

General Purposes Committee	<b>Agenda Item:</b>
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<b>Meeting Date</b>	24 October 2011
<b>Report Title</b>	Officer Code of Conduct
<b>Portfolio Holder</b>	The Leader
<b>SMT Lead</b>	Mark Radford, Corporate Service Director
<b>Head of Service</b>	
<b>Lead Officer</b>	Mark Radford
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>
<b>Forward Plan</b>	<b>Reference number:</b>

<b>Recommendations</b>	1. That the Officer Code of Conduct approved by Strategic Management Team be noted.
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## **Purpose of Report and Executive Summary**

- 1.1 The report is required to enable the management response to a recent internal audit report to be actioned. At its meeting in January 2011, the Committee was asked to note the approved revised officer Code of Conduct that had been agreed between Strategic Management Team and Unison. Unfortunately, the meeting did not consider the matter and it has been in abeyance since.
- 1.2 This area has recently been subject to an internal audit report and to take forward the recommendations General Purposes Committee are asked to note the revised arrangements

## **2 Background**

- 2.1 The Officer Code of Conduct was considered in need of updating and revising to reflect current practice as part of the Constitution review. The Monitoring Officer was tasked with (a) reviewing the Code in line with best practice from other authorities and (b) agreeing the revised Code with Unison.
- 2.2 Appendix I sets out the revised Code of Conduct agreed with Unison and approved by Strategic Management Team
- 2.3 It had been anticipated that this Committee would have noted the new Code at its January meeting. It was unable to do so. The area has recently been subject to an internal audit report which achieved a substantial level of assurance.

2.4 However, to take forward the agreed management action plan, see Appendix II, this Committee needs to note the action taken.

### **3 Proposal**

3.1 By agreeing to note the approval of the revised Code of Conduct for Officers the Committee will be supporting improved governance within the council.

### **4 Alternative Options**

4.1 No alternative option is suggested as the revised Code has been subject to detailed discussion with Unison.

### **5 Consultation Undertaken or Proposed**

5.1 Consultation with Unison was undertaken at all stages of the development of the revised Code.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	Having in place an up to date Code of Conduct for officers contributes to the overall governance of the Council and helps achieve the high performing organisation priority.
Financial, Resource and Property	None identified at this stage. Monitoring of the Code of Conduct will be through existing resources
Legal and Statutory	The Code of Conduct for Officers whilst not statutory is recommended good practice from a governance perspective
Crime and Disorder	None identified at this stage
Risk Management and Health and Safety	The revised Code of Conduct provides an updated register for Officers and guidance on what is expected
Equality and Diversity	The New Code will be applied equally and proportionately.
Sustainability	None identified at this stage

### **7 Appendices**

- 7.1 The following documents are to be published with this report and form part of the report
- Appendix I: The agreed Code of Conduct for Officers
  - Appendix II: The agreed management action plan following the recent internal audit

## **8 Background Papers**

- 8.1 Report to General Purposes Committee 26 January 2011

# **Appendix I**

## **OFFICERS' CODE OF CONDUCT AND GUIDE**

### **INTRODUCTION –Why is it important?**

Our community expects the highest standards of conduct from all of us who work for the Borough Council.

The council expects high standards from its employees because we provide services that can affect the health, wealth and well being of local people. We are subject to democratic control and accountable to the electorate and it is local people who fund council spending and take an interest in the way money is spent.

The Council expects you to comply with both the letter and the spirit of its Equalities Strategy not to discriminate, either in employment practices or in the provision of facilities and services to the public, by reference to Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation . All members of the local community, users of service and other employees have a right to be treated with fairness and equity.

### **AIMS OF THE CODE – What does the Code do?**

This code sets out the minimum standards by which the council and its staff work. It is not a complete list of what we can and cannot do, but its aim is to enable us to understand the ground rules.

However the Code cannot be exhaustive and you should seek guidance on any matter where you are unsure of the standards required.

### **SCOPE OF THE CODE**

Following the Code is part of your conditions of employment with the Council. If you do not follow it may mean that the formal disciplinary procedure will apply. It also applies to persons under the Strategic Partnership Agreement and interims. Although the code relates primarily to your working hours it can also apply where due to your role you might be on call. You should also be aware that the Code could apply to comments you make when using social media such as Facebook and Twitter.

### **WHAT DO ELECTED MEMBERS EXPECT?**

We are responsible to the elected members who represent the local community. The council is looking continually to improve its responsiveness to the people of its district. It expects you to be courteous, efficient, helpful, as open as possible and impartial in your dealings with the public.

