



**Nottingham  
City Council**

# Part 6

# Codes of Conduct

**Version 7.30**

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## **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Nottingham City Council, including:

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, the Executive Board and its Committees and Sub-Committees;
- 1.2 when acting as a representative of the Council;
- 1.3 in making any decision as a Portfolio Holder or a Ward Councillor;
- 1.4 in discharging your functions as a Ward Councillor;
- 1.5 at briefing meetings with colleagues;
- 1.6 at site visits; and
- 1.7 when corresponding with the Council other than in a private capacity.

## **2. Principles**

The principles underpinning this Code of Conduct are that you will act with:

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership  
Respect for others  
A commitment to uphold the law

## **3. General Conduct**

You must:

- 3.1 provide leadership to the Council and the communities within its area, by personal example;
- 3.2 respect others and not bully or harass any person;

Note:

Bullying may be characterized as offensive, intimidating, malicious or insulting behavior; or an abuse of misuse of power in a way that intends to undermine, humiliate, criticize unfairly or injure someone.

Harassment may be characterized as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

These definitions are not exhaustive and any forms of bullying or harassment are prohibited by this Code.

- 3.3 promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation;
- 3.4 recognise that colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.5 respect the confidentiality of information which you receive as a member:
  - (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and
  - (b) not obstructing third parties' legal rights of access to information;
- 3.6 not misconduct yourself in a manner which is likely to bring the Council into disrepute;
- 3.7 use your position as a member in the public interest and not for personal advantage;
- 3.8 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.9 exercise your own independent judgement, taking decisions for good and substantial reasons:
  - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
  - (b) paying due regard to the advice of colleagues, and in particular to the advice of the statutory officers; and
  - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.10 account for your actions, particularly by supporting the Council's scrutiny function; and
- 3.11 comply with any formal investigations into complaints made about your conduct;
- 3.12 ensure that, as far as within your powers, the Council acts within the law.

#### **4. Disclosable Pecuniary Interests**

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any

meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;

- 4.4 'Meeting' means any meeting organised by or on behalf of the Council, including:
- (a) any meeting of the Council, or a Committee or Sub-Committee of Council;
  - (b) any meeting of the Executive Board and any of its Committees or Sub-Committees;
  - (c) in taking a decision as a Ward Councillor or as a Leader or a Portfolio Holder;
  - (d) at any briefing by colleagues; and
  - (e) at any site visit to do with business of the Council;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
- (a) not participate, or participate further, in any discussions of the matter at the meeting;
  - (b) not participate in any vote, or further vote, taken on the matter at the meeting; and
  - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
- (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
  - (b) notify the Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer.

## **5. Other Interests**

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an 'Other Interest' in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest.
- 5.2 If you hold individual decision making powers and you have an 'Other Interest' in a matter that you are, or will be, taking a decision on, as soon as you are aware that you have an Interest, you must take no further action in relation to that decision. The only exception to this is any action required to enable someone else to take the decision.
- 5.3 You have an "Other Interest" in an item of business of the authority if it not a Disclosable Pecuniary Interest, and:
- (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a member of your family or a person with whom you have a close association, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of your ward or the Council's administrative area, or

- (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a 'relevant person'\*) or a person with whom you have a close association, or
- (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

\* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

5.4 You are not required to notify the Monitoring Officer of 'Other Interests' for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

## **6. Sensitive Interests**

- 6.1 You must notify the Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 if you have a sensitive interest you are required to declare that you have an interest to meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the interest need not be declared.

## **7. Gifts and Hospitality**

- 7.1 You must, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Council within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

## **8. Disclosure and Barring Service Checks**

8.1 You shall co-operate fully with any Disclosure and Barring Service checks (at whatever level) required under Council policies and practices or as required or requested by an appropriate officer of the Council (being the Corporate Director for Children and Adults and the Monitoring Officer). Any Councillor:

- (a) who has not complied with the requirement to have a DBS check within one month of being elected; or
- (b) who fails to maintain a valid DBS check; or
- (c) whose check discloses matters which may present a risk to children and vulnerable adults (in the opinion of the Corporate Director for Children and Adults and the Monitoring Officer);

is disqualified from all offices and membership of committees, sub committees, panels or outside bodies.

