

CAMBRIDGE CITY COUNCIL

CORPORATE CODE OF

OFFICIAL CONDUCT

This Code of Conduct applies to all employees of the City Council

Employees are asked to note and observe the guidelines set out in the following corporate code.

1. INTRODUCTION

- 1.1 These guidelines supplement Part 2 Section 2 of the National Joint Council for Local Government Services dealing with official conduct and are intended to help employees reach the right decision in any particular case.
- 1.2 Employees are reminded of the text of Part 2 Section 2 of the National Scheme of Conditions of Service which reads:
 - (2.1) employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
 - (2.2) local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.
- 1.3 This code has been revised in order to respond to working within a more commercially orientated environment which involves, for example, Best Value, market testing, Care in the Community etc. If an employee is in any doubt about the right course of action they should seek the advice of their director.
- 1.4 An employee should not be called upon to advise any political group of the employing authority either as to the work of the group or as to the work of the authority, neither shall they be required to attend any meeting of any political group.

2. POLITICAL NEUTRALITY

- 2.1 It is important that employees - particularly senior staff - are seen to be politically neutral on matters on which the Council is called upon to make decisions and that on such questions they refrain from publicly expressing their personal views or associating themselves with organisations in opposition to the Council's policies. This also applies to advising political groups.
- 2.2 Employees may be properly required in the course of their official duties to explain a decision of the Council, or a committee, on a particular matter. Here, the employee is acting only as a spokesperson for the Council on a matter on which it has already formed its views and no breach of political neutrality should arise, (see Appendix I Rules of Attending Meetings). The possibility of conflict leading to weakening of public confidence in the Council or its employees would arise where an employee publicly voices, or associates themselves with an expression of opinion which runs counter to that of the Council.
- 2.3 Employees are responsible to the authority through its senior managers. Mutual respect between employees and councillors is essential to good local government. Employees should be mindful that close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. All application forms include a section on this subject as part of the recruitment and selection procedure.

3. OUTSIDE COMMITMENTS

- 3.1 The National Joint Council Conditions of Service recognises that employees off-duty hours are their personal concern but says that they should not put their private interests first or put themselves in a position where their official role and private interests or activities conflict. This implies no bar on employment outside their normal hours of work for the Council, provided that any such work does not, in the view of the Council, conflict or have a detrimental effect on the Council's interests, undermine the professional integrity of the Council, any of its services or of the employee concerned, or in any other way weaken public confidence in the conduct of the Council's business. Employees above Scp 26 must obtain the express consent of the Council before engaging in any other business or taking up any other employment.
- 3.2 On the 1 October 1998, the Working Time Regulations were introduced unto UK law in order to implement the EU Working Time Directive. The regulations state that employers must ensure that

employees do not work more than 48 hours on average, including overtime. If you take on employment in addition to your main contract with the City Council you must advise your line manager to ensure that the Council complies with the Regulations.

3.3 The following guidance is given to staff:

- a) The Council is the employee's principal employer and employees should avoid any possibility of conflict in terms of the loyalty and attention to duty expected of them from the Council on the one hand and from any other outside employer on the other.
- b) No member of staff should be involved in the submission by any individual, firm or outside body, of an application to the Council for planning consent or building regulation approval, unless they have a private legal interest in the land in question.

Where a member of staff submits an application on their personal behalf the applicant should disclose this, in writing, to the Director of Planning, and the Director in turn should ensure that the application is handled in a manner that avoids any possibility of suspicion that preference or bias is shown. If, for example, the application is appropriate to be dealt with under delegated powers, consideration should be given by the Director to determining the application personally and not through a member of staff acting on their behalf.

- c) Involvement in voluntary and community groups can, in certain circumstances, give rise to conflicts of interest between the voluntary role and the official role, just as much as paid employment or business interests. Employees should declare membership of any organisation not open to the public without formal membership and commitment of allegiance, which has secrecy about rules or membership or conduct.
- d) Employees involved in any outside employment or business with a firm which may be competing with the Council's own services for work should be very careful not to use any inside information they might have to assist the outside firm or in any other way to put themselves in a position of conflict of interest.
- e) All relationships of a business or private nature with external contractors should be made known to the appropriate line manager. Orders and contracts must be awarded by fair competition and no special favour should be shown to businesses run by friends/partners/relations etc. Employees involved in supervising contractors with whom they have had a previous private/domestic relationship must declare this to their line manager.

- f) Employees must declare to their line manager, any non-financial/financial interests which could conflict with the authority's interest.
 - g) If employees are involved in decisions relating to recruitment and selection, discipline, promotion, pay adjustments etc, for an individual with whom they have a close personal relationship, advice should be sought from the Head of Human Resources
- 3.4 Breaches of the National Conditions, or of this guidance could result in disciplinary action being taken. Whether such proceedings are taken and the severity of any disciplinary action which may follow will depend on the circumstances and seriousness of the breach

4. SEPARATION OF ROLES DURING TENDERING

- 4.1 Employees involved in the tendering process should be clear on separation of client and contractor roles and exercise fairness and impartiality. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 4.2 Employees should not disclose confidential information on tenders or costs concerning internal/external contractors to any unauthorised party or organisation. The status of such information will be made clear to employees at the time.
- 4.3 Employees contemplating a management buy out should inform their line manager of their intent and withdraw from the contract awarding processes.