### **Working safely**

The council is committed to promoting good health, welfare and safe working. You have to take reasonable care for your own health and safety and for the safety of others who may be affected by what you do. Failure to do so may endanger him/her, the public and other staff.

### **Working honestly**

It is a serious criminal offence for you 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 your official capacity. If an allegation is made the matter will be investigated using procedures set out in the council's grievance and disciplinary policies. You must not show favouritism or give preferential treatment to friends, partners or relations in the allocation of Council services or benefits.

You must report to the Head of Legal Services any dealings that they become aware of where they suspect that the money involved may have been acquired through illegal practices whether or not that money relates to a client's funds or those of any contractor or third-party with whom the Council may be involved.

The receipt of minor articles, often by way of trade advertisements, which will be used on the Council's business e.g. diaries calendars, office requisites and the like, which are customarily distributed at Christmas, and occasionally at other times, will not be regarded as the acceptance of a gift; but if there is any doubt the gift should be refused. Similar principles should be followed in connection with the acceptance of favours other than gifts, such as trading discounts.

### **DISCLOSURE OF INFORMATION –What can I disclose?**

Open government is best because it gives assurance to our communities that decisions are being taken in as open as transparent a way as possible.. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. You must be aware of which information the Council does make public and act accordingly. In particular liability under Data Protection legislation must be observed and safeguarded. Information gathered while working for the council should not be used for commercial or personal gain or otherwise misused.

You are under a special obligation to further the interests of the council. Ownership of any copyright, design right, database or invention you make during the course of your normal duties or any duties specifically assigned to you will be with the council.

In your dealings with consultants and contractors you should, wherever appropriate, ensure that the council acquires ownership of any database or intellectual property rights produced specifically in connection with work for the council.

You should not knowingly use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.

### **POLITICAL NEUTRALITY AND RELATIONSHIPS WITH COUNCILLORS**

Mutual respect between staff and Councillors is essential to good Local Government. You serve the Council as a whole not just the controlling group. You are expected to contribute to proper and effective working relationships with councillors. You must ensure that the individual rights of councillors are respected and you must ensure that you maintain political neutrality and do nothing that might embarrass others or damage your relationship with members. There are rules around political allegiances and if in any doubt raise the matter with your line manager.

Close personal familiarity between individual councillors and officers can damage this relationship and give rise to the appearance of improper conduct and prove embarrassing to other staff and Councillors and therefore should be avoided.

You must report to your Head of Service any occasions when a member asks or pressures you to deal with a matter outside of council procedure or policy. You must take up any work problem or personal problems you have with managers, do not raise them directly with members

The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No.2) Regulations 1990 impose, as a result of the salary level or scope of duties, restrictions on the political activities of certain officers. Full details will be provided to you if you are in such a post.

You must follow every lawful expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work.

During the period between an election being called and polling day there are strict legal guidelines covering publicity and promotional material. This is because in the run up to local elections (and national elections were they to run at the same time) there is understandably heightened sensitivity around the Council's publicity.

The restrictions apply to a broad range of activities because the definition of publicity and promotional activities is so wide. In particular:

- the election guidelines reinforce the general requirement of the Local Government Act 1986, which says: "A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party."; and
- the 1986 Act makes it clear that the timing of the release of publicity or information will be a critical factor in deciding whether material is designed to affect public support for a political party, and this means even greater care must be taken in issuing publicity following the calling of an election.

The guidelines are clear that it is very important that the Council's officers are seen to be politically neutral, and that any launches or events are either held well in advance of, or delayed until after, the election so that they solely promote the Council's services rather than being construed in any way, shape or form as political vehicles.

## **RELATIONSHIPS –What are my responsibilities?**

### **The Local Community and Service Users**

You must always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.

### **Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, must be declared appropriately. Orders and contracts must be awarded on merit in accordance with the Council's Financial and Contracts Rules and the Best Value Regime. No special favour must be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community must be discriminated against.

### **With Other Employees**

Close personal relationships between Council employees will sometimes occur. It is very important that any relationship is not seen to bring advantage to either party and close personal relationships between a senior manager and one of their staff should be avoided. If a close personal relationship develops between a manager and a member of their staff it may be necessary to relocate one of the individuals to alternative work.

### **Media**

The Council has authorised the Chief Executive, Directors and their nominated representatives and the Communications and Marketing section to communicate with the media. Other employees who are not authorised to deal with representatives of the press or media should immediately refer any enquiries they received to the Director or to the Communications and Marketing section Manager. Employees who have specific authority to deal with such enquiries should only reply to requests for information or questions which relate to the facts of a situation. Where an expression of opinion or official statement of policy is required the Director must first be consulted. Employees should avoid being led by representatives of the media into making unguarded comments that might be construed as official policy. Every assistance should be given to Members who need information to deal with comments by the press or media.

