



# **CODE OF CONDUCT For MEMBERS AND OFFICERS**

## 1. Policy Aim

The purpose of this policy is to ensure that all employees of Blyth Town Council (BTC) maintain the highest standards of conduct. This policy will be reviewed at least annually or earlier if deemed necessary.

## 2. Policy Summary

All employees must be clear about the standards of conduct which are expected of them whilst employed by BTC. The policy provides a guide to managers and employees on what BTC considers appropriate in relation to conduct. The policy also embraces the seven principles of public life which were drawn up by the Nolan Committee and endorsed by Parliament.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, and in the health, education, social and care services.

All public office-holders are both servants of the public and stewards of public resources.

You are expected to consider carefully where and how to apply them in your daily duties. Please refer to the Code of Conduct which gives more information.

The Seven Principles are:

Selflessness	Acting solely in terms of the public interest.
Integrity	Avoiding placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships as detailed in the Code of Conduct.
Objectivity	Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability	Be accountable to the public for your decisions and actions and submit yourself to the scrutiny necessary to ensure this.
Openness	Act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Act with honesty, and be truthful.
Leadership	Exhibit these principles in your own behaviour. Actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

These principles apply to all aspects of public life. BTC has set them out here for the benefit of all who serve the public in any way.

#### What it means for staff

The Town Clerk is responsible for ensuring adequate dissemination and implementation of the policy.

All Council staff – are responsible for reading and adhering to the policy.

#### Scope

This Code applies to all employees of BTC and others working within it regardless of the basis of the employment including:

- Secondments (both to and from the Town Council)
- Temporary assignments (both to and from the Town Council), Apprentices, Work Placements and Trainees
- Full-time, part-time, casual, seasonal employees and volunteers
- Employees acting as members of companies, charities or voluntary organisations
- Contractors acting on behalf of the Town Council

The Code also extends to additional or dual employment that has been secured as a result of working for local government.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others - but the basic principles apply to everyone.

### **3. Standards**

#### General Principles

The public is entitled to expect the highest standards of conduct from all BTC employees. The role of employees is to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. The public, and members of the Council, are entitled to demand of a local government office, conduct of the highest standard and public confidence in his/her integrity. This would be affected were the least suspicion to arise that they could in any way be influenced by, for example, making inappropriate comments, voicing personal opinions etc.

#### Accountability

All BTC employees work for their employing authority and serve the whole of the authority. They are accountable to, and owe a duty to the authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### Political Neutrality

All BTC employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

#### Relations with members, the public and other employees

Mutual respect between employees and members is essential to good local government, and working relationships should be kept on a professional basis.

All BTC employees should deal with the public, members and other employees sympathetically, efficiently, and without bias.

### Equality and Diversity

All BTC employees must comply with policies relating to equality and diversity issues, as agreed by the authority, in addition to the requirements of the law.

### Stewardship

All BTC employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless expressly authorised to do so.

### Personal Interests

Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

The Council's rules on the registration and declaration by employees of financial and non - financial interests.

The Council's policy on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

Complete the BTC Gifts and Hospitality Register.

### Whistleblowing

In the event that an employee becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter. This should be done in accordance with the employee's rights under the Public Interest.

If an employee has a concern please refer to the NCC suite of policies and/or raise this matter with the Town Clerk.

## Treatment of Information

Openness in the dissemination of information and decision making should be the norm in the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## Appointment of Staff

All BTC employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. Employees should notify the Town Clerk if they are aware of an application from such an individual at the earliest opportunity so as to avoid embarrassment.

## Investigations by the Monitoring Officer

Where the monitoring officer (NCC) is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000(4) a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

## **4. Guidance on Standards**

### Loyalty

It is a fundamental implied term of your contract of employment that you are loyal to BTC.

Generally speaking, you must not actively criticise or challenge the policies or decisions of the Town Council or its managers in public.

However, it is perfectly legitimate (unless you hold a politically restricted position and therefore you should seek assistance from your Town Clerk for you to use the methods of protest and persuasion that any other citizen can use such as letters of complaint, approaches to your local councillor, attendance at protest meetings or writing to the press.

What you must not do is to use "inside information" which is not available to the public at large or to capitalise on your position in the Town Council if you make statements intended to be published to the public at large. Neither must you deliberately set out to publicly embarrass or undermine your colleague, the Town Clerk or the Town Council.