## **9. Safeguarding**

- 9.1 Notwithstanding the generality of the previous provisions of this Code, you will comply with the following requirements specific to Council functions concerning children, young people and vulnerable and elderly adults;
- 9.2 you must, at all times, act in your office with particular regard to, and supporting, the duties of the Council with respect to children, young people and vulnerable and elderly adults;
- 9.3 you must not obstruct, nor seek to obstruct the effective performance of the Council's functions concerning children, young people and vulnerable and elderly adults nor, improperly, seek to influence the outcome of any decision taken, or to be taken, in relation to children, young people, or vulnerable or elderly adults, nor seek preferential treatment for any such person;
- 9.4 you must carry out, or attend any training events or courses designated by the Corporate Director for Children and Adults as mandatory for Councillors.

<b>Disclosable pecuniary interest</b> <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b>	<b>Guidance</b>
<p><b>1. <u>Employment</u></b> Any employment, office, trade, profession or vocation carried out for profit or gain.</p>	<p>A short description of any job or business you and your partner have to declare for income tax purposes, including any trade, profession or vocation and including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.</p> <p>Give a short description of the activity concerned; for example, "Computer Operator" or "Accountant".</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.</p>
<p><b>2. <u>Sponsorship</u></b> Any payment or provision of any other financial benefit (other than from the Nottingham City Council) made or provided in the last 12 months in respect of any expenses incurred in carrying out your duties as a Councillor or co-opted member, or towards your election expenses, including any payment or financial benefit from a trade union.</p>	<p>Sponsorship includes another person paying expenses which you would otherwise have to pay.</p> <p>You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a Councillor or co-opted member.</p> <p>Councillors should declare the name of any person or body who has made any payments to you in the last year towards your election expenses.</p> <p>You do not need to declare the amounts of any payments: only the name of the person or body making them. This would usually mean a political party at election time.</p> <p>Any payments and statutory allowances received from a local authority do not need to be declared.</p>



<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>3. <u>Contracts</u></b>  Any contracts with Nottingham City Council, including any contracts made between you / your partner and the Council and any contracts made between a body in which you / your partner have a beneficial interest and the Council.</p>	<p>You should give a brief description of the nature and length of any contracts for goods, services or works which you or your partner have with the Council either directly or because you / your partner have a beneficial interest in the body which has the contract, for example as a partner in a firm or a paid director of a company.</p> <p>This includes contracts with the Council even if the works, goods or services are for third parties, eg a voluntary sector organisation. Only contracts that have not been fully discharged need to be notified.</p>
<p><b>4. <u>Land</u></b>  Any beneficial interest in land within Nottingham City Council's boundaries.</p>	<p>You should include any land in the area of the Council in which you or your partner have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description which is good enough to identify the location.</p> <p>If you live in the City then you should include your home under this heading whether as owner, lessee, or tenant. You only need to give the address. You do not need to give any details about your mortgage, lease agreement, rent etc.</p> <p>Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate. If you own land outside the area of the Council you do not have to declare it but if you receive an income from the</p>

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	land then in the 'Employment section' the property letting business should be declared, but it is not necessary to state where the property is.
<b>5. Licences</b> Any licence (alone or jointly with others) to occupy land within Nottingham City Council's boundaries for a month or longer.	You should list any licences that you / your partner has either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer.  You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.
<b>6. Corporate Tenancies</b> Any tenancy where (to your knowledge) (a) Nottingham City Council is the landlord; and (b) the tenant is a body in which you / your partner has a beneficial interest.	You should list the address of any land or buildings rented from the Council by you or a body in which you / your partner have a beneficial interest.  You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.
<b>7. Securities</b> Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in Nottingham City; and either (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.	Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description other than money deposited with a building society.  You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the City and in which you or your partner have a substantial interest. You do not need to show the extent of your interest.

