

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>THE EXECUTIVE AND FULL COUNCIL</b>
<b>Date:</b>	<b>29.10.2018 / 11.12.2018</b>
<b>Subject:</b>	<b>CHANGES TO THE CONSTITUTION – AMENDMENT TO THE OFFICERS’ CODE OF CONDUCT AND THE LOCAL GUIDANCE TO THE OFFICERS’ CODE OF CONDUCT</b>
<b>Portfolio Holder(s):</b>	<b>COUNCILLOR DAFYDD RHYS THOMAS</b>
<b>Head of Service:</b>	<b>LYNN BALL – HEAD OF SERVICE (COUNCIL BUSINESS) / MONITORING OFFICER</b>
<b>Report Author:</b> Tel: E-mail:	<b>MARED WYN YAXLEY – SOLICITOR (CORPORATE GOVERNANCE)</b> <b>Ext 2566</b> <a href="mailto:mwycs@ynysmon.gov.uk">mwycs@ynysmon.gov.uk</a>
<b>Local Members:</b>	<b>N/A – AFFECTS ALL MEMBERS</b>

<b>A –Recommendation/s and reason/s</b>
<p>1. That Council:</p> <p>1.1 Adopt the Officers’ Code of Conduct included in <b>Enclosure 2</b>;</p> <p>1.2 Adopt the Local Guidance to the Officers’ Code of Conduct included in <b>Enclosure 3</b>;</p> <p>1.3 Authorise the Council’s Head of Function (Council Business) / Monitoring Officer to make the necessary changes to the Constitution, including any consequential amendments, to reflect the adoption of <b>Enclosures 2 and 3</b>.</p>

<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
<p>As part of the Internal Audit Report on Ethical Culture, recommendations were made in relation to the Officers’ Code of Conduct. The relevant extract from the said Report is included in <b>Enclosure 1</b>. In light of those comments, the current Code of Conduct and Guidance have been amended.</p> <p>The Code of Conduct itself has been updated in accordance with legislation. The changes are minor and are reflected in <b>Enclosure 2</b>.</p> <p>The Guidance, has been updated so that it is more user-friendly, as well as incorporating the new legislative requirements. The Guidance has used the Public Services Staff Commission National Model Framework Employee Code of Conduct as its basis. The new Guidance is included as <b>Enclosure 3</b>. The amendments made to</p>

the original document have not been highlighted as the Guidance has been significantly revised.

Both Code and Guidance have been circulated to the Senior Leadership Team, the Heads of Service and the Head of Audit & Risk by way of a consultation process. The original Guidance has been amended to incorporate the comments made during that consultation. The general feedback from the consultation process was positive and the officers welcomed the new Guidance.

The Council has the option of refusing to adopt the amended documentations at **Enclosures 2 and 3** but adopting the amended documents answers some of the concerns raised in the Audit Report on Ethical Culture at **Enclosure 1**.

The intention, if the Code and Guidance are both approved by Council, is for them to be published on IOACC's Policy Portal. Both the Code and the Guidance will be the subject of the "Acceptance of Corporate Policies" exercise whereby officers are required to 'click to accept' and correctly answer questions in relation to the amended documents. The "test" questions are currently subject to consultation with the Senior Leadership Team and Heads of Service.

**C – Why is this a decision for the Executive?**

As the report proposes to amend the Constitution (The Officers' Code of Conduct is included in section 5.2), then this report must be considered by the Executive before a final decision is made by Council.

**CH – Is this decision consistent with policy approved by the full Council?**

It is not contrary to Council Policy.

**D – Is this decision within the budget approved by the Council?**

There are no budgetary implications.

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
<b>1</b>	<b>Chief Executive / Senior Leadership Team (SLT)</b> (mandatory)	No comment.
<b>2</b>	<b>Finance / Section 151</b> (mandatory)	No comment.
<b>3</b>	<b>Legal / Monitoring Officer</b> (mandatory)	Report by the Legal Section/Monitoring Officer – proposal supported
<b>4</b>	<b>Human Resources (HR)</b>	Several comments made in relation to the

		consultation and the suggestions have been incorporated into the final document.
5	Property	Supportive.
6	Information Communication Technology (ICT)	No comment.
7	Procurement	N/A
8	Scrutiny	N/A
9	Local Members	This is not a ward issue.
10	Any external bodies / other/s	N/A

<b>E – Risks and any mitigation (if relevant)</b>		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

<b>F - Appendices:</b>
Enclosure 1 – extract from the Internal Audit Report on Ethical Culture
Enclosure 2 - draft Officers' Code of Conduct
Enclosure 3 – draft Guidance to Officers' Code of Conduct

<b>FF - Background papers (please contact the author of the Report for any further information):</b>
None



