

**CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL**

<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>16 September 2015</b>
<b>TITLE OF REPORT:</b>	<b>Draft Local Guidance on the Officers' Code of Conduct</b>
<b>PURPOSE OF THE REPORT:</b>	<b>Consultation</b>
<b>REPORT BY:</b>	<b>Monitoring Officer</b>
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### **1. BACKGROUND**

The statutory code of conduct for Council officers is attached at **ENCLOSURE 1** and the code is in Part 5 of the constitution and to be found at <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/> .

The code automatically applies to officers when they take up their employment with the Council and it forms part of the induction process for new employees.

### **2. CONTEXT**

The code of conduct for officers is more generic, and less specific, than the code of conduct for members and it does not separate personal and prejudicial interests although the same concept is present i.e. where a personal interest might reasonably be perceived to have a significant impact on an officer's objectivity then they are expected not to participate and for alternative arrangements to be put in place.

Given the generic nature of the officers' code, legal officers are frequently asked to advise managers on how the code applies in particular circumstances. So, to try and supplement the code and provide further direction/steer, it is suggested that the Council publish a guidance document specifically in relation to the officers' code. The first draft of this document is attached at **ENCLOSURE 2**.

### **3. RECOMMENDATION**

As part of the consultation process, the standards committee is asked to consider the draft Guidance and to make any recommendations for changes or improvements.

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## **Officers' Code of Conduct**

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

#### **The Code**

##### **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.

## **5.3.1 Relationship Protocol for Members and Officers**

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### **5.3.1.1 Introduction**

5.3.1.1.1 The Council subscribes to the view that no local authority can function effectively without a good professional relationship between its Members and Officers.

5.3.1.1.2 The purpose of this Protocol is to guide Members and Officers of the Council in their relationships with one another; aiming to promote the high standards in public office which are required for successful local government.

5.3.1.1.3 This Protocol seeks to promote greater clarity and certainty and to offer general advice and guidance.

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## **Draft 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, focusing on behaviour, declarations of interest and gifts and hospitality.

### **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 we all carry out our duties with due regard to:-

1. Selflessness
2. Honesty
3. Integrity and propriety
4. Legality
5. Stewardship
6. Objectivity
7. Equality and Respect
8. Openness
9. Accountability
10. Leadership

### **2. THE EXPECTED STANDARDS**

- We have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in us, and in such a way as to preserve public confidence in the Council.
- We 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, we should avoid the appearance of improper behaviour.

Where we have private interests which conflict with our public duty, we must resolve this conflict in favour of the public interest.

- We should make declarations of financial or non-financial interests whenever our personal interests may conflict with the public interest. Such declarations should be made to our manager / supervisor on the “Notification of Personal Interest” form attached at **ENCLOSURE 1**.

We must not make, or become involved with any official or professional decisions about matters in which we have a personal interest, and should declare all personal interests we have in relation to items discussed in meetings on the “Form to Declare and Register a Personal Interest – Employee” form attached at **ENCLOSURE 2**.

- We should respect the role of our elected Members and treat them with courtesy. The Council has adopted a Protocol to govern the relationship between Members and Officers and we should abide by its provision; 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, we should ensure that our decisions are made solely on merit and ensure that we maintain a proportionate, documented audit trail.

We 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/>)

### **3. 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 manager.

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

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, eg. tendering for work
- School governor, or council clerk within the Council's jurisdiction.

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.

#### **4. GIFTS & HOSPITALITY**

- We must consider the position carefully before accepting any personal gift or offers of hospitality. The principle is that we must avoid placing ourselves in a position where acceptance of such gift or hospitality might be perceived to influence our decisions or judgment in respect of awarding contracts, making appointments, deciding on planning applications etc.
- The Council has a Register for recording the receipt of gifts or hospitality and we are required to register gifts, and invitations which are accepted, in that Register; which is kept by the Head of Democratic Services. Any offers of gifts and hospitality which could be deemed to influence you/your decision making powers or judgment if it had been received by you should also be registered.
- We should refuse all personal gifts and offers of hospitality if we think that may damage public confidence in us or in the Council.
- We may receive tokens of goodwill when attending conferences or when on civic visits. We may from time to time receive diaries, pens, calendars and so on. These do not require registration. Anything received over the value, or reasonably estimated value, of £10 should be registered. We also advise that as a matter of good practice, all gifts / hospitality received worth less than £10 should be recorded with your line manager.

- Hospitality may be defined as anything beyond the offer of non-alcoholic drinks and light refreshment. We 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 we exercise caution.
- When receiving hospitality, Members and Officers 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, Members and Officers should ensure that the Council meets the cost of any such visits so as to avoid prejudicing the integrity of subsequent purchasing decisions.
- 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 discounted prices.
- 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.
- Acceptance of hospitality should be authorised in advance by line managers and recorded in the Register kept by the Head of Democratic Services.

## **5. CHECKLIST (GIFTS AND HOSPITALITY)**

The following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined:-

- 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?

## **6. CORRUPTION**

- 6.1 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.
- 6.2 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. RELATIONSHIPS WITH CONTRACTORS**

- All relationships of a business nature, relevant to the work which you undertake, must be made known to your line manager.
- 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/> .
- 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.
- 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 should, as soon as they have formed a definite intent, inform the relevant line manager and withdraw from the contract awarding process.
- 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**).

## **8. BREACH OF THE CODE**

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/>.