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities (whichever is lower) eg if the company has 100 £1 shares and you have one share, you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value. For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000.</p> <p>It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.</p> <p>If you know the companies in which your PEP, ISA or pension fund has invested and:</p> <ul style="list-style-type: none"> <li>• those companies have a place of business or land in the City; and</li> <li>• your beneficial interest in the investment is greater than the levels indicated above,</li> </ul> <p>then you need to register that interest. You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.</p> <p>If there are several classes of shares or securities, the fraction of 1/100th</p>

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	<p>applies to any of these classes.</p> <p>A company or body corporate is active in the City if it has land or a place of business in the City boundaries.</p>

## Co-opted Members' Code of Conduct

This Code of Conduct has been adapted from Nottingham City Council's Code of Conduct to recognise the particular circumstances that apply to co-opted members.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Council but is not one of its elected members. Some co-opted members have voting rights on the committee or sub-committee of which they are a member and others do not. All co-opted members with voting rights are legally required to comply with the requirements of the Code of Conduct. As a matter of best practice it is also expected that all non-voting co-opted members will also observe the principles contained in the Code and comply with its requirements.

### **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a co-opted member of one of the Council's committees or sub-committees, including:

- 1.3 at formal meetings of that committee or sub-committee;
- 1.4 when acting as a representative of that committee or sub-committee, including at meetings of Council, its committees and sub-committees, the Executive Board and its committees and sub-committees;
- 1.3 in contributing to decision making as part of that committee or sub-committee;
- 1.4 at briefing meetings with colleagues and partners;
- 1.5 at site visits; and
- 1.6 when corresponding with the Council.

### **2. Principles**

The principles underpinning this Code of Conduct are that you will act with:

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership  
Respect for others  
A commitment to uphold the law

### **3. General Conduct**

You must:

- 3.1 provide leadership to the committee or sub-committee of which you are a member and the communities which it serves, by personal example;

3.2 respect others and not bully or harass any person;

Note:

Bullying may be characterized as offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticize unfairly or injure someone.

Harassment may be characterized as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

These definitions are not exhaustive and any forms of bullying or harassment are prohibited by this Code.

- 3.3 promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation;
- 3.4 recognise that Council colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.5 respect the confidentiality of information which you receive as a co-opted member:
- (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and
  - (b) not obstructing third parties' legal rights of access to information;
- 3.6 not conduct yourself in a manner which is likely to bring the committee or sub-committee of which you are a member or the Council into disrepute;
- 3.7 use your position as a co-opted member in the public interest and not for personal advantage;
- 3.8 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.9 exercise your own independent judgement, taking decisions for good and substantial reasons:
- (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
  - (b) paying due regard to the advice of officers of relevant public bodies, and in particular to the advice of those acting according to their statutory responsibilities; and
  - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.10 account for your actions, particularly by supporting the Council's scrutiny function;
- 3.11 comply with any formal investigations into complaints made about your conduct;
- 3.12 ensure that, as far as within your powers, the committee or sub-committee of which you are a member and the Council acts within the law.

## 4. Disclosable Pecuniary Interests

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;
- 4.4 'Meeting' means any meeting organised by or on behalf of the Council that you are attending in your capacity as a co-opted member of one of the Council's committees or sub-committees, including:
  - (a) any meeting of the committee or sub-committee of which you are a member;
  - (b) any meeting of the Council or a Committee or Sub-Committee of Council or Executive Board and any of its Committees or Sub-Committee;
  - (c) at any briefings by colleagues and partners; and
  - (d) at any site visit;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
  - (a) not participate, or participate further, in any discussions of the matter at the meeting;
  - (b) not participate in any vote, or further vote, taken on the matter at the meeting; and
  - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
  - (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
  - (b) notify the Council's Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer;
- 4.7 where you have a Disclosable Pecuniary Interest arising from your employment the action you should take will depend on the particular circumstances. It would not make sense for co-opted members appointed by their employers to be precluded from a meeting solely because the matter related to something which affects their organisation. However, there may be exceptional circumstances where, because the

matter affects the individual directly or, for some other reason, it would not be appropriate for a member to participate. To determine this you must ask yourself the question “would a reasonable member of the public with knowledge of all the circumstances consider the matter as so significant that it is likely to prejudice your judgement of the public interest.”