CYNGOR SIR  
YNYS MÔN  
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COUNTY COUNCIL

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## Ethical Culture

### Final Internal Audit Report

September 2017

Debrief meeting	Various dates -	Auditors	Marion Pryor – Head of Audit and Risk Eurwen Williams – Principal Internal Auditor
Draft report issued	24/05/17		
Responses received	06/09/17		
Final report issued	06/09/17	Addressee	Dr Gwynne Jones – Chief Executive
		Copies to	Dr Caroline Turner – Assistant Chief Executive (Governance & Business Process Transformation) Annwen Morgan – Assistant Chief Executive (Partnerships, Communities and Service Improvement) Lynn Ball – Head of Function (Council Business) & Monitoring Officer Marc Jones – Head of Function (Resources) & Section 151 Officer

## ACTION PLAN

Ref	Issue / Risk	Priority	Management Action	Implementation Date	Manager Responsible
	<p>desired ethical culture embedded within the organisation</p> <ul style="list-style-type: none"> <li>the Council's commitment to use communications as a strategic tool to achieve greater trust, confidence and engagement amongst the public, council staff and key partners will be limited.</li> </ul>		<p>the whole organisation which will be key in achieving the ambition of the Corporate Plan.</p> <p>The Council has recently reviewed its internal communication framework which has introduced several new communication tools to ensure that key and consistent messages are communicated in a timely manner to its workforce i.e. Smart Suggestion Scheme, Staff Sessions and Video Blogs.</p>		
1.1.4 (b)	<p>The Council does not have a corporate process for ensuring the regular review of the content of the intranet and external website, which has resulted in out of date content, for example, the Ethos Môn change programme.</p> <p>There is a risk that corporate messages will be inconsistent and unclear.</p>	C5	<p>Arrangements and expectations regarding the review and revision of the content of the website will be addressed as part of the revision of the Corporate Communications Policy and this has been identified by staff as piece of work required. The Self-Assessment acknowledges that perhaps the way forward will be to establish a co-hort of staff to take responsibility for keeping the website up-to-date.</p>	March 2018	Head of Corporate Transformation / Communications Officer
1.1.4 (c)	<p>The Corporate Procurement Unit does not publish the forward contract programme and contract register.</p> <p>There is a risk that competition and transparency will be limited.</p>	C4	<p>The contract register will be revised to ensure that it contains all of the relevant information. This revision will also address information that is commercially sensitive.</p>	December 2017	Head of Function (Resources) / Section 151 Officer
1.1.5 (a)	<p>The Council does not currently require its officers and agency staff to attest their understanding of and compliance with the Code of Conduct. Also, the Service Induction Checklist does not detail the requirement to raise its awareness.</p>	C4	<p>This to be discussed by SLT in conjunction with Head of Function [HR] and appropriate arrangements to be implemented to address the issues noted.</p>	September 2018	Head of Function (Council Business) / Monitoring Officer and Head of

# Isle of Anglesey County Council

## Officers' Code of Conduct

Version **23.0** (July ~~2001~~2018)

### About this Code of Conduct

- Please note that the numbering in the Code reflects the fact that it is also available in the Council's Constitution. The document as it appears here is complete and may be relied upon
- ~~The~~ Code is ~~statutory and compulsory~~ and includes requirements which are statutory
- This Code automatically applies to all employees of the Isle of Anglesey County Council and forms part of our terms and conditions of employment
- This Code also applies to all contractors, ~~and~~ agency workers, staff secondees, temporary workers and volunteers
- The purpose of the Code is to set out the minimum conduct level expected
- The focus of the Code is on general principles, like integrity and objectivity
- The lack of detail in the Code has been supplemented by [local guidance](#) which provides more detailed information on issues like declarations of interest and gifts and hospitality
- Advice should be obtained, from the Monitoring Officer, on any specific issues or concerns which are not covered in the Code or local guidance

### Revision history

Version	Date	Summary of changes
2.0	July 2001	Statutory code replaced local voluntary code. General principles and expectations did not change.
<u>3.0</u>	<u>July 2018</u>	<u>Addition of reference to Bribery Act 2010 and Wellbeing of Future Generations (Wales) Act 2015</u>

### Date of next review

This policy will be reviewed in:	In the event of a statutory change
The review will be undertaken by:	Monitoring Officer

### Contact Details:

Lynn Ball, Head of Function (Council Business)/Monitoring Officer  
[lynnball@ynysmon.gov.uk](mailto:lynnball@ynysmon.gov.uk) / tel: 01248 752586

We are happy to provide this policy in alternative formats on request. Please use the above contact details.

Mae'r ddogfen yma ar gael yn y  
Gymraeg.

