

# MEMORANDUM

To: All Employees

Date: 8<sup>th</sup> October 1998

Our ref: 480/98

**CONFIDENTIAL**

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## **CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS**

At the beginning of April all staff were issued with a copy of the Code of Conduct for Local Government Officers, which was based on a Model Code issued by the Local Government Staff Commission and adopted by the Council.

The Code sets out guidelines for Council employees, which will help to maintain and improve standards and protect employees from criticism or misunderstanding.

Under the terms of the Code employees must disclose/declare to “an appropriate manager or officer of the manager or officer of the Council” every potential conflict of interest in which he/she may be involved.

The attached Guidance Notes summarise the categories of information, which must be disclosed/declared. For the purposes of the Code the Chief Executive has been nominated as the “appropriate manager” to whom disclosures/declarations of information should be made.

You should read the Guidance Notes carefully in conjunction with the Code. If you have an interest/relationship, which falls into any of the categories within the Code, then you should make the appropriate declaration on the attached “Disclosure/Declaration of Information” form and return it to the Chief Executive in an envelope marked “Confidential”.

Specific guidance on the acceptance of gifts and hospitality is contained in paragraph 13 of the Code. Further guidance is given below:

### **Gifts**

The general principle is that employees should not accept significant personal gifts from contractors, members of the public, outside suppliers, etc However items of token value (eg. calendars, diaries, pens etc.) with a value of less than

£15.00 may be accepted without the need for these to be reported or approved in advance by your Head of department/Chief Officer.

## **Hospitality**

The handling of offers of hospitality requires staff to exercise careful judgment. Accordingly in order to counter any possible suspicion of improper conduct, each department will, with immediate effect, maintain a "Hospitality Register". The register will cover all offers of hospitality extended to staff within that department.

It should be emphasized that in any case where the propriety of accepting a gift or offer of hospitality is in doubt, the advice of your Head of Department/Chief Officer should be sought.

Hopefully the information and guidance contained within the Code itself and in the attached summary is self-explanatory. However should you wish clarification on any aspect please contact either your Head of Department/Chief Officer or the Personnel Officer for assistance.

J P Dempsey  
Chief Executive & Town Clerk

## GUIDANCE NOTES

### CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS

#### DISCLOSURE/DECLARATION OF INFORMATION

The categories of information which must be disclosed in accordance with Code of Conduct for Local Government Officers, adopted by the Council, are summarized below. These Guidance Notes should be read in conjunction with the Code.

Please note that for the purposes of the Code the Chief Executive has been nominated as the “appropriate manager” to whom Disclosures/Declarations should be made. Disclosure should be made by completing the attached “Disclosure/Declaration of Information” form and returning it to the Chief Executive in an envelope marked “Confidential”.

Relevant Section of Code	Disclosure/Declaration
Paragraph 1	<p><u>STANDARDS</u></p> <p>Employees <u>must disclose</u> to an appropriate Manager every potential conflict of interest In which he/she may be involved.</p>
Paragraph 5	<p><u>RELATIONSHIPS</u></p> <p>(a) <u>Contractors/Tenderers</u></p> <p>Employees <u>should declare</u> to the appropriate manager all relationships with contractors or potential contractors.</p> <p><i>Orders and contracts must be awarded on the basis of agreed criteria and no special favour should be shown in the tendering process to any businesses particularly those run by, for example, friends, partners or persons where a family relationship is deemed to exist. (definition of a “family relationship” can be found in Appendix 1 to the Code).</i></p> <p>Employees who deal with, engage, or supervise contractors with whom they have a relationship in a private or domestic capacity, <u>should declare</u> that relationship to the appropriate manager.</p>

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**Relevant Section  
of Code**

**Disclosure/Declaration**

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Paragraph 8

PERSONAL INTERESTS

Non-Financial Interests

Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Council's interests for eg. membership of an organisation or pressure group[ which may seek to influence the Council's policies.

Financial Interests

Employees must declare to an appropriate manager any financial interests which could conflict with the Council's interests.

Membership of Organisations

Employees should declare to an appropriate manager membership of an organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct. (see Appendix 1 of the Code for a definition of such organisations).

Paragraph 14

Sponsorship – Giving and Receiving

Where the Council wishes to sponsor an event or service neither an employee nor any partner or person where a family relationship is deemed to exist (see Appendix 1 of the Code) 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 Council through sponsorship, grant aid, finance 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.

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If you have an interest/relationship which falls within any of the above categories which are detailed within the Code you should make the appropriate disclosure/declaration by completing the attached "Disclosure/Declaration of Information" form and return it to the Chief Executive in an envelope marked "Confidential".

**C O N F I D E N T I A L**

**CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS**

**FORM OF DISCLOSURE/DECLARATION**

The following are the categories of information which must be disclosed/declared in accordance with the Code of Conduct for Local government Officers which has been adopted by the Council:

- 1. Relationships – contractors/tenderers
- 2. Personal Interests: non-financial  
financial  
membership of organizations

**Name:** \_\_\_\_\_ **Dept:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>Type of Disclosure/ Declaration (as above)</b>	<b>Nature of Disclosure/ Declaration</b>	<b><i>Office Use Only</i></b>

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Chief Executive**

# **BALLYMONEY BOROUGH COUNCIL**

## **CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS**

**ISSUED APRIL 1998**

# BALLYMONEY BOROUGH COUNCIL

## CODE OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS

### 1. Standards

Council employees (see Appendix 2 for a definition of “employee”/“member of staff”) 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.

Responsibility is placed on every member of staff for disclosing to an appropriate manager or officers of the Council every potential conflict of interest in which he/she may be involved. Employees will be expected, 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 appropriate manager any impropriety or breach of the terms of this Code.