## **5. Other Interests**

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an ‘Other Interest’ in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest;
- 5.2 If you hold individual decision making powers and you have an ‘Other Interest’ in a matter that you are, or will be, taking a decision on, as soon as you are aware that you have an Interest, you must take no further action in relation to that decision. The only exception to this is any action required to enable someone else to take the decision
- 5.3 You have an “Other Interest” in an item of business of the authority if it not a Disclosable Pecuniary Interest, and:
- (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a member of your family or a person with whom you have a close association, to a greater extent than it would affect the majority of the council tax payers, ratepayers or inhabitants of the Council’s administrative area, or
  - (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a ‘relevant person’\*) or a person with whom you have a close association, or
  - (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

\* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

- 5.4 You are not required to notify the Council’s Monitoring Officer of ‘Other Interests’ for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

## **6. Sensitive Interests**

- 6.1 You must notify the Council’s Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 If you have a sensitive interest you are required to declare that you have an interest at meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the interest need not be declared.

## **7. Gifts and Hospitality**



- 7.1 You must, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a co-opted member of one of the Council's committees or sub-committees from any person or body within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

<b>Disclosable pecuniary interest</b> <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b>	<b>Guidance</b>
<p><b>1. <u>Employment</u></b> Any employment, office, trade, profession or vocation carried out for profit or gain.</p>	<p>A short description of any job or business you and your partner have to declare for income tax purposes, including any trade, profession or vocation and including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.</p> <p>Give a short description of the activity concerned; for example, "Computer Operator" or "Accountant".</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.</p>
<p><b>2. <u>Sponsorship</u></b> Any payment or provision of any other financial benefit (other than from the Nottingham City Council) made or provided in the last 12 months in respect of any expenses incurred in carrying out your duties as a co-opted member, including any payment or financial benefit from a trade union.</p>	<p>Sponsorship includes another person paying expenses which you would otherwise have to pay.</p> <p>You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a co-opted member.</p> <p>You do not need to declare the amounts of any payments: only the name of the person or body making them.</p> <p>Any payments and statutory allowances received from a local authority do not need to be declared.</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>3. <u>Contracts</u></b>  Any contracts with Nottingham City Council, including any contracts made between you / your partner and the Council and any contracts made between a body in which you / your partner have a beneficial interest and the Council.</p>	<p>You should give a brief description of the nature and length of any contracts for goods, services or works which you or your partner have with the Council either directly or because you / your partner have a beneficial interest in the body which has the contract, for example as a partner in a firm or a paid director of a company.</p> <p>This includes contracts with the Council even if the works, goods or services are for third parties, eg a voluntary sector organisation. Only contracts that have not been fully discharged need to be notified.</p>
<p><b>4. <u>Land</u></b>  Any beneficial interest in land within Nottingham City Council's boundaries.</p>	<p>You should include any land in the area of the Council in which you or your partner have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description which is good enough to identify the location.</p> <p>If you live in the City then you should include your home under this heading whether as owner, lessee, or tenant. You only need to give the address. You do not need to give any details about your mortgage, lease agreement, rent etc.</p> <p>Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate. If you own land outside the area of the Council you do not have to declare it but if you receive an income from the land then in the 'Employment section' the property letting business should be declared, but it is not necessary to state where the property is.</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>5. <u>Licences</u></b>  Any licence (alone or jointly with others) to occupy land within Nottingham City Council's boundaries for a month or longer.</p>	<p>You should list any licences that you / your partner has either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p><b>6. <u>Corporate Tenancies</u></b>  Any tenancy where (to your knowledge)  (a) Nottingham City Council is the landlord; and  (b) the tenant is a body in which you / your partner has a beneficial interest.</p>	<p>You should list the address of any land or buildings rented from the Council by you or a body in which you / your partner have a beneficial interest.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p><b>7. <u>Securities</u></b>  Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in Nottingham City; and either  (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	<p>Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description other than money deposited with a building society.</p> <p>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the City and in which you or your partner have a substantial interest. You do not need to show the extent of your interest.</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities (whichever is lower) eg if the company has 100 £1 shares and you have one share, you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value. For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000.</p> <p>It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.</p> <p>If you know the companies in which your PEP, ISA or pension fund has invested and:</p> <ul style="list-style-type: none"> <li>• those companies have a place of business or land in the City; and</li> <li>• your beneficial interest in the investment is greater than the levels indicated above,</li> </ul> <p>then you need to register that interest. You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.</p> <p>If there are several classes of shares or securities, the fraction of 1/100th</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
	<p>applies to any of these classes.</p> <p>A company or body corporate is active in the City if it has land or a place of business in the City boundaries.</p>

## Introduction

The purpose of this Code of Conduct is to give all employees guidance on how the City Council and the public in general expect them to behave. This Code is designed for the protection of staff and, if the Code is followed, then staff should not find themselves in a situation where their conduct could create an impression of a conflict of interest, or corruption, in the minds of the public. It cannot cover every eventuality and further guidance should be sought from an employee's Corporate Director or, in the case of Corporate Directors, the Chief Executive, if they are unsure of the standards expected of them.

