

## 1. Introduction

1.1 The Borough Council believes that its activities demand the highest standards of confidence of the public and that this confidence will derive from the way in which the Borough Council and its employees conduct themselves in undertaking its business.

1.2 The Local Government Act 1972 (Section 117) provides that no officer shall accept other than their proper remuneration. The Bribery Act 2010 makes it an offence to bribe another person or to accept a bribe.

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1.3 The Borough Council seeks to maintain the highest level of integrity as laid down in its own Financial Regulations and Standing Orders but this Code provides further guidance to its employees in addition to the statutes, cases, conditions of service and internal regulations.

Deleted: Prevention of Corruption Acts 1889-1916 contain wide and stringent provisions regarding the acceptance of gifts of money when this could constitute a bribe for favours given.¶  
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1.4 This Code will apply to all employees who should make themselves familiar with its contents and the obligations placed upon them. Failure to comply with the Code may be deemed a disciplinary matter.

1.5 References in the Code to a Chief Officer means the Chief Executive, and the three Deputy Chief Executives.

## 2. Gifts and Hospitality

2.1 The acceptance of gifts and/or hospitality by employees must be treated with extreme caution. There is a delicate balance between acceptance or refusal of hospitality or tokens of goodwill on certain occasions. On each occasion a judgement must be made between causing offence by refusal and risking improper conduct by acceptance.

2.2 Gifts offered to an employee should be declined if the employee knows or suspects the giver, has, or seeks business, with the council except for:-

- advertising paraphernalia of small value;
- equipment, stationery, etc. of small value;
- token gifts received during official or courtesy visits also of small value.

Gifts received without warning outside the above exceptions should be reported to the Monitoring Officer if of more than £25 in value and returned if possible or donated to the Mayor's charity.

- 2.3 All offers of gifts of more than £25 in value<sup>1</sup>, whether or not accepted, should be reported to the Monitoring Officer.
- 2.4 Hospitality should only be accepted when it is reasonably incidental and on a scale appropriate to the occasion or the circumstances, e.g. a working lunch to allow the continuation of business. Some offers of hospitality are clearly unacceptable, e.g. offers of holiday accommodation. Hospitality on a much lower scale than this may also be unacceptable. No absolute dividing line can be laid down. Particular care should be taken in dealing with contractors, developers, and firms or individuals in a comparable position. Offers of hospitality and hospitality accepted should be reported, prior to the event, to the Monitoring Officer, or as soon as possible thereafter if it was not foreseen.
- 2.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those who are providing the hospitality.
- 2.6 The Register of Gifts and Hospitality is open to public inspection at the Municipal Offices, Bowling Green Road, Kettering during normal working hours, Monday to Friday.

### **3. Use of Property and Resources**

The Borough Council's property and resources are to be solely used for approved purposes. Any facility, such as vehicles, equipment, stationery or secretarial services which the council provides for its own business should not be otherwise used without authorisation from a Chief Officer.

### **4. Provision and Use of Information**

- 4.1 The law requires that much of the council's business shall be conducted in public, so as to ensure due democratic accountability. No employee shall knowingly impede the public's right to gain access to information which is in the public domain.

4.2 By the nature of its business however, the council deals with sensitive information which is to be kept confidential. This information usually concerns: information about individual employees, tenants, or clients, financial and business affairs of other organisations, the terms of contracts, tenders and other transactions, and information concerned with the prevention, investigation and prosecution of a crime. Additionally, the Data Protection Act affords protection of the information held on computer about individual customers or clients. No employee shall communicate to the public the proceedings of any executive or committee meeting nor the contents of any document in which this confidential information arises, unless required by law or expressly authorised to do so by a Chief Officer, the executive or Committee.

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<sup>1</sup> This includes a record of all gifts received from the same source in any one financial year where together their value is greater than £25.

4.3 Employees shall not communicate with the press, unless permitted to do so by a Chief Officer or with the agreement of the Media Officer. Communication with the press on industrial relations issues shall be conveyed via the representatives of recognised trade unions. No employee should canvass public support for any personnel issue except through the medium of the authority or a recognised trade union.

4.4 Information obtained as a council employee must not be used for their own personal advantage or that of any of their relatives and friends.

## 5. Personal Interests

5.1 If it comes to the knowledge of an employee that they have an interest in a contract which has been or is proposed to be entered into by the Borough Council, or any other matter, they must give notice in writing to the Chief Executive of this fact as soon as possible. A record of that interest will be made in a book kept for the purpose, which is open to inspection by any Chief Officer, Service Head or Member of the Council.

5.2 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the authority's interests.

5.3 Employees should declare to an appropriate manager membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## **6. Other Employment**

6.1 Employees' off-duty hours are their personal concern, but they should not subordinate or conflict with their official duties at any time. The council will not attempt to preclude any of its employees from undertaking additional employment but such employment must not in the council's view conflict or react detrimentally to the authority's interest or any way weaken public confidence in the conduct of the authority's business.

6.2 Officers above Scale 6 must not engage in any other business, or take up any additional appointment without first receiving the express consent of their Service Head and Chief Officer.

## **7. Relationships**

### **7.1 Councillors**

Employees are responsible to the authority 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 authority'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.

### **7.2 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 authority.

### **7.3 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.

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

- 8.1 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 them.
- 8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.
- 8.3 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 8.4 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.

## **9. Equality Issues**

All local government employees should ensure that policies relating to equality issues as agreed by the authority 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.

## **10. Separation of Roles During Tendering**

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

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

10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

## **11. Sponsorship – Giving and Receiving**

11.1 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.

11.2 Where the authority 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 authority 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.

## **12. Unlawful Activity**

Any employee concerned about an apparently unlawful act by the council or one of its employees whilst engaged on council business or any action or inaction likely to result in maladministration causing injustice, should discuss this with the Chief Executive and Monitoring Officer, or a Chief Officer, who shall make a written note of the discussion, and present such written note to a meeting of the Strategic Management Team within one week of the discussion having taken place.

## **13. Political Impartiality**

Nothing in this section prohibits an employee from becoming a member of any political party. No employee of the council shall be required to advise one political group of the council, either as to the work of the group or as to the work of the council, nor shall they be required to attend any meetings of any political group. Employees serve the whole council, and partiality towards any one group will serve to diminish public confidence in the political neutrality of the paid service. Certain officers hold politically restricted posts and are advised individually of the statutory rules in relation to political activity.