This document is available in Welsh.

## Officers' Code of Conduct

### 5.2 Code of Conduct for Qualifying Employees of Relevant Authorities in Wales

The Code (as per the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001)

#### General Principles

5.2.1 The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

#### Accountability

5.2.2 Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### Political Neutrality

5.2.3 Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

#### Relations with members, the public and other employees

5.2.4 Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.

5.2.5 Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

#### Equality

5.2.6 Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

#### Stewardship

5.2.7 Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

#### Personal Interests

5.2.8 Whilst qualifying employees' private lives are their own concern, they must not allow



their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

5.2.8.1 any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,

5.2.8.2 any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

### **Whistleblowing**

5.2.9 In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

### **Treatment of Information**

5.2.10 Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### **Appointment of Staff**

5.2.11 Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

### **Investigations by Monitoring Officers**

5.2.12 Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

### **Bribery Act 2010**

It is a criminal offence under the Bribery Act 2010 to corruptly receive any gift, fee, rewards or advantage in your role as an officer of the Council. It is also an offence to offer, promise, or give a bribe.

### **Wellbeing of Future Generations (Wales) Act 2015**

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Employees are to keep to the Wellbeing of Future Generations (Wales) Act 2015. This details five ways of working needed in order to achieve the seven wellbeing goals.

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### **Public service values – the beliefs we hold**

**Working for the long term:** To protect the ability of future generations to meet their own needs involves real long-term integration and collaboration which looks at the wellbeing of people and communities, economic prosperity and the health of the natural environment.

**Always growing and improving:** We will be positive and at our best for the people of Wales and each other by choosing positive attitudes and behaviours, embracing learning and development and sharing ideas on ways to improve and deliver public services.

**Working together:** Where everyone is involved in delivering public services and they value others' contributions, share common principles and collaborate for the benefit of the people of Wales, within and across organisational boundaries and sectors.

**Treating everyone with respect:** Recognising, valuing and respecting the diversity of the people of Wales is central to seeing people as individuals and doing the right thing, at the right time and in the right place for each other.

**Putting people first:** Our organisation needs to be focused on the needs of the people of Wales. This means we need to genuinely involve people in decision-making which affects them and their communities.

### **Wellbeing delivery principles – how we will work**

**Long term:** The importance of balancing short-term needs with the need to protect our ability to meet long-term needs.

**Prevention:** How acting to prevent problems happening or getting worse may help public organisations meet their aims.

**Integration:** Considering how the public organisation's wellbeing aims may affect each of the wellbeing goals, or their other aims, or on the aims of other public organisations.

**Collaboration:** Acting in collaboration with any other person (or different parts of the organisation) that could help them meet their wellbeing aims.

**Involvement:** The importance of involving people with an interest in achieving the wellbeing goals, and making sure that those people reflect the diversity of the area which the organisation serves.

### **Further Guidance:**

All officers are required to carry out duties with due regard to this Code and to the Local Guidance on the Officers' Code of Conduct as published by the Council from time to time.

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# **Isle of Anglesey County Council**

## **Local Guidance on the Officers' Code of Conduct**

### **Version 2.0 (July 2018)**

#### About this guidance

- Council employees are required to follow a statutory [Code of Conduct](#) which forms part of our terms and conditions of employment
- The statutory code is sparse on detail and therefore this guidance has been produced in an effort to address those questions which most often arise, such as:-
  - What are the expected standards;
  - How and when to declare an interest;
  - How to deal with gifts and hospitality;
  - Relationships with contractors;
  - The forms required for registration of interests are attached at Enclosures 1 and 2 to the guidance

## Revision history

Version	Date	Summary of changes
1.0	14 March 2016	No changes to date
2.0	July 2018	To coincide with changes to the Code itself in particular in relation to the Wellbeing of Future Generations (Wales) Act 2015

Date of next review	
This policy will be reviewed in:	July 2019
The review will be undertaken by:	Monitoring Officer

## Contact Details:

Lynn Ball – Head of Function (Council Business)/Monitoring Officer  
[lynnball@ynysmon.gov.uk](mailto:lynnball@ynysmon.gov.uk) / tel: 01248 752586

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Mae'r ddogfen yma ar gael yn y  
Gymraeg.

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## **Local Guidance on the Officers' Code of Conduct**

Section 5.2 of our Constitution includes the Officers' Code of Conduct <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-52-officers-code-of-conduct/>.

This Guidance seeks to provide advice on key elements of the Code. No Code can set out the appropriate conduct or behaviour for every situation. The Council relies on you making a reasoned judgment as to what is right and proper in any given situation.

### **1. GENERAL PRINCIPLES**

The County Council subscribes to the statutory principles of conduct in public life, and commends them as the underlying principles that should guide the conduct of all Members and Officers.