## 1. Standards

- 1.1 All employees of the City Council 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. Employees are expected without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service, impropriety or breach of procedure.
- 1.2 It is the Council's duty to protect employees against unjustified allegations of wrong doing and adherence to this Code is essential for this purpose. However, it should be noted by all employees that failure to comply with the standards detailed in the Code may result in disciplinary action.
- 1.3 It is expected that all employees will observe the following standards, which have been agreed by Nottingham City Council and the trade unions. All employees should:
  - have the right to be treated with respect;
  - have a duty to treat other people with respect;
  - be sensitive to other people's different needs, attitudes and lifestyles;
  - oppose all forms of discrimination;
  - help put an end to bullying;
  - be prepared to be challenged over their own behaviour.

## 2. Disclosure of Information

- 2.1 The City Council believes 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 Council believes that all information should be disclosed unless there is a good reason for not doing so, i.e. in the public interest or in the particular interest of clients where the information has been obtained on the basis of confidentiality.
- 2.2 Many employees obtain information in their official position which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed, during or after employment, to a third party where there is a legal responsibility to provide it, or where the employee or client or customer of the Council provides a written authority for the information to be provided.

- 2.3 The restrictions in paragraph 2.2 apply equally to information which employees may obtain from their employment about a contractor, debtor or creditor of the Council. Employees must adhere to the Council's guidelines relating to confidential information as covered by the Data Protection Act 1984. This Act requires that personal information held on computer must be obtained fairly, only used for the purpose for which it was gathered, kept up to date and accurate, kept secure and made available to individuals to let them know what is held about them. It also requires that personal information must not be disclosed to unauthorised people or organisations or kept for longer than is necessary.
- 2.4 Employees who discover information about customers or members of the public in the course of their duties which gives cause for concern (e.g. evidence of criminal activity, child abuse, etc.) are expected to report it to the appropriate level of management.
- 2.5 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.
- 2.6 Where employees have access to and are entrusted with confidential information concerning the business or finances of the Council, or its suppliers, agents, contractors, customers, residents or employees, they shall not, during the period of employment, divulge such information except in the proper course of their duties or in any circumstances after the period of employment without the written consent of the Council.
- 2.7 Employees must not, during employment or for a period of six months after ceasing to be employed:
- (a) seek to procure orders from, and do business with, any person, firm or company who has done similar business with the Council;
  - (b) directly or indirectly, carry on or engage in any activity or business which shall be in direct competition with the Council;
  - (c) endeavour to entice away employees of the City Council to work for their new business.

### **3. Political Neutrality**

- 3.1 Employees serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.
- 3.2 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council whilst at work and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.



## **4. Relationships**

### **4.1 Councillors**

Employees are responsible to the City Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good Local Government. Where close personal relationships between employees and individual Councillors exist, there is a need for care to be taken to avoid inappropriate standards of conduct.

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

Employees should always remember their responsibilities to the community they service and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. Where employees are linked to groups or individuals within the community (e.g. community associations, religious groups, or community leaders, Councillors, etc.) they must recognise the potential for allegations of bias and/or for them to be exposed to inappropriate pressure. Employees should discuss such links (or any pressure put upon them) with their line manager or Corporate Director.

### **4.3 Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's Corporate Director. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

4.4 Employees who engage or supervise contractors or who have any other official relationship with contractors and have previously had or currently have a relationship in a professional, private or domestic capacity with contractors, should declare their relationship directly to their Corporate Director or, in the case of Corporate Directors, to the Chief Executive, who should decide what action is necessary and convey that decision to the employee in writing.

