



SHREWSBURY TOWN COUNCIL

Officer's Code of Conduct

AIMS OF THE POLICY

Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the Town Clerk any impropriety or breach of procedure (see Appendix 1).

DISCLOSURE OF INFORMATION

It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Town Council itself may decide to be open about other types of information. Employees must be aware of which information their council is and is not open about, and act accordingly (see Appendix 1).

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 Town Council 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.

POLITICAL NEUTRALITY

Employees serve the Town Council as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.

Subject to the Town Council's conventions, employees may also be requested to advise political groups. If undertaken, employees must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Town Council and must not allow their own personal or political opinions to interfere with their work.

RELATIONSHIPS

Councillors

Employees are responsible to the Town Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Town Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

The local community and service users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Town Council.

Contractors

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

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

APPOINTMENT AND OTHER EMPLOYMENT MATTERS

Employees involved in appointments should ensure that these are made on the basis of merit. 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.

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.

OUTSIDE COMMITMENTS

Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Town Council's interests (see Appendix 1).

Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

Inventions and patents

Inventions made before 1 June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after 1 June 1978 inventions are only the property of the employer if:

- they have been made in the course of the employee's normal duties; or
- they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

EMPLOYEES' INTERESTS

Employees are required to declare and register any interests that could place them in a position where there might be a conflict or a perceived conflict of interests (see Appendix 4 relating to Employees' Interests – Guidance Notes).

EQUALITY ISSUES

All local government employees should ensure that policies relating to equality issues as agreed by the Town Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity (see Appendix 2).

SEPARATION OF ROLES DURING TENDERING

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

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

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.

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.

CORRUPTION

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 any such rewards have not been corruptly obtained (see Annex 3).

USE OF FINANCIAL RESOURCES

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 Town Council. All financial matters should be conducted in accordance with the Town Council's financial regulations.

HOSPITALITY

Detailed guidance on gifts and hospitality is given at Appendix 3.

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Town Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Town Council should be seen to be represented. They should be properly authorised and recorded by the Town Clerk in a Register maintained for this purpose.

When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Town Council.

Employees should not accept significant personal gifts from contractors and outside suppliers, although the Town Council may wish to allow employees to keep insignificant items of token value such as pens, diaries etc.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Town Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Town Council gives consent in advance and where the Town Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the Town Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

SPONSORSHIP – GIVING AND RECEIVING

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Town Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Town Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Approved by Personnel Committee	3 August 2022
Adopted by Council	
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**EXTRACT FROM FORMER SCHEME OF CONDITIONS OF SERVICE
FOR ADMINISTRATIVE, PROFESSIONAL, TECHNICAL AND CLERICAL STAFF**

SECTION SEVEN

OFFICIAL CONDUCT

(Paragraph)

70. General

- (a) The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.
- (b) An officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The employing Town Council should not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the Town Council, conflict with or react detrimentally to the Town Council's interests, or in any way weaken public confidence in the conduct of the Town Council's business.

71. Whole-time Service

Officers above Scale 6 shall devote their whole-time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.

72. Proceedings of Committees

No officer shall communicate to the public the proceedings of any committee meeting, etc., nor the contents of any document relating to the Town Council unless required by law or expressly authorised to do so.

73. Interest of Officers in Contracts

If it comes to the knowledge of an officer that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been or is proposed to be, entered into by the Town Council, he shall, as soon as practicable, give notice in writing to the Council Manager of the Town Council of the fact that he is interested therein. (Attention is drawn to the provisions of the Local Government Act, 1972 Sections 95 and 117).

74. Information Concerning Officers

Information concerning an officer's private affairs shall not be supplied to any person outside the service of the employing Town Council unless the consent of such officer is first obtained.

75. Disciplinary Rules and Procedures

- (a) The National Council believes it is important for local authorities to have rules and procedures which assist in setting standards of conduct, to stimulate order and fairness in the treatment of individuals. These rules and procedures should be readily available to and understood by both management and staff at all levels.
- (b) The National Council has not issued detailed guidance on the formulation of disciplinary rules and procedures, but recommends local authorities to determine, by operation of the procedures normally adopted by the local parties, arrangements appropriate to local circumstances which have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Rules and Procedures.

GUIDANCE ON OFFERS OF GIFTS OR HOSPITALITY

Whilst the Council does not consider it is any part of an employer's duty to advise employees on the general law of the land, the following notes of guidance have been prepared for issue to all employees.