The statutory principles require that you carry out our duties with due regard to:-

Selflessness	Honesty	Integrity and propriety
Legality	Stewardship	Objectivity
Equality and Respect	Openness	Accountability
Leadership		

### **2. WHEN IS THIS CODE RELEVANT?**

- 2.1 The Code forms part of your terms and conditions of employment and part of the legal contract between you and our organisation.
- 2.2 Breaches of the Officers' Code may be dealt with under the Council's Disciplinary Procedure <http://monitor.anglesey.gov.uk/at-work/conduct-at-work/disciplinary-procedure/>.
- 2.3 Agency workers, secondees and temporary workers also have to keep to the standards set out in the Code.
- 2.4 Volunteers are also expected to keep to the standards set out in the Code and this will be set out in your 'terms of engagement' as an approved volunteer.
- 2.5 The Code applies **in addition to** any separate professional codes of practice and codes of conduct that specialist roles and trade union representatives must keep to.
- 2.6 You also need to refer to the Code in procurement information. Although it is not possible to enforce the Code against other contractors or partnership organisations directly, it is expected that they will also keep to it.

2.7 The Code does not deal with the conduct of an elected member, who have their own code of conduct.

### 3. **THE EXPECTED STANDARDS**

#### **A. Your public service responsibilities**

- 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 the Council.
- You have a general duty to act in the interests of the Council as a whole and the local community.
- As well as avoiding actual impropriety, you should avoid the appearance of improper behaviour.
- When carrying out your role you have a responsibility to make sure that your decisions and actions are free from bias, corruption, discrimination and personal interests. Where you have private interests which conflict with your public duty, you must resolve this conflict in favour of the public interest.
- You must
  - declare all private interests which conflict, or could be seen to conflict, with your role, official duties and responsibilities; including those you may already hold when you start working for the Council (**further information included under paragraph 4**);
  - refuse gifts or hospitality that are offered to you in your work role or, if this would embarrass the person giving them, declare these gifts and donate them to a good cause (**further information included under paragraph 5**);
  - make sure that your personal or political opinions don't interfere with your work or your policies;
  - make sure you declare any other employment or role that may conflict with your current role before taking it up;
  - declare any extra paid or unpaid employment, volunteering activities or public appointments so that this is transparent;
  - make sure that you do not take part in any recruitment if you are in a close relationship with, or closely related to, a candidate for a role;
  - declare any relationships or interests in another organisation which features in a procurement exercise; and
  - declare any business interests (including being a director or holding shares) which you or members of our immediate family hold, which would improve your business interests (or that of your family) as a result of your role.
- You must not gain personally from your access to the resources made available to you to do your job. As a result, you must keep to all Council

acceptable use policies when you use resources to carry out your role and official duties. This includes all ICT equipment (computers, laptops, email), social-media channels, vehicles, phones (landlines and mobiles), and office equipment including printers and photocopiers.

- You should respect the role of the elected Members and treat them with courtesy. The Council has adopted a Protocol to govern the relationship between Members and Officers and you should abide by its provisions; which are to be found at: (<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constituion-531-relationship-protocol-for-members-and-officers/>)
- When making appointments, awarding contracts or transacting other business, you should ensure that your decisions are made solely on merit, by fair competition, in accordance with the Council's Contract Procedure Rules; and ensure that you maintain a proportionate, documented audit trail.

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-49-contract-procedure-rules/>

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-48-financial-procedure-rules/> .

## **B. Committed to the needs of customers, service users and partners**

- Customers, service users, and partners have a right to be treated fairly and equally. You should not do anything which could be considered discrimination against the Council's customers, service users and partners, or that could be considered to be bullying or harassment, such as making offensive or derogatory comments relating to age, sex, race, religion or belief, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, gender reassignment or any other legally protected characteristic.
- Customers and service users should be able to use the language of their choice and the Council is committed to making it easier for people to use the Welsh language in their day-to-day lives. You will assist the Council with this commitment.

## **C. Responsible with information**

- You have a responsibility to handle and manage information appropriately and make sure it is only used for the purpose for which it is held.
- You should ensure that confidential material, including material about individuals, is handled in accordance with the expected standards set out by the Council's Data Protection Policy (<http://monitor.anglesey.gov.uk/corporate-resource/information-governance->

[data-protection/data-protection/data-protection-policy-information-on-security-policies-and-related-documents/](http://monitor.anglesey.gov.uk/Journals/r/s/i/YM-Corporate-Safeguarding-Policy_v4_2016_Final.pdf)

#### **D. Duty of care for safeguarding, wellbeing, health and safety**

- You must have due regard to the obligations under Appendix Ch of the Council's Safeguarding Policy  
[http://monitor.anglesey.gov.uk/Journals/r/s/i/YM-Corporate-Safeguarding-Policy\\_v4\\_2016\\_Final.pdf](http://monitor.anglesey.gov.uk/Journals/r/s/i/YM-Corporate-Safeguarding-Policy_v4_2016_Final.pdf)

#### **E. Raising concerns**

- You are responsible for carrying out your role and official duty in a legal and clear way, in line with the requirements of the Code.
- However, if you are aware of actions by others that may fall below these standards or break our legal responsibilities or risk the health and safety of others, you have an additional responsibility under the Code. You are referred to the [Whistleblowing Procedure](#).