4.5 No employee shall purchase for private purposes goods or services from a firm which has dealings with the City Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the City Council. This equally applies to ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. This also applies to the use of services of a contractor with whom employees have official contacts as part of their employment with the City Council. It also precludes employees from using, for private purposes, any special trading cards which the City Council may hold for Council business. It does not, however, preclude employees from benefiting from general discounts available to all Council employees, e.g. Staff Discount Scheme, Local Government Travel Club or discounts available through membership of a trade union.

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

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit in accordance with the procedures laid down in the City Council's Code of Practice on Recruitment and Selection. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. Employees must not act with unfair bias either in favour or against candidates in making appointments. In order to avoid any possible accusation of bias, employees must not be involved in any appointment where they are related to, or have close personal relationship with, an applicant. (Close professional relationships between managers [and/or between managers and members of staff] should not prevent managers from being involved in appointments, provided that there is no relationship between them that would cause a reasonable onlooker to suspect that the appointment was biased either in favour or against candidates).
- 5.2 Similarly, employees must not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative or partner.

## **6. Outside Commitments**

- 6.1 It is a condition of service that employees on the Greater London Provincial Council (GLPC) Job Evaluation Scheme above spinal column point 30 shall devote their whole time service to the work of the City Council and shall not engage in any other business (including self employment) or take up any additional appointment without the express written prior consent of their Corporate Director or, in the case of Corporate Directors, the Chief Executive. The Corporate Director or the Chief Executive reserve the right to withdraw such consent at any time in the future. (Note: It is the intention of the Council that this contractual provision should remain in force for employees at or above the corresponding pay point on the new spinal column despite the absence of a specific term to this effect in the new Green Book).
- 6.2 The Council will not unreasonably preclude any of its employees from undertaking additional employment, but any such employment must not, in the City Council's view, conflict with or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business, for example, it would be deemed quite improper for any work to be carried out for private gain that has been procured through the employee's normal duties.
- 6.3 No personal business activity or outside work of any sort may be undertaken by employees during their normal working hours for the City Council. Similarly, no Council equipment, accommodation or resources must be used in connection with these activities.
- 6.4 Although it is accepted that employees' off duty hours are their personal concern, all employees should avoid situations whereby their work and personal interests conflict or may appear to conflict.
- 6.5 Where a request is received by the Council for an officer to make a presentation, speak at a seminar, lecture or course and an individual employee is required to do this within their normal field of work and during working hours, the work will be undertaken on behalf of the City Council and any fee will be treated as income to

the Council.

6.6 Where an approach is made directly to an individual implicitly or explicitly because of that individual's reputation and personal skills/knowledge/ experience and a fee is payable, there is potential for the fee to be treated as income for the individual. Corporate Directors and, in the case of a Corporate Director, the Chief Executive, have discretion to grant employees paid leave to give lectures concerned with their professional discipline and to retain the whole of the fees received on the understanding that such occasions are likely to be relatively infrequent.

#### 6.7 Intellectual Property

"Intellectual Property" is a generic term that includes inventions, creative writings and drawing. If these items are created as part of an employee's normal course of employment, then, as a general rule, they belong to the City Council. However, various Acts of Parliament apply to "Intellectual Property" and the Legal Section should be contacted for advice if any doubt exists.

### 7. Personal Interests (Financial and Non-Financial)

7.1 Any personal interests, financial or otherwise, must be registered when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies. Each Corporate Director will be responsible for ensuring that all employees in their Departments are aware of the need to register personal interests in accordance with this section.

7.2 Section 117 of the Local Government Act 1972 requires employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest may result in prosecution. This requirement applies to all employees, irrespective of their grade. Corporate Directors should bring the Act's current requirements to the attention of relevant employees within their Department who may be affected.

7.3 Details of interests (financial and non-financial) must be made in writing and sent to the Corporate Director, who will record declarations of it in a departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):

- the name of the member of staff;
- the company or organisation the member of staff has an interest in;
- what that interest is.

The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.

