directors and, in the case of a Corporate Director, the Chief Executive, have discretion to grant employees paid leave to give lectures concerned with their professional discipline and to retain the whole of the fees received on the understanding that such occasions are likely to be relatively infrequent.

6.7 Intellectual Property

"Intellectual Property" is a generic term that includes inventions, creative writings and drawing. If these items are created as part of an employee's normal course of employment, then, as a general rule, they belong to the City Council. However, various Acts of Parliament apply to "Intellectual Property" and the Legal Section should be contacted for advice if any doubt exists.

7. Personal Interests (Financial and Non Financial)

- 7.1 Any personal interests, financial or otherwise, must be registered when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies. Each Corporate Director will be responsible for ensuring that all employees in their Departments are aware of the need to register personal interests in accordance with this section.
- 7.2 Section 117 of the Local Government Act 1972 requires employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest may result in prosecution. This requirement applies to all employees, irrespective of their grade. Corporate Directors should bring the Act's current requirements to the attention of relevant employees within their Department who may be affected.
- 7.3 Details of interests (financial and non financial) must be made in writing and sent to the Corporate Director, who will record declarations of it in a departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):
- the name of the member of staff;
 - the company or organisation the member of staff has an interest in;
 - what that interest is.

The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.

The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

- 7.4 To avoid suggestions of any impropriety, employees with a financial or non financial interest in a matter should not only declare that interest but also seek to distance themselves from involvement in that item. This may mean passing an issue to another colleague to deal with. Where this is not possible, employees must be open about the interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Committee meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
- 7.5 All employees involved in the award or management of contracts shall declare to their Corporate Director (or in the case of Corporate Directors the Chief Executive) any association or friendship with any contractor on any part of the Council's select list of contractors and should take no part in the tender process without their written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to their Corporate Director (or in the case of Corporate Directors the Chief Executive) any association with any person or body who is an applicant in the field of work in which that employee is engaged.
- 7.6 A Corporate Director to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

8. Equality Issues

- 8.1 All employees must have a knowledge of and be committed to the implementation of the City Council's Equality and Diversity Policy. They must ensure that all the Council's policies and procedures in relation to equalities issues are complied with in addition to the requirements of the law. All members of the community, customers and employees have a right to be treated with fairness and equity in line with the Council's positive commitment to the delivery of quality services to a diverse community.

9. Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the City Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality in dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 9.5 Employees must not use their position and knowledge of the Council to gain access

to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work.

- 9.6 Employees involved in the purchase of work, goods, materials and services must comply with the relevant standing orders and financial regulations approved by the Council.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give, any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person while the employee is acting in his or her official capacity. If an allegation is made it is for the employee then to demonstrate that any such rewards have not been corruptly obtained.
- 10.2 The absence of actual corruption is not, in itself, sufficient. Avoidance of any grounds for suspicion of corruption is also important at all times and particularly where contracts are being negotiated. Employees should, wherever possible, avoid negotiating with a potential contractor, supplier or purchaser (of land for example) on a one to one basis. Where any one to one negotiations are involved, including telephone negotiations, the employee must ensure that all steps in the negotiations are recorded, and that their Corporate Director, or where the negotiations involve the Corporate Director, the Chief Executive, has been made aware of and has approved, in writing, those steps. Standing orders, financial regulations and the policies of the Council must always be followed on all occasions.

11. Use of Resources

- 11.1 Employees must ensure and demonstrate that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community. They must comply at all times with the Council's standing orders and financial regulations.
- 11.2 Any facilities, equipment, tools, etc., provided by the Council for use in an employee's duties should be used only for those duties and for no other purpose except where the Council has agreed to private use. This applies to all facilities and property. There are approved arrangements for the use of some services for private purposes on payment of charges determined by the Council - for example, private telephone calls from the workplace; private photocopies, etc. Where approved private use takes place the appropriate charge must be made.

12. Gifts, Hospitality and Sponsorship

Gifts and Hospitality

- 12.1 The acceptance of gifts and/or hospitality by employees must be treated with extreme caution.
- 12.2 No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business of any kind with the Council or to have an interest in its decisions.

- 12.3 There is a delicate balance between acceptance or refusal of hospitality or tokens of good will on certain occasions. On each occasion a judgement must be made between causing offence by refusal or risking improper conduct by acceptance. The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable. Gifts other than such promotional materials are not acceptable.
- 12.4 Offers of hospitality and invitations to social occasions from those who do or seek business with the Council, or have an interest in its decisions, should similarly be treated with caution. They should be considered only where the scale of hospitality is of a modest standard. A working lunch or breakfast to allow the parties to discuss business might be acceptable but should be cleared with a Corporate Director first. Again, it is the duty of the employee concerned to be satisfied that personal integrity is not put at risk.
- 12.5 Employees who are invited to take part in conferences by virtue of their position with the Council should discuss the invitation with their Corporate Director before attending.
- 12.6 Details of every offer of a gift or hospitality (other than those which this code exemplifies as being acceptable) either offered to and refused or offered to and accepted by employees in their Department, including themselves will be maintained by the Corporate Director in a departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):
- the person or body making the offer;
 - the member of staff to whom the offer was made;
 - the gift or hospitality offered;
 - the circumstances in which the offer was made;
 - whether the gift or hospitality was accepted or declined;
 - if accepted the member of staff who had authorised acceptance. This acceptance should be made in writing and a copy maintained with the register. If refused, the action taken (if any) by the Corporate Director (or in the case of Corporate Directors the Chief Executive).