### Personal Behaviour

At all times, employees are ambassadors for the BTC and their behaviour should reflect that. Any behaviour that could be seen to bring the Council into disrepute could lead to disciplinary action being taken.

The consumption of alcohol or non-prescription drugs during the working day (including lunch breaks) or before commencing work is strictly prohibited as even small quantities have an adverse effect on work performance and the reputation of the BTC. If you are suspected of being incapable of properly performing your official duties by reason of alcohol or drugs, you will be sent home from work and may be liable to be suspended from duty pending a decision on disciplinary action being taken. BTC will refer to NCC drug and alcohol policy that offers support for those employees who admit to having a problem with alcohol or drugs.

You must observe the statutory smoking ban and adhere with the Council's Smokefree Workplace Policy (NCC suite of policies). The policy states clearly where smoking is banned and those who breach the rules may be liable to disciplinary action. You are expected to report incidents where the policy is being breached.

BTC accepts that social networking and use of the internet for other ways of recording personal thoughts is commonplace, but employees have a duty to represent the authority at all times. This means that staff should not post photos, videos or comments online that could bring the Town Council into disrepute, either through referring to the Town Council or its clients directly, or by making comments that could be deemed to harm the public's image of the staff the Town Council employ. Further information regarding the expected behaviour of staff when using the internet is included in BTC's Internet Policy.

## Personal Appearance

In your appearance as well as in your behaviour, you should regard yourself as an ambassador for the BTC and dress in clothing that is appropriate for your duties.

If you are required to wear specific items of clothing, hairstyles or jewellery in accordance with your ethnic background or faith, your needs will be accommodated where possible and practicable, however this must not pose a hazard to the health and safety of any person or contravene any legitimate or reasonable requirement of the Town Council.

Further guidance on what the Council deems acceptable regarding employee's appearance is available in the Acceptable Standards of Appearance at Work Policy (NCC suite of policies).

## Equality Issues

The Town Council is committed to tackling discrimination in how it treats its employees and how it delivers services, and also to actively promoting and championing equality in the community. You are entitled to expect fair and reasonable treatment by your colleagues, managers and Councillors. If you feel that you have been unfairly treated, discriminated against or harassed, you are entitled to make use of the Council's Grievance Procedure. You are also entitled to be treated with respect by clients, service users and members of the public, and be supported with this by the Council. In the same way, you are required to treat your colleagues, staff and members of the public fairly and with respect. Not only is it a criminal offence to harass another person on any ground, it is also a disciplinary offence in the Council. It is your responsibility to read and abide by the Council's Equality Policies, undertake the mandatory training and to be familiar with your legal duties under the Equality Act 2010.

## Health and Safety Issues

In line with legal and contractual obligations, all employees are required to cooperate and ensure compliance with Corporate and Group Health & Safety Policies and objectives. This includes adherence to all identified safe working procedures and risk assessments. All employees are actively encouraged to familiarise themselves with Health and Safety documentation, especially risk assessments, attend any training identified as part of their role and raise any health and safety concerns with, in the first instance, their line manager.



If you use a car on BTC business you are responsible for ensuring that you are properly licensed to drive and that the vehicle in question is properly maintained, taxed, insured and has a current MOT certificate. The insurance policy must cover you for the use of the vehicle in connection with your employment (business use). On a regular basis you will have to produce satisfactory evidence that you and any vehicle that you use complies with prevailing statutory requirements in relation to driving and vehicle licensing, taxation and certification. If you or the vehicle are unable to meet the statutory requirements you must notify the Town Clerk immediately and you must not use the vehicle on BTC business. Failure to comply with these provisions may be a disciplinary matter.

### Outside Commitments

An employee's off-duty hours are their own personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict. As a general rule, BTC will not attempt to preclude employees from undertaking additional employment, but any such employment must not, in the view of BTC 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.

No secondary employment will be allowed if it results in a breach of the Working Time Regulations. If you are in any doubt about this you should seek advice from the Town Clerk. If you wish to pursue an application you should complete the relevant form which is available on the shared drive.

It is a condition of this Contract of Employment that you inform the Council of any alternative employment you undertake in order to ensure that no tax or insurance liabilities will accrue to the Council. The Council also reserves the right to require that any other employment that you undertake does not conflict with the role or standards required to be undertaken or met in the public office of the Clerk to the Council.