#### **F. Communication and using social media**

- When using social and digital media for personal or official use, you need to remember your responsibilities as an employee which include –
  - Not revealing official information without authority
  - Not taking part in any political or other public activity or making comments which could affect your impartiality or cause embarrassment to your employer; and
  - Avoid making any kind of comment which could be considered by others as bullying, offensive or harassment.

#### **G. Trusted with Money**

- You have a responsibility to ensure the money you use to carry out your job is used wisely to deliver value for money and for the purposes intended. You are trusted to make sure appropriate and proportionate spending takes place in relation to the Council's activities.

### **4. DECLARING AN INTEREST – ALL OFFICERS**

#### **PLEASE NOTE:**

You only need to disclose personal interests which conflict, or may conflict, with your duties to the Council.

If you are at all unsure, you should disclose your interest using the relevant form and discuss this with your line manager.

#### **A. The requirement**

There is no requirement for Officers to have a standing register of interests as per the elected Members i.e. detailing property interests, membership of outside



bodies etc. The duty to disclose an interest for Officers is on an “as and when” basis, should a matter come to your attention.

In the conduct of your responsibilities as a Council Officer you should immediately declare any relevant financial or personal interests to your line manager whenever a failure to do so would undermine public confidence in the Council’s activities (e.g. in meetings / other communications when the interest is relevant). In these circumstances, line managers should make alternative arrangements i.e. you should not participate in or influence matters in which you (or your family/friends)) might benefit or lose out. **This applies to all Officers at every level.**

The alternative arrangements which the Line Manager will need to decide upon will depend on all the circumstances. It may be as little as ensuring that another officer deals with the issue and that file access is denied to the individual declaring the personal interest or as substantial as transferring an officer to another team/service if the interest is significant and the process is likely to be protracted e.g. a proposed management buyout.

It may also be necessary to complete one of the forms at **ENCLOSURES 1 and 2** and line managers can advise which may be appropriate.

## **B. What could be an interest or involvement?**

Interests or involvement which could conflict with the interests of the Council could be either financial and / or non-financial, for example:

- Partnership in a business
- Work done for any person or organisation other than as an employee of the Council
- Serving as a member of a group, committee or board which may work in conflict with the Council
- Applications submitted by relatives or friends for consideration by the Council, e.g. tendering for work
- School governor, or council clerk within the Council’s jurisdiction.

**This is not an exhaustive list.** You need to question whether you have a personal interest in a reasonable and objective way, and consider whether your failure to disclose would adversely affect public confidence in our activities.

## **C. What should I do if I have a personal interest to declare?**

- Generally:  
You should make declarations of financial or non-financial interests whenever your personal interest may conflict with the public interest. Such declarations should be made to your line manager / supervisor on the “Notification of Personal Interest” form attached at **ENCLOSURE 1**. It will be the responsibility of all line managers to retain any notifications received, for as long as such notifications remain valid.

→ In meetings:

If you have a personal interest in any matter which arises at any meeting where you are reporting or advising (or might be called upon to advise, or otherwise be able to influence) any Councillor(s) of the Council, or any third party, you must declare the interest, and take no part in the consideration or determination of the matter.

Any such declaration made at an official meeting will be recorded in the minutes.

If appropriate, arrangements should be made for another employee to attend and report and / or advise on the matter.

An example would be involvement in a meeting regarding a school, which your son/daughter/grandchild attends.

If you have a personal interest which could conflict with the interest of the Council, then you may only remain in the meeting and participate in the proceedings, if the person presiding at the meeting (having taken advice from the Monitoring Officer) is satisfied that to do so would be in the interests of the Council or local people.

All personal interests you have in relation to items discussed in meetings should be declared on the "Form to Declare and Register a Personal Interest – Employee" attached at **ENCLOSURE 2**.