An employee, who speaks as a private individual direct to the press, or at a public meeting, or where their remarks may be reported to the press, should ensure that nothing they say might lead the public to think they are acting in their capacity as a Council employee. Where employees are speaking on behalf of a recognised trade union this must be made clear.

### **APPOINTMENT AND OTHER EMPLOYMENT MATTERS –When Can I be involved?**

If you are involved in appointments you must ensure that these are made on the basis of merit. It would be unlawful for you 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, you must not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her. You must not let your political or personal preferences influence your judgement. You must not canvass the support of colleagues for any candidate and you must resist any attempt by others to canvass you.

Similarly, you must not be involved in decisions relating to discipline promotion or pay adjustments for any Officer with whom you have a close personal relationship.

### **OUTSIDE COMMITMENTS**

What you do during your off duty hours is your personal concern but you should not put yourself in a position where your duties and private interests conflict. You should not undertake outside work if your official duties

overlap in a way which would cause a conflict of interest or if the outside work is likely to affect adversely the performance of your contract with the Borough Council. No outside work of any sort should be undertaken on Borough Council premises. Correspondence and incoming phone calls related to outside work are not permissible. You may not engage in any other business or take up any other additional employment without the express consent in writing of your Director or as specified in your letter of appointment.

You must not use the Council's equipment, property or contacts in any authorised private work that you do and you must not do any private work during your working hours. You must seek the approval of your manager before publishing or making private gain from any work which may be associated with your official capacity.

Council facilities must not be used for private use.

Outside of your employment, you must not undertake any private commitments or activities that may bring the Council into disrepute or impair your performance or detrimentally conflict with the Council's interests. If you are absent ill you must not undertake activities that may be detrimental to or inhibit your return to fitness and work.

The Council encourages voluntary work, public duties and activities in support of local community groups and your involvement in these areas is welcomed.

When acting in a professional capacity you may publish books and articles, give lectures or speak on radio and television and may illustrate these by reference to the Council's activities or policies. You should however, consult your Director before doing so and should make it clear that the views you express are your own and not those of the Borough Council.

Those employees holding supervisory or managerial positions are expected to give first priority to their employment with Swale Borough Council and prior permission to undertake other paid employment must be obtained from their Director.

## **PERSONAL INTERESTS**

**You must record in the Central Register the following interests:-**

- i) All paid employment (other than by the Borough Council) and occupations, including Directorships, Partnerships and Consultancies.**
- ii) Ownership of any land which is within the Borough.**
- iii) Companies or other Corporate Bodies having a place of business within the Borough and in which the Officer has a beneficial interest in a class of securities of a nominal value of greater than £25,000 or 1/100<sup>th</sup> of the issued share capital, whichever is the less.**
- iv) Any tenancy or license of land or premises in the Borough.**
- v) Membership of any organisation that falls within the following definition:**

*'Any lodge, chapter, society, trust or regular gathering or meeting, which:*

*(a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and*

*(b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and*

*(c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering, or meeting.'*

*A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion."*

**vi) Any other financial or non-financial interest which could conflict with the Council's interests.**

Private and personal interests include those of their family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations.

You must not process any claim or application to the Council from yourself, a relative or personal friend. You must disclose any such claim or application to your supervisor or manager who will arrange for it to be dealt with by another member of staff. You have a personal interest in a matter if that matter affects the wellbeing or financial position of you, your relatives or your friends more than it would affect other people in the Council's area. Such an interest may be either non-financial or financial.

When you submit a planning application to the Council, you must notify the Council's Monitoring Officer at the same time. If you are present at any meeting of the Council, when an issue in which you have a personal interest is being discussed, you must declare the interest and its nature and leave the meeting.

You must provide written notification of your personal and financial interests that could bring you into conflict with the Council's interests to the Council's Monitoring Officer annually within 28 days of 1 April in any year and within 28 days of becoming aware of any new personal or financial interest or change to any personal or financial interest. The Monitoring Officer maintains a register for this purpose.

The same principles would apply to sponsorship of corporate activities, events and functions. The register should include details of the name of sponsors, descriptions of the sponsorship offered and whether it is accepted or declined.

## **SEPARATION OF ROLES DURING TENDERING**

If you are involved in the tendering process and are dealing with contractors you must be clear on the separation of client and contractor roles within the Council. Senior Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness. If you are employed in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you are privy to confidential matters on tenders or costs for either internal or external contractors you must not disclose those matters to any unauthorised party or organisation.