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**CYNGOR SIR  
YNYS MÔN  
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COUNTY COUNCIL**

Hysbysiad o Fuddiant Personol / Notification of Personal Interest/ANNEX 1

**Noder os gwelwch yn dda: Nid oes ond angen i chi ddatgelu diddordeb personol os yw'n gwrthdaro gyda'ch dyletswyddau yn y Cyngor neu os gall wrthdaro â nhw. Os nad ydych yn sicr, dylech ddatgelu eich diddordeb trwy ddefnyddio'r ffurflen hon neu drafod y mater gyda'ch rheolydd llinell.**

**Please note- you need only disclose a personal interest which conflicts, or may conflict, with your duties in the Council. If you are at all unsure, you should disclose your interest using this form and discuss with your line manager.**

Enw y Gweithiwr/ Employee Name	
Swydd/ Job Title	
Gwasanaeth/ Service	
Manylion y fuddiant personol/ Details of the personal interest	
<b>PERTHYNAS / RELATIONSHIP</b>	
(i) Perthynas gyda unrhyw Aelodau, Contractwyr, y Cyhoedd a Gweithwyr eraill:/  Relationship with Member/s, Contractor/s, the Public and other employees (where applicable):	Cynghorydd/ Councillor <input type="radio"/>  Contractwr/ Contractor <input type="radio"/>  Gweithiwr/ Employee <input type="radio"/>  Arall/ Other <input type="radio"/>

<p>(ii) Enw / Name</p> <p>(iii) Swyddogaeth / Position</p> <p>(iv) Natur fy mherthynas gyda'r unigolyn/ Nature of my relationship to the named person</p> <p>(v) Effaith a gall ei gael ar fy swyddogaeth/ Potential impact on my post</p>	
<p><b>AELODAETH / MEMBERSHIP</b></p> <p>(i) Aelodaeth o gyfluniant, busnes, partneriaeth, corff proffesiynol neu gymdeithas gyfrinachol megis; corff llywodraethol ysgol, rôl mewn cyfluniant gwirfoddol, cysylltiad â busnes teuluol. /</p> <p>Membership of an organisation, business, partnership, professional body or society e.g. school governing body, voluntary organisation role, involvement in a family business. (ii)</p> <p>(ii) Disgrifiad o fy muddiant / Description of my interest</p> <p>(iii) Enw a lleoliad y cyfluniant o dan sylw (os yn gymwysiadol) / Name and location of organisation concerned (if applicable):</p>	

<p>(iv) Dyddiad cychwyn / Starting date:</p> <p>(v) Budd ariannol / ymhlygiad / Financial benefit /other implication</p> <p>(vi) Manylion y camau a ellir eu cymryd i warchod buddiant y Cyngor / Details of steps that could be taken to protect the Council's interests</p>	
<p><b>Buddiant mewn tir o fewn y Sir</b></p> <p>Cyfeiriad neu ddisgrifiad o dir neu eiddo yr ydych gyda buddiant ynddo, natur y buddiant a defnydd y tir. Nodwch:</p> <p>(i) Dylid datgan buddiant fel lesddaliwr am brydles o 12 mis neu fwy;</p> <p>(ii) Dylid datgan buddiant fel deiliad opsiwn neu ddarpar brynwr;</p> <p>(iii) Dylid datgan os ydych chi eich hun yn ceisio cadarnhau caniatâd cynllunio neu unrhyw ganiatâd neu benderfyniad gan y Cyngor;</p> <p>(iv) Ni does angen datgan buddion tir nag eiddo tu allan y Sir.</p> <p>(v) Nid oes angen i chi ddatgan budd mewn tir neu eiddo oni bai bod hynny'n debygol o wrthdaro gyda'ch rôl fel gweithiwr, e.e. eich bod yn bwriadu cyflwyno cais cynllunio / ymgeisio am gymorth grant ac ati.</p>	



**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. Please note:

- (i) Interests as a leaseholder for a lease of 12 months or more should be declared;
- (ii) Interest as an option holder or prospective purchaser should be declared;
- (iii) Interests by which you are directly concerned in seeking planning permission or some other consent or decision of the Council should be declared;
- (iv) You need not declare interest in land or property outside the County.
- (v) You need not declare an interest in land or property unless there is a likely conflict with your role as an employee eg you intend to lodge a planning application / apply for grant funding etc

**Gwybodaeth ychwanegol /  
Unrhyw ddatgeliad arall**

Rhowch unrhyw wybodaeth arall y dylech ei ddatgelu am eich buddiannau busnes, cyllid neu bersonol.

<b>Further information / Any other declaration</b>  Please give any further information you may wish to record about your business, financial or personal interests.	
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<b>Hysbysu newidiadau</b> Rwyf yn ymgymryd i hysbysu'r Cyngor o unrhyw newidiadau a all ddigwydd o fewn 28 diwrnod o'r newid, gan gyflwyno ffurflen newydd i fy rheolwr llinell.  <b>Notification of Changes</b> I undertake to notify the Council in writing of any changes which may occur within 28 days from the date of the change, by submitting a new form to my line manager.
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Llofnod/ Signature		Dyddiad/ Date	
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**ISLE OF ANGLESEY COUNTY COUNCIL**  
**FORM TO DECLARE AND REGISTER A PERSONAL INTEREST-EMPLOYEE**

Name of Employee:

If relevant:-  
Meeting:  
Date:-  
Time declaration is made:  
Item (number and name):  
 I left the meeting when the item was discussed (*tick the box*)

**I HEREBY DECLARE** that I have a personal interest under the Code of Conduct for Qualifying Employees of Relevant Authorities in Wales under the Local Government Act 2000.

Details of the Personal Interest:

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Signed .....

Date .....