## 5. GIFTS & HOSPITALITY

### A. The requirement

- You must consider the position carefully before accepting any personal gift or offers of hospitality. The principle is that you must avoid placing yourself in a position where acceptance of such gift or hospitality might be perceived to influence your decisions or judgment in respect of awarding contracts, making appointments, deciding on planning applications etc.
- **Before deciding to accept or tactfully decline a personal gift or offer of hospitality, you should ask the following questions -**
  - Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
  - Are you expected to attend because of your position in the community or area?
  - Will the event be attended by others of a similar standing in the community or in other communities?
  - What do you think is the motivation behind the invitation?
  - Would acceptance of the invitation be, in the way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
  - Could you justify the decision to the Council, press and public?

- Is the extent of the hospitality, or the nature of the gift, reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about your decision?
- **You should refuse all personal gifts and offers of hospitality if you think that may damage public confidence in you or in the Council.**

## **B. Accepting gifts / hospitality**

- Acceptance of hospitality must be authorised in advance by line managers.
- The Council has a Register for recording the receipt of gifts or hospitality with a value of **£10 or more** and you are required to register gifts, and invitations which are accepted, in that Register with the Head of Democratic Services (Committee Services, tel: 01248 752514).
- Where the gifts or hospitality has a value of **£10 or less**, the gift/hospitality should be recorded with your line manager.
- Any offers of gifts and hospitality which could be deemed to influence decision making powers or judgment should also be registered, even if refused.
- 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. **These do not require registration.**

However, where the value, or reasonably estimated value, of the goodwill offered exceeds the sum of £10, then it should be registered.

## **C. “Hospitality” – what does that mean and what do I need to consider?**

- Hospitality may be defined as anything beyond the offer of non-alcoholic drinks and light refreshment.
- You should only accept hospitality if there is a genuine need for the Council to be represented at a function or event. The more “lavish” the hospitality the more important that you exercise caution.
- Hospitality received 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.

- When receiving hospitality, you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking and which may have a beneficial or adverse impact on those providing hospitality.
- Where visits to inspect equipment, or related to the award of any contract are required, you should ensure that the Council meets the cost of any such visits so as to avoid prejudicing the integrity of subsequent purchasing decisions.
- You should not avail yourself of the services of contractors employed by the Council for acquiring materials, labour or plant at cost, trade or discounted prices.

**EXAMPLES:**

→ I am attending a conference as part of my role with IOACC with the professional body regulating my profession. Due to my level of subscription with the professional body (for which IOACC pays) there is no fee for my attendance at the training conference. Do I need to declare this?

Hospitality received 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. Attendance at the conference, even if for free, does not therefore require to be registered in these circumstances.

→ One evening whilst attending the conference, I will be attending a dinner which has been arranged by one of IOACC's clients. I have been invited as IOACC is on the client's customer database. Do I need to register this hospitality?

As this includes dinner, one assumes the value of the same would be more than £10. It is therefore registrable in the Councils Register, which is maintained by the Head of Democratic Services.

However, before accepting, you should consider whether or not you should accept this hospitality.

Consider the timing – will the customer's contract be renewed soon? Will you be part of that decision process?

Avoid placing yourself in a position where acceptance of such hospitality might be perceived to influence your decisions or judgment in respect of awarding a contract in the future.

A new Hotel and Restaurant has opened on IOACC. They are holding a grand opening and all Heads of Service, the Chief Executive and Senior Leadership Team have been invited. Is it acceptable for all to attend?

It would be acceptable for the Chief Executive and the Head of the Economic department to attend this event as it is a networking event where the IOACC is able to show its support to a new business venture in the area (if this is done for other comparative projects too). The hospitality is corporate rather than personal. The hospitality will need to be registered with the Head of Democratic Services.

However, it would not be appropriate for others to attend on mass. For example,

The Head of Planning should not attend – it may be perceived that he/she was prejudiced in making the planning decision.

The Head of Environmental Health should not attend – he/she (his/her officers) will be involved in monitoring food safety etc. at the premises and cannot be seen to have been influenced at an earlier date.

The Head of Licensing should not attend - he/she (his/her officers) may have to consider matters relating to the Hotel/Restaurant's licence at a future date etc.

You always need to consider the circumstances now and what, within reason, could potentially arise in the future.

## **6. CORRUPTION**

- You must be aware that it is a serious criminal offence under the Bribery Act 2010 to receive or give any gift, loan or reward or advantage in your official capacity “for doing, or not doing, something”, or “showing favour, or disfavour” to any person. If an allegation is made against you, it will be for you to demonstrate that any such reward had not been corruptly obtained.
- For your own protection, if anyone approaches you in a way which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your line manager.