If you are contemplating a management buyout you must, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

You must 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.

## **Hospitality**

You must only accept offers of hospitality if there is a genuine need to impart information or represent the Council through the particular engagement. Offers to attend purely social or sporting functions should only be accepted when these are for the benefit of the Council or in connection with a civic or courtesy visit. All hospitality received must be properly authorised in advance and recorded in the register of gifts and hospitality held by the Monitoring Officer.

When hospitality has to be declined, those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council. Any firm or individual who wishes to make a gesture of goodwill to the Council or its Officers should be redirected to the Mayor's Charity Fund.

When receiving authorised gifts or hospitality you must be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. You must decline hospitality which may compromise your impartiality or have the perception of doing so.

Acceptance by you of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where your manager gives consent in advance and where your manager is satisfied that any purchasing decisions are not compromised.

Hospitality, excluding light refreshments, can only be given in exceptional circumstances where there is an expected demonstrable benefit to the Council and with the prior approval of your Head of Service or Director.

## **Free Seminars/Conferences/Product Familiarisation Sessions**

You may attend such relevant seminars, training sessions, conferences, courses or trips for product/service familiarisation but must be recorded in advance in the Directorate's Gifts and Hospitality Register. In all cases, the Director/Section Manager must give consent prior to attendance and be satisfied that no immediate or subsequent purchasing decisions are compromised by you attending. Where visits to inspect equipment etc. are required, you must ensure that the Council meets the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where modest meals or refreshments are provided by the other party, and to refuse would give offence or be unreasonable, these may be accepted and recorded in the Gifts and Hospitality Register, but these should be authorised in advance in writing by the Director/Section Manager wherever possible. Where this is not possible, the written sanction of the Director/Section Manager should be obtained and recorded as soon as possible thereafter.

## **Review of Gifts and Hospitality Registers**

The Chief Executive and each Director shall review their respective Gifts and Hospitality Registers (and in the case of the Chief Executive also the Corporate Gift/Sponsorship Register) on a three-monthly basis and will sign the Register to signify that they are satisfied to the best of their knowledge that there is full compliance with the provisions relating to gifts and hospitality. The Monitoring Officer will ensure that reminders are sent to staff at least annually

If there is any doubt about whether an invitation should be accepted it may be preferable to entertain prospective contractors on the Council's premises. The level of hospitality offered will obviously vary according to the circumstances of each situation, but in all cases, you should be able to justify the arrangements you have made in the interest of the Council as a whole. All hospitality should be properly authorised and recorded in a register held by the Director. (In the case of a Director this will be recorded in

a register held by the Chief Executive). See Appendix 3 for the form which needs to be completed.

## **STANDARD OF APPEARANCE**

The Council has the right to expect high standards of appearance from staff whilst undertaking their duties. Employees should be neat, well groomed and professional in appearance whilst dressing appropriately for the task they are undertaking. Where uniforms are provided as part of your role you are expected to wear these at all time you are on duty during your normal officer hours. If part of your duties involves being on call, this requirement would not apply to your out off hours work.

Where provided, safety equipment and protective clothing must be worn as instructed. No such equipment may be tampered with and any defects apparent must be brought to the attention of the appropriate manager without delay.

For the protection of the public and employees it is important that you are easily identifiable whilst at work either within the offices or within the community. Cardkey identification cards, where provided, must be worn, so as to be clearly visible, at all times. When making visits to the homes or premises of the public, official Council identification should be presented promptly and where appropriate ahead of being requested.

## **FRAUD AND THEFT**

The Council will not tolerate fraud or theft committed by employees at or during the course of their work. If evidence comes to light that fraud or theft has occurred the matter will be fully investigated internally and if sufficient evidence is available of possible involvement in fraud or theft staff will be suspended. If sufficient evidence is available that a loss has been incurred by the Council and by implication a criminal act has occurred, the matter will be referred to the Police who may undertake their own quite separate investigation. Under the Council's Disciplinary Policy staff may be subject to disciplinary action or dismissed if there is evidence to suggest either fraud or theft has been committed. Offences committed outside work may also be dealt with under the Disciplinary Policy and you should ensure that you understand how this could affect your employment with the Council.

## **BREACH OF THE CODE**

Breach of this code of conduct by you will be regarded as a disciplinary offence. Serious breach will be regarded as gross misconduct. Examples of serious breach include: failure to inform an appropriate manager about fraud or impropriety of which you are aware; misuse of confidential information; failure to declare a personal or prejudicial interest in a contract and making private gain as a result; private activities which bring the Council into disrepute; preferential treatment of contractors or clients in return for gifts or hospitality; use of Council equipment or facilities for private gain.