1. Introduction

The following guidelines supplement the law, the Council's standing orders, the financial regulations and the Code of Conduct in the former National Scheme of Conditions of Service for Local Authorities' Administrative, Professional, Technical and Clerical services.

You are reminded of the opening sentence of paragraph 70 of the former National Scheme of Conditions of Service which is as follows:

"The public is entitled to demand of a local government Officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives."

To a large extent the reputation of local government depends on the conduct of its employees and what the public believes about their conduct. You are, therefore, expected to use common sense in assessing any situation where improper influence could be construed or where it could be thought that an employee is capable of advancing the interests of any party. No employee should ever do anything which could give rise to accusations of improper influence and which could not be justified publicly.

This guidance is intended to assist you to reach the right decision in any particular case. If you are in any doubt about the right course of action to take you should always seek the advice of your service manager.

2. Gifts

There can be little doubt that the acceptance of gifts from persons who have, or may seek to have, dealings with the Town Council would be viewed by the public with grave suspicion and would make the employee concerned, and the Council, extremely vulnerable to criticism. You should, therefore, tactfully refuse any personal gift which is offered to you or to a member of your family by, or indirectly attributable to, any person or body who has, or may have, dealings of any kind whatsoever with the Town Council or who has applied or may apply to the Council for any kind of decision.

The only exceptions to this rule are:

- (a) small gifts of only token value often by way of trade advertisement to a wide range of people (eg calendars, diaries and tape measures or similar articles of use in the office);
- (b) small gifts of only token value given on the conclusion of a courtesy visit;
- (c) gifts of small value where the employee concerned, and also perhaps his or her spouse are personal friends of the donor and where refusal would be regarded as churlish. In such

cases, however, whilst the gift may be accepted, a letter should be sent by the employee concerned to the donor explaining the problems of accepting such gifts;

- (d) exchange of gifts of comparable value between personal friends.

If there is any doubt whether a gift may be accepted it should be politely and tactfully refused.

You are reminded that under the provisions of Section 117(2) of the Local Government Act 1972 you are forbidden "under the colour of his office or employment to accept any fee or reward whatsoever other than his proper remuneration", and that Section 117(4) provides that any person who contravenes the provisions of the subsection shall be liable on summary conviction to a fine not exceeding £200.

Gifts received should be properly authorised and recorded by the Town Clerk in a Register maintained for this purpose.

In the event that you receive a gift without previous warning that it is being offered, and which does not fall in any of the exceptions mentioned earlier in this note, you should immediately report the matter to your service manager who will then inform the town clerk. thereafter a decision will be made as to whether the gift should be returned or whether it should be passed to some charitable or other deserving cause and the Town Clerk will inform the donor what has happened to the gift and explain the reasons for the action which has been taken.

In all cases, except those referred to in the exceptions mentioned above, a record will be kept by the Town Clerk, including the action which has been taken.

3. Giving and receiving hospitality

Any hospitality given by employees of the Council at public expense should first be approved by your line manager and should be justified as being in the public interest. The hospitality given should be on a scale appropriate to the occasion and meanness and extravagance alike should be avoided.

In regard to any offers of hospitality, it should be safe to assume that these may be accepted if the offer is made by another non-commercial public body, but in all other cases any offer of hospitality must be treated with great caution.

You must refuse offers of hospitality where the slightest suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with or any decision from the Local Town Council, particularly where the offer is to an individual.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the particular occasion, not extravagant and, in particular, where it is apparent that no cause could reasonably arise for any adverse criticism about the acceptance of that hospitality.

Hospitality should be properly authorised and recorded by the Town Clerk in a Register maintained for this purpose.

4. Refusal of gifts and hospitality

Details of any gifts and/or hospitality offered to employees, but which are declined, must be entered in the Register of gifts and hospitality maintained by the Town Clerk.

5. Attempted bribery of Council Officers

If there should be any attempt at bribery there is only one proper course of action and that is for the employee concerned to refuse, quite firmly and unequivocally, to accept the bribe, whether it be monetary or in any other form. You should immediately report the incident to the Town Clerk. Consideration will then be given as to whether or not the matter should be placed in the hands of the Police.

EMPLOYEES' INTERESTS – GUIDANCE NOTES**1. Introduction**

The following is intended to assist employees in the course of their duties to determine in what situations they need to declare and register their interests.

The situations referred to are not exhaustive and employees should seek the advice of their service manager and/or the Town Clerk if they are in any doubt as to whether they have a conflict of interest in certain matters as they arise.

