



**CODE OF CONDUCT**  
**– OFFICERS**

1. **Introduction**

This Code of Conduct is based upon the Code approved by the Local Authority Associations in England and Wales and the Local Government Management Board which sets out the minimum standards that should apply to the conduct of local government officers. It has been enhanced to take into account the Council's desire to aim for best practice in the area of propriety, and to take into account issues raised by the Nolan Committee report on Standards of Conduct in Local Government in England, Scotland and Wales. The Council will provide employees with appropriate support and training in striving towards the highest standards.

2. **Principles of Public Life**

The County Council subscribe to the seven "Principles of Public Life" identified by the Nolan Committee on Standards of Public Life, and commend them as the main principles that should guide the conduct of all local government officers.

<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
<b>Integrity</b>	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
<b>Objectivity</b>	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
<b>Accountability</b>	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
<b>Openness</b>	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
<b>Honesty</b>	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
<b>Leadership</b>	Holders of public office should promote and support the principles by leadership and example.

3. **Standards Expected of a Local Government Officer**

- 3.1 You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you, and in such a way as to preserve public confidence in your authority.
- 3.2 You have a general duty to act in the interests of your authority as a whole and the local community it represents.

- 3.3 As well as avoiding actual impropriety, you should avoid any appearance of improper behaviour.
- 3.4 Where you have private interests which conflict with your public duty you must resolve this conflict in favour of the public interest.
- 3.5 You should make relevant declarations of interest whenever you consider that your personal interests may be in conflict with the authority's interests.
- 3.6 You should respect the role of the authority's councillors and treat them with courtesy at all times. The Council has already adopted a protocol to govern the relationship between members and officers and you should abide by its provisions.
- 3.7 When making appointments, awarding contracts, or transacting other business, you should ensure that your decisions are made solely on merit.
- 3.8 You should ensure that confidential material, including material about individuals, is handled in accordance with the rules laid down by the authority.
- 3.9 You should avoid accepting gifts and hospitality that might reasonably be thought to influence your judgement.

#### 4. **Political Sensitivity**

- 4.1 All employees should be aware of the provisions of the Protocol which governs member/officer relations within the authority.
- 4.2 That Protocol emphasises that mutual respect between councillors and officers is essential to good local government.
- 4.3 That Protocol also emphasises that employees serve the authority as a whole and they are required to support all councillors in their role as members, and not just those who are the controlling group.
- 4.4 The giving of advice to political groups will be in accordance with the Protocol and employees will not be required to attend meetings of the political groups.
- 4.5 Employees must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 4.6 Officers are reminded of the provisions of the 1989 Local Government and Housing Act in relation to the political restriction on the activities of certain employees.
- 4.7 Where a local authority employee holds a politically restricted post, he/she may not:
  - be an elected member of another principal council;
  - hold office in a political party;
  - canvass on behalf of a political party;
  - become an MP or an MEP.
- 4.8 The following categories of posts are subject to political restriction:
  - Head of Paid Service and Monitoring Officer;
  - Chief Officers, their deputies and assistants;
  - All posts where the salary is or exceeds spinal column point 44;
  - Posts where the holders are responsible for advising members or speaking on behalf of the authority on a regular basis (even where the salary is below

point 44);

(Those in the latter three categories may appeal against the designation of their posts as politically restricted).

## **5. Confidential Information**

- 5.1 The County Council is committed to open government. The law requires that certain types of information be available to councillors, auditors, government departments, service users and the public. The Protocol on Member/Officer Relations provides guidance on the provision of information to members. Employees must be aware of their own department's policy on releasing information to the public and should act accordingly.
- 5.2 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. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

## **6. Appointment and Other Employment Matters**

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the Council's agreed appointments procedure. 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. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

## **7. Outside Commitments**

- 7.1 Officers above Scale 6 shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional paid appointment without the express consent of the Council. Applications for consent should be submitted to the relevant Chief Officer.
- 7.2 Such consent should be given by the Chief Officer concerned in consultation with the Head of Corporate Services. The guiding principle will be that any such employment must not 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.
- 7.3 In any event, no outside work of any sort should be undertaken in the office and use of facilities - telephones or access to typists - is forbidden. Correspondence and telephone calls related to outside work are not allowed at the place of work.

## **8. Private Interest**

### **8.1 Statutory Requirements - Pecuniary Interest**

- 8.1.1 The law requires that a local authority officer should give written notice to his authority where he/she has a pecuniary interest in any contract which the authority enters into. The officer shall be deemed to have a pecuniary interest in the same way as if he were a member.