**PROTOCOL ON MEMBER/OFFICER RELATIONS  
(PART 5 OF CONSTITUTION)**

**1. Introduction**

- 1.1 The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol is to a large extent no more than a written down statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 In this protocol, “officers” applies to all employees of the Council, including manual staff.

**2. Principles**

- 2.1 This protocol also seeks to enhance and maintain the integrity (real and perceived) of local government and it and the Council’s various roles therefore demand high standards of personal conduct.
- 2.2 Members and officers have separate and distinct roles. Both Members and officers should recognise this and respect their varying roles.
- 2.3 The basic principles underlying the Member/officer relationship in both directions should therefore be:-
  - 1) honesty
  - 2) openness
  - 3) respect for the different roles; and
  - 4) courtesy and manners
- 2.4 In addition, both Members and officers have their own personal lives which should be respected. Except in cases of emergency, contact out of office hours on matters relating to Council business should be avoided.
- 2.5 A Member may not attempt or purport to give instructions to any officer (unless properly given as an executive member) nor to involve him/herself in staffing matters other than as part of the Council employment practices. Members should never subject an Officer to unfair treatment or criticism and Members and Officers should have mutual respect for each other at all times even if their views differ.

2.6 Members should appreciate that officers are responsible for their conduct to their line manager. Information given by officers to Members will routinely be passed on to other officers of the Council. Members should therefore not expect nor ask that information given to them by officers should be kept confidential as this would conflict with the officers' responsibilities to their managers and their chief officer.

2.7 Where any complaints or concerns appear to be justified, these will be dealt with in accordance with the Council's policies relating to employee relations. The Executive and the Employment and Development Panel are politically accountable for staff policy issues and the Chief Executive is responsible for the management of staff including disciplinary and other operational matters.

### 3. **Roles of Members**

3.1 Members are responsible to the electorate and serve so long as their term of office lasts.

3.2 Members have a variety of roles which will differ depending on their particular role within the Council (e.g. a chairman, or as a member of the executive/overview and scrutiny Committee).

3.3 The Council has agreed a list of key roles for Councillors which are set out in Article 2.03 of the Constitution. In brief, Councillors are expected to:-

- 1) make policy
- 2) contribute to the good governance of the areas
- 3) represent the interests of their Wards and Constituents fairly and impartially
- 4) participate in the management of the Council
- 5) maintain the highest standards of conduct and ethics

### 4. **Role of Officers**

4.1 Through the management structures officers are responsible to the Council as a whole, which is their employer.

4.2 Whether or not the officer holds a politically restricted post, officers must be seen to be politically impartial and must not allow their political views to influence their actions.

4.3 Officers are responsible for giving advice to Members and for implementing the proper decisions of the Council.

4.4 Officers have various roles depending on their job. These include giving professional or technical advice, undertaking professional, technical or other jobs and managing other officers.

4.5 The head of the paid service and the chief officers are responsible for the day to day running of the Council in accordance with the decisions of the Council or executive and under delegated Council.

4.6 The Head of the Paid Service and the chief officers are therefore responsible for the management of the officers and are responsible consequently for giving instructions and disciplining officers.

4.7 Officers may also be subject to the rules and codes of conduct of his or her own particular profession.

## 5. **Mayor**

5.1 The Mayor should during their term of office not engage in any controversial activity which could call into question the integrity or impartiality of the office.

5.2 The role of the Mayor is shown in greater detail in Article 5 of the Constitution.

5.3 The support provided to the Mayor should be used solely in discharging the civic functions associated with the office.

5.4 The Mayor should be careful not to engage in political activities which are properly the function of the Leader of the Council (and vice versa).

5.5 Officers shall go through the agenda of Council meetings with the Mayor and shall help him or her answer questions to the extent of supplying him or her with facts. Officers must avoid straying into areas of politics or personalities.

## 6. **The Cabinet and Officers**

6.1 Executive councillors are elected councillors who have been given the responsibility for providing the Council's political administration. It is their role to develop and formulate policies (for approval by the Council) which help guide officers in carrying out the Council's activities and the provision of services and the Cabinet must carry out its functions in accordance with those approved policies. They also have responsibility for matters of major principle. They are politically accountable to the Council and the electorate for the functions contained within their individual portfolio of responsibilities, severally and jointly. It is therefore necessary for executive councillors to have timely access to advice, support and relevant information to fulfil this role effectively.