If you engage in any paid or unpaid secondary employment or business you must not use or mention your employment with the BTC in order to gain business or trade for that secondary employment.

You must not engage in any secondary employment or business on BTC premises at any time. To do so could be interpreted as gaining a pecuniary advantage by way of your employment and that is illegal.

If you are engaged in secondary employment you must not park any vehicle on BTC property if it can be identified as being a vehicle used for that employment or if it contains any visible materials relating to that secondary employment. If the vehicle otherwise satisfies the foregoing conditions it must also be suitable and available for use in your official capacity if you are required to use a vehicle in your employment with the BTC.

You must not store any items connected with any secondary employment or any personal items (except those which are used in connection with your official duties) on BTC property.

### Intellectual Property

All creative designs, writings and drawings produced by employees in the course of their duties are the property of the Council.

All inventions made by employees remain the property of the BTC if made during the course of normal duties. Normal duties are those described in an employee's terms of employment, job description and those arising from an instruction from a manager or other authorised representative of the BTC.

This means that you are not free to disclose, publish or otherwise use the work you produce for the BTC for personal gain or benefit unless you have express, prior approval from the Town Clerk.

Fees for giving lectures or writing articles may only be retained by employees where these activities are not integral to their employment or position with BTC and they are conducted in the employee's own time.

### Personal Interests

You must declare any financial and/or non-financial interests which could conflict with BTC's interests to your Town Clerk/Monitoring Officer using the "declaration of interests and memberships" form, which is available from the Town Clerk.

You must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct to the Council's Monitoring Officer using the "declaration of interests and memberships" form, which is available from the Town Clerk.

In accordance with the Local Government and Housing Act, certain employees occupy politically restricted posts and are required to seek exemption if proposing to engage in certain activities. Further details are available from HR.

The information supplied under the paragraphs above will not affect your position in the BTC. The information will normally be made available only to your Town Clerk and the officer nominated to be responsible for its secure storage. However, where a relevant complaint or query is made, the Monitoring Officer and the BTC auditors will also have access to the information so that a proper response can be made to the complaint or query.

## **5. Use of Blyth Town Council Property and Information**

The general rule is that you must only use BTC property for work purposes and the paragraphs below set out this requirement in more detail.

Where equipment is made available to the public you may use it at the same charge (if any) as is made to the public. Otherwise, equipment and property belonging to BTC must only be used for official purposes.

If you are involved in the tendering process or dealing with contractors, you should be clear on the separation of client and contractor roles within BTC. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness.

If you are employed in a contractor or client unit, you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you have any direct or indirect interest in the outcome you must play no part in the selection of tenderers, contractors or subcontractors and such interests should be declared to your Town Clerk.

If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.

You 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.

## **6. Bribery Act 2010**

You are warned that it is a serious criminal offence 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 law is such that the onus is on you to demonstrate that any such rewards have not been corruptly obtained.

The public is entitled to demand of a local government employee, conduct of the highest standard and public confidence in their integrity would be shaken were the least suspicion to arise that they could be influenced by improper motives. Any offers of a bribe must be reported immediately to the Town Clerk.

There are several offences under the Bribery Act 2010 including:

**Bribing** - where a person offers, promises or gives a financial or other advantage to another person, with the intention of inducing them to perform improperly a relevant function or activity, or to reward a person for such improper performance.

**Receiving a bribe** - Where a person requests, agrees to receive or accepts a financial or other advantage with the intention that, in consequence, a relevant function or activity should be performed improperly by themselves or another. It does not matter whether the advantage is direct or through a third party, or whether the benefit is for that person or another.

**Bribing a foreign official** - Where a person with the intention of obtaining or retaining business, or an advantage in the conduct of business, bribes a foreign public official with the intention of influencing them in their capacity.

The offences under the Act carry a maximum of 10 years imprisonment and/or an unlimited fine for an individual. You should read and abide by any advice provided by the Council in relation to its Anti-Fraud and Corruption Strategy.

## **7. GIFTS AND HOSPITALITY - Rules and guidance for members and staff of Blyth Town Council.**

### General Caution:

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Councillor.

Your personal reputation and that of Blyth Town Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of favours, gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This policy offers general principles to enable you to make your own decisions.