2. Situations where Interests may occur

- 2.1 The current Officers' Code of Conduct states that employees must not be involved in decisions relating to the appointment of, discipline, promotion or pay adjustment for any other employee who is a relative, partner etc. If such situations occur the employees affected should refrain from involvement and follow the procedures for declaring interests at paragraph 3.
- 2.2 Sections 95 and 117 of the Local Government Act 1972 place a legal obligation on an officer (employee) to give notice in writing to the Council (to the Town Clerk) of any contract in which he/she has a pecuniary interest, direct or indirect, that he/she has such an interest. This might include, for example, his/her shareholding in a Company with whom the Council is contracting or considering contracting or an application for planning permission with the Council. Failure to do so is a criminal act.
- 2.3 Any employee having previously declared and registered his/her interest in a matter to be discussed by the Council, a Committee or a Sub-Committee, eg a proposed contract with the Council, should not be present in the meeting room whilst that matter is under consideration.
- 2.4 Any person (or his/her spouse or partner) submitting a regulatory application to Shropshire Council or an agent, who is a serving employee of the Council, should, if present at any Council meeting when such application is considered, make it clear at the time of application that this is the case.
- 2.5 If any employee considers that he/she has any relationship with the applicant, agent or objector for any regulatory application submitted to Shropshire Council, or with any other party having an interest in the regulatory application, and that employee would normally be involved in the formulation of any recommendation thereon, the Town Clerk immediately of that interest.

In this context "relationship" includes:

- spouse
- partner
- parent
- son
- daughter
- grandparent
- aunt
- uncle
- brother
- sister
- nephew

- niece
- child of partner
- parent-in-law
- stepson
- stepdaughter, grandchild or the spouse or parent of any of the preceding persons
- business partner or friend
- employee of the Council employee

2.6 Subject to the requirements of paragraph 6.1 of the Officers' Code of Conduct, employees need to declare any interest as a result of outside employment, if this conflicts with the Council's interests.

2.7 An employee's conditions of employment require the employee to declare any conflict of interest or perceived conflict which he/she may have with the Council to the Town Clerk.

2.8 When the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse nor relative must benefit from such sponsorship in a direct way without the employee disclosing in full to an appropriate manager, the detail of the interest.

3. Declaring Employees' Interests

3.1 When any of the situations referred to in paragraphs 2.1 to 2.8 above occur, the relevant employees are obliged to register the interest in the Employees' Register of Interests which is kept and maintained in the office of the Town Clerk.

3.2.1 Where an employee notifies a service manager of an interest under paragraphs 2.1 – 3.1 above then the service manager must ensure that the employee's declared interest does not influence the exercise of Council functions.

Where possible the manager should ensure that the employee takes no part in any work relating to matters in which they have an interest. If it is not possible for the employee to take no part in such work then the manager should put in place documented procedures to ensure that the employee's interest does not affect and does not appear to affect the exercise of those functions, eg the employee's letters should be countersigned by the manager or certain specified decisions may have to be made by the manager.

3.4 The Employees' Register of Interests is not a document open to the public to inspect. The information contained within the Register may, however, be subject to requests for information under the Freedom of Information Act 2000, although, as the information is data protected, disclosure will happen only rarely.

3.5 As stated in the introductory paragraph, if any employee is unsure whether he/she has an interest or potential interest in any of the matters referred to in paragraphs 2.1 to 2.8 or indeed in any other issues he/she should contact the Town Clerk for advice.

LOCAL GOVERNMENT ACT 1972 – SECTIONS 95 AND 117
EMPLOYEES’ REGISTER OF INTERESTS

Employees are advised to read carefully the Guidance Notes on Employees’ Interests, together with the Officers’ Code of Conduct, the relevant procedure rules, codes and protocols contained in the Council’s Constitution before completing this Register.

<u>NAME OF EMPLOYEE</u>	<u>SERVICE AREA IN WHICH EMPLOYED</u>	<u>DETAILS AND NATURE OF EMPLOYEE’S INTEREST(S)</u>	<u>SIGNATURE OF EMPLOYEE</u>	<u>DATE OF ENTRY IN REGISTER</u>	<u>SIGNATURE OF MONITORING OFFICER (OR HIS/HER NOMINEE)</u>	<u>DATE OF NOTIFICATION BY HEAD OF SERVICE/ SERVICE MANAGER THAT POST REGISTRATION PROCEDURES ARE COMPLETE</u>