6.2 The Chief Executive is the Head of the Paid Service. He or she, with the support of other chief officers, is responsible for the management of staff, the implementation of policies approved by, or on behalf of, the Council, and for securing the proper undertaking of all operational matters. They are responsible for providing advice and guidance to the executive councillors in their respective professional and managerial fields.

6.3 In this role, chief officers are supported by Heads of Service. The latter provide more specialised and detailed advice and guidance in their field of knowledge which is normally provided to executive councillors through chief officers. Heads of Service are primarily responsible for the management of staff within units and the operation of Council services on a day-to-day basis.

6.4 In the performance of their functions, executive councillors should normally seek advice, assistance and such other appropriate support from the relevant chief officer in order to ensure that executive councillors' needs are dealt with as a priority at the appropriate level within the organisation. In a chief officer's absence, contact will normally be with the Section Manager. This support will relate to those matters of policy and principle for which the executive councillors are responsible, but will not include matters of a political nature.

- 6.5 Officers are equipped with the professional and technical competencies, trained professionally to carry out the operations for which they are responsible in accordance with Council policy. They are insured for this activity and are entitled to certain indemnity in the event of legal challenge or claim: the distinction between policy and operational issues is therefore a significant one.
- 6.6 Councillors are, generally, when carrying out their normal representational roles on behalf of local residents recommended to refer their requests for information or other concerns directly to identified officer contacts across the organisation. However, in view of the special position of the executive councillors, it is recommended that ward issues should, in their cases, be dealt with through the chief officer, head of service or such other officer(s) nominated by him/her for this purpose in order to avoid misunderstandings. Councillors are advised to report problems via the Customer Service Centre so there is a record.
- 6.7 The responsibilities of executive councillors are significant and they require assistance and support of a highly professional nature from officers. If any cabinet member feels that the support they has received falls short of the expected standard, or they has concerns about the performance of a member of staff, this should be raised with either the relevant chief officer or with the Chief Executive and every effort will be made to resolve the problem.

## **7. Overview and Scrutiny**

- 7.1 When attending the Policy Overview and Scrutiny committees, officers may be questioned on facts and explanations relating to policies and decisions. Officers should be reassured that any responses may be given in good faith without fear or favour.
- 7.2 Officers may be asked to explain and justify advice they have given to councillors on the executive and may also be asked to explain and justify decisions taken under delegated powers.
- 7.3 However, any questions should avoid drawing into question officers' impartiality but questions on the merits of alternative courses of action may be asked.
- 7.4 Councillors on the overview and scrutiny committee are entitled to expect the same level of help and advice from officers as is given to the executive or the other non-executive committees.
- 7.5 The overview and scrutiny committees should particularly bear in mind the Human Rights Conventions, specifically Article 8 – respect for private life.

## **8. Officer/Chairman Relationship**

- 8.1 It is clearly important that there should be a professional working relationship between the chairman of a committee and chief officer and other senior officers of any unit. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other councillors and other party groups.
- 8.2 In relation to action between meetings, it is important to remember that the law only allows for non-executive decisions (relating to the discharge of any of the Council's non-executive functions) to be

taken by a Committee, a sub-committee or an officer through delegations to officers agreed by the Executive.

- 8.3 The chairman's role is primarily to ensure that the business transacted at a meeting is done efficiently and effectively ensuring that members of the Committee can participate equally in the discussions of the Committee.
- 8.4 The officer's relationship with the chairman should reflect the primary purpose in paragraph 8.3.
- 8.5 Finally, it must be remembered that officers are accountable to their chief officer and that whilst officers should always seek to assist a chairman (or indeed any councillor) they must not, in doing so, go beyond the bounds of whatever Council they have been given by their chief officer. If any officer is concerned about their position, they should report their concern to their Chief Officer and/or the Monitoring Officer.

## 9. **Party Groups**

- 9.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. However, whilst each party group may ask for a presentation on a relevant subject from officers officers should not in any way contribute to the deliberations.
- 9.2 Councillors must not ask officers to act in any way which would conflict with the employee's code of conduct or which would affect or be seen to affect the political impartiality of officers.

## 10. **Ward Councillors**

- 10.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue the ward councillors should be notified at the outset of the exercise.
- 10.2 Officers may only attend meetings called by ward councillors if this attendance is approved by a chief officer.
- 10.3 Ward councillors may not ask officers to provide advice or undertake work for organisations with which they are involved unless that service has been approved by the relevant chief officer.
- 10.4 In dealings with local groups officers should as far as possible respect the representational role that councillors have in their wards.

## 11. **Councillors' Access to Information and to Council Documents**

- 11.1 Councillors are free to approach any officer to provide them with such information explanation and advice (about that officer's functions) as they may reasonably need in order to assist them in discharging their role as councillors. This can range from a request for general information about some aspect of a unit's activities to a request for specific information on behalf of a constituent.