The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

Sponsorship

- 12.7 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 12.8 Where the Council wishes to sponsor an event or service, neither an employee, or any partner or relative, must benefit from such sponsorship without there being full disclosures of any such interest in accordance with Section 7 of this code. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

13 Membership of a Secret Society

- 13.1 All employees must declare any membership of any organisation classed as a secret society, for example the Freemasons. Such a declaration must be made in writing and sent to the Corporate Director who will record it in a departmental register(s) kept for that purpose.

The following information will be recorded in the departmental register(s):

- the name of the member of staff;
- the secret society to which that member of staff belongs.

- 13.2 The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

The definition used is in line with the Yearbook:

"Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust;
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gather or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion".

14 Employees Facing Criminal Charges

- 14.1 The City Council expects employees facing criminal charges to give notice of this, without delay, to an appropriate line manager. Employees are required to notify an appropriate line manager or Corporate Director in all circumstances, whether they personally feel the matter is relevant or not.

Addendum

In addition to the requirement laid down in Paragraph 13 the City Council expects employees in the Residential Child Care Sector of the Social Services Department to also notify an appropriate line manager of any cautions and any arrests or charges in connection with a child or children. (Personnel and Customer Care Committee July 1999).

Councillor/Officer Protocol

| | |
|---|--|
| <ul style="list-style-type: none"> • Councillors' rights to information/documents | <ul style="list-style-type: none"> • A request for information should be directed to the relevant service manager (or above) who may refer it to the Corporate Director. • Councillors must show a "need to know" • No right to a "roving commission" to go through files and documents. • Information to be used only for the purpose for which it was provided. • No right to information where conflict of interest. • Disagreements to the Chief Executive/Corporate Director of Resources |
| <ul style="list-style-type: none"> • Officer policy advice and information to party groups | <ul style="list-style-type: none"> • To be confined to Council business (officers to withdraw when party political issues discussed). • Not a substitute for report to relevant committee. • No non-councillors (other than officers) to be present. • Officers to respect confidentiality of information disclosed. • For formal group meetings at least two officers to attend (but the group's research officer may be unaccompanied). • Facility to be extended to all groups. |
| <ul style="list-style-type: none"> • Officer/ Chair / Portfolio Holder relationships | <ul style="list-style-type: none"> • Not to be, or appear to be, so close as to bring into question officers' ability to deal impartially with other councillors/groups. • Officers' duty to report to committee on particular issues to be recognised. |

| | |
|--|--|
| <ul style="list-style-type: none"> • Officer relationships with councillors generally | <ul style="list-style-type: none"> • Mutual respect/courtesy without undue familiarity. • Committee spokespersons to be kept informed about committee and other major issues. • Chairs entitled to invite other councillors to briefings, subject to need to know/confidentiality. • Ward councillors to be notified of any proposed formal consultation exercises and site visits and invited to public meetings about local issues. |
| <ul style="list-style-type: none"> • Correspondence | <ul style="list-style-type: none"> • Official correspondence to be in the name of the relevant Corporate Director or senior officer except in special cases, such as representations to government ministers. • Correspondence between an officer and a councillor may be copied to the relevant chair unless personal / confidential. |
| <ul style="list-style-type: none"> • Inspection of property | <ul style="list-style-type: none"> • Unless authorised by the appropriate committee, a councillor shall not claim to exercise any right of the City Council to inspect or enter any property. |
| <ul style="list-style-type: none"> • Committee procedures | <ul style="list-style-type: none"> • Corporate Director of Resources with relevant chair and Corporate Director to determine whether and when reports submitted, subject to the rights of Overview and Scrutiny Committees and to standing orders. • Relevant Corporate Director(s) responsible for content of reports. • Whenever it becomes apparent that a meeting will otherwise continue beyond 7.30 pm, arrangements for continuing or reconvening to be agreed. • Officers should fully explore and fairly set out the pros and cons of all relevant considerations and present them in a clear and unbiased way in both written and oral presentations |

| | |
|---|---|
| | <ul style="list-style-type: none"> • When presenting such reports, officers should generally be asked to highlight the key points and particularly to draw attention to any risks or over-riding considerations. • Officers should always be given the opportunity to reply to the debate where they are able to offer factual information, clarify, or correct any points which have arisen. They also have a duty to draw members' attention to any legal propriety. • Officers must expect that members will challenge information presented to them but members must also understand that officers cannot answer back and, therefore, they should not make personal attacks on officers. Councillors should not set out to undermine respect for officers, especially in public meetings. • Councillors should respect officers' independence and, whilst challenging recommendations, should not ask them to change recommendations on any unreasonable or improper basis. |
| <ul style="list-style-type: none"> • Media relations | <ul style="list-style-type: none"> • Information published on the Council's behalf must comply with statutory code of practice, i.e. be objective, balanced and non-party political. • Publicity to be issued through the Communications and Marketing Service • Members as spokespersons on policy may make political comment. • Officers to advise relevant Chairs of press and media enquiries. • Officers to respond with public statements only with Chair's agreement. |