5. ACCEPTANCE OF GIFTS

- 5.1 An employee should refuse any gift from any person or firm with whom they come into contact in the course of their employment by the Council. The only possible exceptions to this rule are the acceptance of small gifts of token value such as calendars, diaries and similar articles of use in the office.
- 5.2 In the event of an employee, or a member of their family, receiving a gift (other than one of token value) without notice or warning, the matter should be reported to their director, who will be responsible for deciding what action is to be taken.

6. HOSPITALITY

- 6.1 Employees must be aware that it is a serious criminal offence to corruptly 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 substantiated, the onus is on the employee to demonstrate that any such rewards have not been corruptly obtained.

- 6.2 Hospitality should only be accepted or given by an employee acting in their official capacity where it can be justified as being on a corporate rather than personal basis, not being contrary to public interest, on a scale appropriate to the circumstances or occasion and where it is apparent that no reasonable cause for criticism could arise. When receiving hospitality employees should be particularly sensitive to its timing in relation to decisions which the authority may be taking. Authorisation should be sought where possible in advance of the event and where visits are involved, travel costs should be met by the authority.
- 6.3 The giving of hospitality is only likely to be a matter for senior employees who would normally be expected to confirm beforehand with the Chief Executive that the cost would be accepted as reasonable expenditure within the annually agreed budgets. Any hospitality budget will be agreed with the Chief Executive on an annual basis.
- 6.4 A drink, attendance at a working lunch or an invitation to a dinner, reception or ceremony where an employee is representing the Council or is attending in a professional capacity are examples of hospitality which are acceptable.

7. SPONSORSHIP

- 7.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, the guidelines concerning acceptance of gifts or hospitality apply.
- 7.2 Where the authority wishes to sponsor an event or service an employee and/or their partner, spouse/civil partner, relative must not benefit without full disclosure to the line manager. Similarly where the authority gives support in the community through sponsorship, grant aid, financial or other means employees should ensure that impartial advice is given and that there is no conflict of interest involved.

8. TRADE UNION ACTIVITIES

- 8.1 Nothing in this guidance should be construed as applying to normal trade union activities.

APPENDIX 1

RULES OF GUIDANCE FOR Employee ATTENDANCE AT POLITICAL AND PUBLIC MEETINGS

1. Political Groups

- 1.1. Both the NJC and JNC Conditions of Service say that an employee should not be called upon to advise any political group of the employing authority either as to the work of the group or as to the work of the authority, neither shall he be required to attend any meeting of any political group . The JNC conditions go on to say that this shall be without prejudice to any arrangements to the contrary which may be made in agreement with any employee and which include adequate safeguards to preserve the political neutrality of the employee in relation to the affairs of the Council .
- 1.2. The practice has been that the Chief Executive, directors and senior employees (not normally anyone below second tier) are prepared to attend private political group or party meetings to explain or advise on policies and issues, and should be allowed to do so, provided that this facility is available to **all** political groups and parties represented on the Council. (The Chief Executive should be informed by an employee that he/she is to attend such a meeting).

2. Public meetings

- 2.1. There is no problem with employee attendance at public meetings authorised by a committee or organised by Council employees.
- 2.2. It will normally be acceptable for an employee to attend :
 - 2.2.1 A public meeting (to explain issues or Council policies, give a professional or technical view, or to answer questions) called by a councillor (in their capacity as Chair or ward member);
 - 2.2.2 At the discretion of the Council, a meeting called by a residents group or by an interest group which is not a mainstream political party (i.e. one which usually fields candidates at local or general elections) or closely identified with a political party).
- 2.3. Attendance by employees is subject to :
 - 2.3.1 It being clear that the meeting is genuinely open and that invitations to platform speakers are not restricted to one political party; and
 - 2.3.2 Any existing policy about Council support for the meeting.

3. Public Political Meetings

- 3.1. It is **not** acceptable for employees in their official capacity to appear on a public platform or speak at a political meeting, or at a meeting called by a political party or by a known candidate for election and publicised as such.
- 3.2. It is sometimes difficult to distinguish between a private political meeting and a public one. The fact that an audience has been invited to a meeting, rather than the meeting being thrown open to the public at large, does not necessarily mean the meeting is private. If anyone other than actual members of a political group or party is known to be attending, it is safer to treat the meeting as public.
- 3.3. In any case of doubt, the advice of the Chief Executive or Director of Professional Services should be sought.

4. Politically Restricted Posts

- 4.1. Employees whose posts are politically restricted should also remember that they should not speak in public or publish any written material if the intention appears to be to affect public support for a political party. It is, however, acceptable to explain the Council's position (i.e. one which has been adopted by full Council or a committee) on a policy or issue at a public meeting the employee attends in his/her official capacity.

5. Political Publicity

- 5.1. The relevant legislation, Section 2 of the Local Government Act 1986, is set out below. Note sub-section (2) which says that the time of publication is relevant in determining whether publicity material contravenes the Act. The Government Circular relating to this indicates that particular caution should be exercised in the run up to an election.
- 5.2. In the run up to a local or general election all publicity material should be very carefully scrutinised to ensure political neutrality. If in doubt advice should be sought from the Head of Legal Services.

Prohibition of Political Publicity

- 2.(1) 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.
- (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters -

- (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;
 - (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve;
- (3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.