### **8.2 Additional Requirements - Pecuniary Interest**

- 8.2.1 In aspiring to best practice in the area of propriety and in the interests of maintaining consistency in relation to the requirements on both members and officers, all officers

holding politically restricted or sensitive posts should register their private interests in relation to:

- outside employment;
- contracts with the authority;
- land in the authority's area;
- licence to occupy land (eg, shooting or fishing rights);
- tenancies of local authority property;
- interest in securities in bodies which have a place of business or own land in the authority's area (but excluding shareholdings with a nominal value of less than £25,000 or constituting less than 1% of the issued share capital).

8.2.2 You should register not only your own interests but those of your spouse.

8.2.3 The register will be kept by the Head of Corporate Services and you have a personal responsibility to ensure that your entry is kept up to date at all times.

8.2.4 The register is available for public inspection during office hours.

8.2.5 Employees holding politically restricted or sensitive posts are also urged to declare the direct pecuniary interests of close family members and members of their household (eg, children, parents, brothers and sisters), whenever appropriate and when those interests are known.

### 8.3 **Declaring an Interest**

8.3.1 In the conduct of your responsibilities as local government officers all employees should immediately declare any relevant interest to their immediate line manager whenever not to do so would undermine public confidence in their activities, so that the line manager may make alternative arrangements to deal with the matter.

### 9. **Other Interests**

9.1 Employees holding politically sensitive or restricted posts are urged to register, and declare whenever appropriate, their membership or association with clubs, societies, other organisations not open to the public, and voluntary bodies.

9.2 A register for this purpose will be kept by the Head of Corporate Services which will be open to public inspection.

### 10. **Relationships with Contractors**

10.1 All relationships of a business nature must be made known to the appropriate manager.

10.2 Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Standing Orders and Financial Regulations.

10.3 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.

10.4 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

10.5 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

10.6 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.

10.7 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

10.8 Employees should ensure that no special favour is shown to current or recent 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.

## 11. **Corruption**

11.1 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 in their official capacity. If an allegation is made it is for the employee to demonstrate that such rewards have not been corruptly obtained.

## 12. **Use of Financial Resources**

12.1 Employees must ensure 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 and to avoid legal challenge to the authority.

## 13. **Gifts and Hospitality**

13.1 You should consider your position very carefully before accepting any personal gifts or offers of hospitality. You should avoid placing yourself in a position where acceptance of such gifts or hospitality might be perceived to influence your decision in respect of awarding contracts, making appointments, deciding on planning applications and so on.

13.2 The Council has opened a register for recording the receipt of gifts and hospitality and you should register gifts and invitations which are accepted in that register, which is kept by the Head of Corporate Services.

13.3 You are best advised to refuse all personal gifts and offers of hospitality that you think may damage public confidence in you.

13.4 You may receive tokens of goodwill when attending conferences or when on civic visits. You may from time to time receive diaries, pens, calendars and so on. Unless you feel there are good reasons for registering such gifts, then they may be regarded as de minimis. Where you receive anything over the value of £10 you are urged to register that gift.

13.5 Hospitality may be defined as anything beyond the offer of non-alcoholic drinks and light refreshment. You should only accept offers of hospitality if there is a genuine need for the local authority to be represented at a function.

13.6 Offers to attend purely social or sporting functions should only be accepted where these are part of the life of the community or where the authority should be seen to be represented.

13.7 When receiving hospitality, members and officers should be particularly sensitive as to its timing in relation to decisions which the authority may be taking and which may affect those providing hospitality.

13.8 Where visits to inspect equipment or related to the award of any contract are required, members and officers should ensure that the authority meets the cost of any such visits so as to avoid prejudicing the integrity of subsequent purchasing decisions.

13.9 Members and officers should not avail themselves of the services of contractors employed by the Council for acquiring materials, labour or plant at cost trade or discount prices.

- 13.10 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal, and where such hospitality does not compromise purchasing decisions.
- 13.11 Acceptance of hospitality should be authorised in advance and recorded in the register kept by the Head of Corporate Services for that purpose.
- 14. **Sponsorship**
  - 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, the conventions regarding acceptance of gifts and hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
  - 14.2 Where the authority wishes to sponsor an event or service, no councillor, employee, spouse or relative must benefit from such sponsorship without disclosure to the Head of Corporate Services.
- 15. Breach of the Code
  - 15.1 Any breach of the code will be dealt with within the agreed disciplinary procedure.

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