- 11.2 In addition to Members' common law and statutory rights to inspect documents, the Council has agreed that members should have the following rights:
- 11.2.1 That all documents (including reports and draft reports to the Chief Officer Management Team and the minutes thereof) of the Council should be available and open for inspection and copying by all Members, provided either that the documents do not disclose exempt information as described in paragraphs 1, 2, 3, 4, 5, 6, 9, 11, 12 and 14 of Schedule 12A to the Local Government Act 1972, or that the Member has a need to know the information contained in the document and has made a written declaration stating why inspection of the documents is necessary for the performance of their duties as a Councillor, provided that access to the document will not be given if to do so would be a breach of the Data Protection Act or other legislation;
- 11.2.2 That all information obtained from an inspection and any copy document received shall be treated as confidential to the Member and shall be for his use as a Member of the Council only unless the Chief Executive, Director or duly authorised Officer concerned agrees at the time of inspection or supply of copy documents that this restriction can be relaxed; and
- 11.2.3 That in the event of the Chief Executive, Director or duly authorised Officer not agreeing that the restriction can be relaxed, the Member concerned shall have the right to require the matter to be referred to the relevant Committee and, if necessary, to the Council for final determination.
- 11.3 Further and more detailed advice regarding members' rights to inspect Council documents may be obtained from the Head of Legal.
- 11.4 Finally, any Council information provided to a councillor must only be used by the councillor for the purpose for which its was provided, i.e. in connection with the proper performance of the councillor's duties as a member of the Council.

## 12. **Correspondence**

- 12.1 Where it is necessary for an officer to copy their correspondence with a councillor to another person this should be made clear to the councillor. In other words, a system of "blind copies" should not be employed.
- 12.2 Official letters on behalf of the Council which create legally binding obligations or give instructions on behalf of the Council, should never be sent out over the name of a Councillor.

## 13. **Support Services to Councillors**

- 13.1 Support to councillors shall be as part of the current level of activity of the council and provided solely in order for the councillor to fulfil their duties.
- 13.2 This support shall only be provided with the approval of the Chief Executive who shall be entitled to inspect any documents produced.

SWALE BOROUGH COUNCIL

NOTIFICATION BY OFFICER OF FINANCIAL AND OTHER INTERESTS

DIRECTORATE OF \_\_\_\_\_

NAME:.....SECTION:.....

My financial and other interests are recorded below (tick and supply details):-

- 1. All paid employment (other than by the Borough Council) and occupations, including directorships, partnerships and consultancies. The amount of the income involved need not be stated. (N.B. all staff on Grade 8 and above must obtain their Director's written consent before taking on any employment, directorship or consultancy).

**I have no interests to declare**  
**This does apply to me (give details)**  
The employment/business carried out by me:

  

Name of employer/firm in which I am a partner/companies for which I am a remunerated director/consultant:

- 2. Ownership of any land which is in the Borough, including your dwelling/house.

**I have no interests to declare**  
**This does apply to me (give details)**

  

- 3. Companies or other corporate bodies having a place of business within the Borough's area and in which the Officer has a beneficial interest in a class of securities of a nominal value greater than £25,000 or 1/100<sup>th</sup> of the issued share capital, whichever is the less. The amount of the holding need not be stated.

**I have no interests to declare**  
**This does apply to me (give details)**

  

- 4. Any tenancy or licence of land or premises in the Borough.

**I have no interests to declare**  
**This does apply to me (give details)**

**vii) 5. Membership of any organisation that falls within the following definition:**

*'Any lodge, chapter, society, trust or regular gathering or meeting, which:*

*(a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and*

*(b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and*

*(c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering, or meeting.'*

*A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognised religion."*

**I have no interests to declare**

**This does apply to me (give details)**

6 Any other declarations of financial or non-financial interests which could conflict with the Council's interests. Please provide details of any benefits/housing allocation/contracts where there is, or you believe it could be considered that there is a conflict of interests as a result of you having a personal relationship. Any amendments must be reported immediately in writing to the Monitoring Officer.

Name and address of person	Relationship	Interest/involvement

Signature of

Officer:.....Date:.....