## **7. AWARDING ORDERS AND CONTRACTS**

- Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Contract Procedure Rules

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-49-contract-procedure-rules/>

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-48-financial-procedure-rules/>

- Officers involved in the tendering process and/or in dealing with contractors should be clear on the separation of client and contractor roles within the Council. Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- Officers 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.
- Officers contemplating a management buy-out or submitting a tender for any contract (be it goods, services and/or works) and/or the purchase of any Council asset (in whole or part) must, as soon as they have formed a definite intent :-
  1. Immediately notify their line manager and the Council's Procurement Service of their intention;
  2. Immediately comply with any reasonable management instruction requiring them to redeploy to a different Team or Service (including at a different location), to work in accordance with any operational protocol designed to ensure they have no contact with, or access to, the transaction in the course of their employment. These requirements are to ensure no perceived, actual or potential conflict of interest between their personal and professional capacities;
  3. From the date when the intent is formed, until the final contract has been signed/the exercise has been completed, shall not :-
    - a. Discuss anything directly or indirectly relating to the transaction, or proposed transaction, their expression of interest or any tender submission, or related matter, with anyone in the Council other than as described in paragraph 1 above and thereafter only with the Council's Procurement Service or any bid team appointed to handle the transaction;
    - b. Access, or ask, or suggest that any other Officer of the Council access, provide information, or documentation, directly or indirectly, to them other than by making a formal request through the Council's Procurement Service or any bid team;
    - c. Obtain or endeavour to obtain, directly or indirectly, by any means whatsoever, any benefit, favour or advantage over any other actual or potential bidder.
  4. Immediately report to the Council's Procurement Service / bid team any approach made to them, any discussion, access to information, assistance

or advice offered to them by any Council Officer who has not formed part of the formal tender process through the Procurement Service / bid team.

- Officers pursuing a management buy-out, or submitting a tender for any contract (be it goods, services and/or works) and/or the purchase of any Council asset (in whole or part) may have their application/bid excluded from consideration if they have been involved in the pre-tender process in a capacity, or to an extent, that creates an advantage for them over other applicants/bidders to such an extent that the Council cannot redress that balance and ensure a fair and level playing field. This decision shall be at the absolute discretion of the Council.
- Officers should ensure that no special favour is shown to current or recent former Officers or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.
- Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be registered on the "Notification of Personal Interest" form (**ENCLOSURE 1**) and passed to your line manager.

## **8. THE WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

All public organisations in Wales are expected to keep to the Wellbeing of Future Generations (Wales) Act 2015. To achieve this, the Council is required to think more about the long term, work better with people, communities and each other, look to prevent problems and take a more joined-up approach. When making decisions the Council is required to take into account the effect those decisions could have on people living in Wales in the future.

The five ways of working are included in the Officers' Code of Conduct and must be considered in order to assist the Council in achieving the seven wellbeing goals.

## **9. CONFLICT BETWEEN ROLE AS OFFICER AND A CITIZEN**

1. It is accepted that several officers are also citizens of the area and it is inevitable that officers will need to exercise their rights as private individuals in certain situations. This could be for a number of reasons, such as (a) the officer's refuse collection has not been collected (b) acting in the capacity of secretary of a voluntary organisation applying for grants, (c) arranging care provision for a relative; or (d) objecting a planning application next door to his/her home.
2. In the first instance, officers should ask themselves – could anyone else act instead of me?  
For example, if the officer is representing another body or organisation, the officer should consider asking someone else to take the role; or if the personal interest is representing a family member, the officer should consider if another

relative could take the lead instead of him/her.

3. If it is unavoidable that officers come into contact with the Council in their personal capacity, officers are advised to consider the following guidance:
  - a. When writing to the Council (or anyone else), officers should not use the Council's official paper or internal e-mail address as this would be inappropriate and it could cause confusion as to which role the officer was representing, i.e. capacity as an officer or as a private individual.
  - b. When writing to the Council, or in other contact, at the first contact, to formally declare that he/she is acting in a private capacity and not as an officer.
  - c. If matters are discussed orally, officers should confirm the details of that discussion in writing. The written confirmation should declare that he/she is acting in a private capacity and not as an officer.
  - d. If the Council has contacted the officer in his/her role as a citizen of the area (e.g. consultation on a planning matter), the officer should clearly declare his/her status as an officer of the Council.
  - e. Officers should not abuse their position in order to gain access to other officers or information which would not be available to members of the public.
  
4. Officers are reminded of the requirements in relation to declaring personal interests included in paragraph 4 of this Guidance.





**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

**Ffurflen Hysbysiad o Fuddiant Personol /  
Notification of Personal Interest Form**

Nodwch- Rydych angen datgelu unrhyw fuddiannau personol sydd yn gwrthdaro, neu yn gallu gwrthdaro, efo'ch dyletswyddau yn y Cyngor yn unig.

Os ydych yn ansicr, dylech ddatgelu eich buddiant ar y ffurflen hon neu eu trafod efo'ch rheolwr.