All gifts and hospitality should be properly authorised by the Town Clerk and must be recorded on the BTC Gifts and Hospitality Register.

### Criminal Law:

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do anything in respect of any transaction involving Blyth Town Council.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

### Limits of Guidance:

This protocol does not apply to: -

Gifts and hospitality you may receive from family and friends (as a birthday or other present) that are not related to your position as a Council Member. You should however, question any such gift or hospitality provided to you by the Council.

The acceptance of facilities or hospitality provided to you by the Council.

Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

### Meaning of Gifts and Hospitality:

Have wide meanings and no conclusive definition is possible.

Gifts and hospitality include the: -

- Offer of favours, or the promise or implied promise of future favours, gifts or hospitality.
- Free gift of any goods or services.
- Opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- Opportunity to obtain goods or services not available to the general public.
- Offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.
- Use of a free car.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. You should, however, be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to your position as a Member of the Council.

### Appropriate Gifts and Hospitality:

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member, for example: -

Civic hospitality provided by another public authority.

Normal and modest refreshments in connection with any meeting in the course of your work as a Council Member (e.g. tea, coffee, and other normal beverages and biscuits).

Tickets for sporting, cultural and entertainment events which are sponsored by Blyth Town Council or bodies to which you have been appointed by the Council and the tickets are offered in relation to that sponsorship or promotion.

Small low value gifts (below £25.00, such as pens, calendars, diaries, flowers and other mementoes).

Drinks or other modest refreshment in the normal course of socializing arising consequentially for Council business (e.g. inclusion in a round of drinks after a meeting).

Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.

Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

**Principles to apply in relation to Gifts and Hospitality in deciding whether it is appropriate to accept any gift, favour or hospitality, you must apply the following principles:**

Do not accept a gift, favour or hospitality as an inducement or reward for anything you do as a Council Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it.

Reward includes remuneration, reimbursement and fee, offered, paid, promised or implied.

Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

Do not accept a gift, favour or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality: -

- from parties involved with the Council in a competitive tendering or other procurement process, including from other Council Members.
- from applicants for planning permission and other application for licences, consents and approvals in which the Council has an involvement, including applications from other Council members.
- from applicants for grants, including voluntary bodies and other organisations applying for public funding from the Town Council.
- from parties in legal proceedings with the Council.

Do not accept a gift, favour or hospitality if you believe it will put you under an obligation to the provider as a consequence.

Do not solicit any gift, favour or hospitality and avoid giving any perception of so doing.

## Registration of Gifts and Hospitality:

The Code of Conduct for the Council provides that: -

A member must, within 28 days of receiving any gift or hospitality over the value of £25.00, provide written notification to the Monitoring Officer of the responsible Authority of the existence and nature of that gift or hospitality.

While the notification requirement in the code is limited to gifts or hospitality over the value of £25.00 members are encouraged to give notification of any significant gift or hospitality they receive.

Members must record all notifications.

## Reporting of Inappropriate Gifts and Hospitality offered:

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a Member of the Council.

You must immediately report to the Monitoring Officer at Northumberland County Council, any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

## Monitoring and Audit

The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

Responsibility for the implementation, monitoring and development of this policy lies with the Director of Human Resources. Day to day operation of this policy is the responsibility of Heads of Service who will ensure that this policy is adhered to.

## Gifts and Hospitality

Checklists for considering whether to accept a gift or hospitality



The question in all cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- a. Is the value of the gift/hospitality £50 or over?
- b. If under £50 is it intended as an inducement?
- c. Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- d. Does the donor have any form of contractual relationship with the Council, does it provide goods or services to the Council of any kind?
- e. Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or have you been targeted because of your employment with the Council and nature of your role?
- f. What do you think is the motivation behind the invitation/gift?
- g. For hospitality do you want to go and if so, why? Is it because there will be genuine benefits to the Council in terms of networking and contacts gained? Or is a desire to go centred around personal enjoyment?
- h. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving the Council?
- i. For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity or can you pay an equivalent price of the gift to charity?

If you decide to accept a gift over £50 you must register that in the register of interests, if you decline a gift over £50 this should also be registered with a statement that the gift was declined.

### **Training and Support**

Any queries in relation to this policy should be directed to the Town Clerk.

### **Monitoring and Audit**

We review annually for the AGM or if other issues come to light earlier.