### 2. Disclosure of Information

Councils are part of government and 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 law requires that information about individuals held on Council computers must be treated in accordance with the Data Protection Act.

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 the councillor and does not belong to the 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.

### 3. Political Neutrality

Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

Employees may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

#### **4. Political Activity**

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

While the Council concedes to all employees the fullest liberty of private judgement in the exercise of their franchise, employees are not permitted to take any public part in support of, or in opposition to, any candidate at the local elections in the District.

#### **5. Relationships**

##### **Councillors**

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

Employees should deal with councillors in a polite and efficient manner. They should not approach nor attempt to influence councillors out of personal motives and should report to an appropriate manager if a councillor attempts to pressurize them to deal with a matter outside the Council procedure or policy.

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

The community and service users have a right to expect a high standard of service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

##### **Contractors**

All relationships with contractors or potential contractors must be made known to the appropriate manager. Orders and contracts must be awarded on the basis of the agreed award of contract criteria and no special favour should be shown in the tendering process to any businesses particularly those run by, for example, friends, partners or persons where a family relationship is deemed to exist. (See Appendix 1 for a definition of "family relationship").

Employees who deal with, engage or supervise contractors with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager.

Employees must not accept money or any other reward from anyone who may benefit from work or funding provided by the Council. To do so would, in law, be corrupt.

## **6. Appointments and Other Employment Matters**

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection.

Similarly employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a partner or where a family relationship is deemed to exist. (See Appendix 1).

## **7. Outside Commitments**

An employee must not subordinate his/her duty to the Council to his/her private interests or put himself/herself in a position where duty and private interests conflict. The Council should not attempt to preclude officers from undertaking additional employment outside their hours of duty with the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

Officers above Scale 6 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any additional appointment without the express consent of the Council. Where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council.

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

## **8. Personal Interests**

Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Council's interests, for instance membership of an organization receiving grant aid from the Council or membership of an organization or pressure group which may seek to influence the Council's policies.

Employees must declare to an appropriate manager membership of any organization not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct. (See Appendix 1 for a definition of such societies).

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends or family might benefit and should ensure that the matter is referred immediately to their line manager.

## **9. Equality Issues**

All members of the local community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- Meet their obligations under relevant employment law;
- Co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;

- Not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions.

## **10. 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 Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contract 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 relating to the tendering process should not disclose that information to any unauthorized party or organization.

Employees contemplating a management buy out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that no special favour is shown to current or recent former employees of their partner, associates or any person where a family relationship is deemed to exist (See Appendix 1) in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **11. Corruption**

Employees must be aware that it is a serious criminal offence for them 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 his/her official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have been corruptly obtained. (see paragraph 13 for guidance on Hospitality).

## **12. Use of Financial Resources**

Employees must ensure that they use public 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 Council.

## **13. Hospitality and Gifts**

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Officers to attend purely social or sporting functions should be accepted only when they are part of the life of the community or where the Council should be seen to be represented. They must be properly authorized and recorded in accordance with the Council's agreed procedure.

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

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

When considering whether or not to accept authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal:
- Where the Council consents in advance:
- Where the Council is satisfied that any purchasing decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent purchasing decisions.

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

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council 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 council wishes to sponsor an event or service neither an employee nor any partner or person where a family relationship is deemed to exist (See Appendix 1) must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where a 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.

## **NJC, LEGAL AND OTHER PROVISIONS RELATING TO CODE OF CONDUCT**

### **1. Standards**

- Section 7 para. 70(a) of the Purple Book.

### **2. Disclosure of Information**

- Data Protection Act
- para. 72 Purple Book relates to information from committee proceedings.
- Sections 23 – 25 of Local Government Act (NI) 1972 deals with admissions of the public and press to local authority committee meetings.

### **3. Relationships**

Councillors – para. 22-24 of the Northern Ireland Code of Local Government Conduct for Councillors deals with role of councillors in relation to officers.

Family Relationship – para. 1.12.3 of the Local Government Staff Commission's Code of Procedures on recruitment and Selection states that a relevant family relationship is deemed to exist between a Council officer and / or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or neice
- grandparent
- grandson or grand-daughter

of the council officer or member, or of the spouse of the Council officer or member.

### **4. Appointment and other employment matters**

- Section 1 para. 6(a) – (c) Purple Book requires candidates to declare relationship to any councillor or officer on their application form.
- Section 1 para. 12(a) Purple Book states that appointments should be made on merit.
- Section 41 of Local Govt Act (NI) 1972 deals with appointments to councils.

## 5. Outside Commitments

- Section 7 para. 70(b) Purple Book – employees should not subordinate their duty to the council to their private interests.

## 6. Personal Interests

Local Government Management Board Working Group definition of a 'secret' society.

“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.
- (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 recognized religion”.

## 7. Equality Issues

### Legislation

- Sex Discrimination (NI) Orders 1976 and 1988
- Fair Employment Acts (NI) 1976 and 1989
- Disabled Persons Act 1965, Disability Discrimination (NI) Order 1996.

## 8. Corruption

- Section 46 of Local Govt Act (NI) 1972 deals with the declaration of interest where employee has a pecuniary and recording of interests, not to do so will be an offence.
- Section 47 of the Act forbids employees to accept payment apart from their salary/wage.
- Section 7 para. 73 Purple Book requires declaration of pecuniary interest in relation to contracts.

## **KEY TERMS USED IN THE CODE OF CONDUCT**

### **EMPLOYEE/S OR MEMBERS OF STAFF**

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a district council including those working both full time and part time on a permanent, temporary or fixed term basis. The Code also applied to seasonal and casual staff while they are engaged in carrying out duties for the council.