Please note- You only need to disclose personal interests which conflict, or may conflict, with your duties in the Council.

If you are at all unsure, you should disclose your interest using this form or discuss this with your manager.

<b>CHI – Y GWEITHIWR: / YOU – THE WORKER:</b>	
Enw: / Name:	
Swydd: / Job Title:	
Gwasanaeth: / Service:	

<b>EICH DATGANIAD: / YOUR DECLARATION:</b>	
Math o Ddatganiad: / Type of Declaration:	Manylion: / Details:
Perthynas: / Relationship:  Cynghorydd/ <input type="radio"/> Councillor  Contractwr/ <input type="radio"/> Contractor  Gweithiwr/ <input type="radio"/> Employee  Arall/ <input type="radio"/> Other	Enw: / Name:  Swyddogaeth: / Post Title:  Natur fy mherthynas gyda'r unigolyn:/ Nature of my relationship to the named person:  Manyldeb o unrhyw gysylltiad neu gwrthdaro rhwng buddiannau: / Details of any potential contact/conflict of interest:

Buddiant personol neu aelodaeth o gorff allanol, busnes, partneriaeth, corff proffesiynol neu gymdeithas gyfrinachol e.e. Corff Llywodraethol Ysgol, rôl mewn grŵp gwirfoddol, cysylltiad â busnes teuluol: /

Personal interest or membership of an organisation, business, partnership, professional body or secret society e.g. school governing body, voluntary organisation role, involvement in a family business:

Disgrifiad o fy muddiant: /  
Description of my interest:

Enw a lleoliad y grŵp / mudiad o dan sylw (os yn gymwysiadol): /  
Name and location of organisation concerned (if applicable):

Dyddiad Cychwyn: /  
Effective date:

Budd / goblygiad ariannol: /  
Financial benefit / implication:

Manylion y camau a ellir eu cymryd i warchod buddiant y Cyngor: /  
Details of steps that could be taken to protect the Council's interest:

**Buddiant mewn tir o fewn y Sir**

Cyfeiriad neu ddisgrifiad o dir neu eiddo yr ydych gyda buddiant ynddo, natur y buddiant a'r defnydd a wneir o'r tir.

[Mae buddiant o dan yr adran hon yn cynnwys:

- (a) buddiant fel rhydd-ddeiliad neu lesddeiliad am brydles o 12 mis neu fwy;
- (b) buddiant fel deiliad opsiwn neu ddarpar brynwr; neu
- (c) os ydych yn ceisio cadarnhau caniatâd cynllunio neu unrhyw ganiatâd neu benderfyniad ar y tir gan y Cyngor.]

**Interest in Land within the County**

Address or description of land or property in which you have an interest, the nature of the interest and the use to which the land is put.

[Interest under this section includes:

- (a) Interests as a freeholder or leaseholder for a lease of 12 months or more
- (b) Interest as an option holder or prospective purchaser; or
- (c) Interests by which you are directly concerned in seeking planning permission or some other consent or decision of the Council.]

<p><b>Gwybodaeth ychwanegol/ Unrhyw ddatganiad arall:</b> Rhowch unrhyw wybodaeth arall y dylech ei ddatgelu am eich buddiannau busnes, cyllid neu bersonol.</p> <p><b>Further information/ Any other declaration:</b> Please give any further information you may wish to record about your business, financial or personal interests.</p>			
<p><b>Hysbysu newidiadau</b></p> <p><b>Notification of Changes</b></p>		<p>Rwyf yn ymgymryd i hysbysu'r Cyngor yn ysgrifenedig o fewn 28 diwrnod o unrhyw newid i fy sefyllfa fel a nodir yn y datganiad yma.</p> <p>I undertake to notify the Council in writing within 28 days of any change to my circumstances as detailed in this declaration.</p>	
<p><b>Dyddiad: /</b> <b>Date:</b></p>		<p><b>Llofnod:/</b> <b>Signature:</b></p>	



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

**Hysbysiad o Fuddiant Personol mewn cyfarfod /**  
**Notification of Personal Interest in a meeting**

Enw'r Gweithiwr: / Employee Name:	
Swydd: / Job Title:	
Gwasanaeth: / Service:	

Rwy'n eich hysbysu yn ysgrifenedig o fuddiant personol a ddatgelais yn y cyfarfod canlynol: /  
I give you written notification of a personal interest disclosed by me at the following  
meeting:

.....(enw'r cyfarfod / name of meeting)

a gynhaliwyd ar / held on.....(dyddiad y cyfarfod / date of meeting)

Manylion y buddiant personol: / Detail of Personal Interest:

.....

.....

.....

.....

Llofnod: / Signature:		Dyddiad: / Date:	
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