**NOTES**

a) This form must be completed and returned to the Monitoring Officer immediately. All officers will be required to complete this form upon appointment and when it is circulated which will be on a three yearly basis.

b) You must notify the Monitoring Officer immediately in writing should any of your interests change

c) The Register will not be made public unless the Council is legally required to do so or unless the member of staff has given his/her written approval

- d) This procedure exists to protect both yourself and the Council, and it is your duty to ensure that you discharge this duty effectively. You must, therefore, be aware that any failure to disclose interests which the Council do reasonably deem to be notifiable, will be regarded as a disciplinary offence, which may result in your dismissal from the Council's service. You are therefore actively encouraged to discuss any issue which you believe falls within the purview of this policy with your manager if you are in any doubt as to your position with regard to declaration/seeking approval

**NOTIFICATION OF GIFTS AND HOSPITALITY BY OFFICERS**

**Please Note that you only need to notify any gifts or hospitality worth £25 or over**

<p>Person/Organisation offering gift/hospitality</p>  <p>What connection does this person/organisation have with the/ Council</p>	
<p>Brief description of gift/hospitality</p> <p>Business reason (if any) for acceptance of gift/hospitality</p> <p>Approximate value</p>	
<p>Did you accept the gift/hospitality?</p> <p>If you accepted a gift, did you retain it for yourself or if not, what did you do with it?</p>	<p>YES/NO</p>
<p>Any further information</p>	
<p>Approval of Section Manager/Director</p>	<p>Signed ..... Date                  .....</p> <p>Director/Section Manager</p>

Date .....

Signature .....

..... (please print name)

Ref No .....

## Appendix II

REPORT REF.	RECOMMENDATION	RISK	AGREED YES/NO	MANAGEMENT ACTION PLAN	RESPONSIBLE OFFICER	DATE TO BE ACTIONED
Ex1	The Monitoring officer should review the staff Induction Pack and ensure that the Declaration of Interest form is included for all staff to sign on their first day. Declarations of “no interest” should also be required.	M	No	As will be appreciated the revised Officers Code of Conduct and Guide has been agreed between SMT and Unison. It is awaiting sign off by General Purposes as part of the Constitution Review. It would seem preferable to wait until the revised Code is approved and then every member of staff will be expected to complete a form, see example form at Appendix 2	Monitoring Officer	30 November 2011
Ex2	The Monitoring Officer should consider more secure storage of sensitive Declaration forms e.g. scanning documents/storage in locked cabinet.	M	Yes	Storage arrangements have been reviewed and sensitive declaration forms are now locked away	PA to Corporate Services Director	4 August 2011
Ex3	The Monitoring officer should request evidence that the gift/hospitality has been considered and approved by the relevant Head of Service/Director.	M	Yes	This is part of the anticipated reporting requirements for gifts and hospitality under the Revised Code of Conduct, please see comments under Ex3	Monitoring Officer	30 November 2011

<b>REPORT REF.</b>	<b>RECOMMENDATION</b>	<b>RISK</b>	<b>AGREED YES/NO</b>	<b>MANAGEMENT ACTION PLAN</b>	<b>RESPONSIBLE OFFICER</b>	<b>DATE TO BE ACTIONED</b>
<b>Ex4</b>	<p>The Monitoring officer should ensure that the format of the Register is amended to include the requirement for</p> <ul style="list-style-type: none"> <li>• an approximate value of the gift/ hospitality</li> <li>• if accepted, an explanation why the gift was accepted by the Council/officer</li> </ul>	<b>M</b>	<b>Yes</b>	<b>The proposed new reporting arrangements under the new Code will reflect see Appendix 3 below</b>	<b>Monitoring Officer</b>	<b>30 November 2011</b>
<b>Ex5</b>	<p>The Monitoring Officer should increase awareness of the Code of Conduct, in particular the section dealing with the process for Gifts and Hospitality. Staff should be reminded of the procedure for gifts and hospitality particularly those offered at Christmas</p>	<b>M</b>	<b>Yes</b>	<b>Once the new Code is formally approved there will be an awareness raising campaign</b>	<b>Monitoring Officer</b>	<b>30 November 2011</b>

<b>Ex6</b>	The Monitoring Officer should ensure that the Register is reviewed regularly and signed to evidence consideration and approval of the gift/hospitality.	<b>M</b>	<b>Yes</b>	<b>It is proposed to conduct a regular review in the same way that Related Party Transactions and other registers are currently monitored and review</b>	<b>Monitoring Officer</b>	<b>30 May 2012</b>
<b>Ex7</b>	The Monitoring officer should consider introducing a minimum monetary value for the declaration of gifts/hospitality to align the officers Code of Conduct to the Members Code.	<b>M</b>	<b>Yes</b>	<b>It is proposed that the limit should be £25 so as the Code aligns with the current level under the members Code of Conduct.</b>	<b>Monitoring Officer</b>	<b>30 November 2011</b>