The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

- 7.4 To avoid suggestions of any impropriety, employees with a financial or non-financial interest in a matter should not only declare that interest but also seek to distance themselves from involvement in that item. This may mean passing an issue to another colleague to deal with. Where this is not possible, employees must be open stated at meetings, whether Committee meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
- 7.5 All employees involved in the award or management of contracts shall declare to their Corporate Director (or in the case of Corporate Directors the Chief Executive) any association or friendship with any contractor on any part of the Council's select list of contractors and should take no part in the tender process without their written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to their Corporate Director (or in the case of Corporate Directors the Chief Executive) any association with any person or body who is an applicant in the field of work in which that employee is engaged.
- 7.6 A Corporate Director to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

## **8. Equality Issues**

- 8.1 All employees must have a knowledge of and be committed to the implementation of the City Council's Equality and Diversity Policy. They must ensure that all the Council's policies and procedures in relation to equalities issues are complied with in addition to the requirements of the law. All members of the community, customers and employees have a right to be treated with fairness and equity in line with the Council's positive commitment to the delivery of quality services to a diverse community.

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

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the City Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality in dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

- 9.5 Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work.
- 9.6 Employees involved in the purchase of work, goods, materials and services must comply with the relevant standing orders and financial regulations approved by the Council.

## **10. Corruption**

- 10.1 Employees must be aware that it is a serious criminal offence for them 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 while the employee is acting in his or her official capacity. If an allegation is made it is for the employee then to demonstrate that any such rewards have not been corruptly obtained.
- 10.2 The absence of actual corruption is not, in itself, sufficient. Avoidance of any grounds for suspicion of corruption is also important at all times and particularly where contracts are being negotiated. Employees should, wherever possible, avoid negotiating with a potential contractor, supplier or purchaser (of land for example) on a one to one basis. Where any one to one negotiations are involved, including telephone negotiations, the employee must ensure that all steps in the negotiations are recorded, and that their Corporate Director, or where the negotiations involve the Corporate Director, the Chief Executive, has been made aware of and has approved, in writing, those steps. Standing orders, financial regulations and the policies of the Council must always be followed on all occasions.

## **11. Use of Resources**

- 11.1 Employees must ensure and demonstrate that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community. They must comply at all times with the Council's standing orders and financial regulations.
- 11.2 Any facilities, equipment, tools, etc., provided by the Council for use in an employee's duties should be used only for those duties and for no other purpose except where the Council has agreed to private use. This applies to all facilities and property. There are approved arrangements for the use of some services for private purposes on payment of charges determined by the Council - for example, private telephone calls from the workplace; private photocopies, etc. Where approved private use takes place the appropriate charge must be made.

## **12. Gifts, Hospitality and Sponsorship**

### Gifts and Hospitality

- 12.1 The acceptance of gifts and/or hospitality by employees must be treated with extreme caution.
- 12.2 No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or

seeks to do business of any kind with the Council or to have an interest in its decisions.

- 12.3 There is a delicate balance between acceptance or refusal of hospitality or tokens of good will on certain occasions. On each occasion a judgement must be made between causing offence by refusal or risking improper conduct by acceptance. 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, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable. Gifts other than such promotional materials are not acceptable.
- 12.4 Offers of hospitality and invitations to social occasions from those who do or seek business with the Council, or have an interest in its decisions, should similarly be treated with caution. They should be considered only where the scale of hospitality is of a modest standard. A working lunch or breakfast to allow the parties to discuss business might be acceptable but should be cleared with a Corporate Director first. Again, it is the duty of the employee concerned to be satisfied that personal integrity is not put at risk.
- 12.5 Employees who are invited to take part in conferences by virtue of their position with the Council should discuss the invitation with their Corporate Director before attending.
- 12.6 Details of every offer of a gift or hospitality (other than those which this code exemplifies as being acceptable) either offered to and refused or offered to and accepted by employees in their Department, including themselves will be maintained by the Corporate Director in a departmental register(s) kept for that purpose. The following information will be recorded in the departmental register(s):
- the person or body making the offer;
  - the member of staff to whom the offer was made;
  - the gift or hospitality offered;
  - the circumstances in which the offer was made;
  - whether the gift or hospitality was accepted or declined;
  - if accepted the member of staff who had authorised acceptance. This acceptance should be made in writing and a copy maintained with the register. If refused, the action taken (if any) by the Corporate Director (or in the case of Corporate Directors the Chief Executive).

The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

### Sponsorship

- 12.7 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.
- 12.8 Where the Council wishes to sponsor an event or service, neither an employee, or any partner or relative, must benefit from such sponsorship without there being full disclosures of any such interest in accordance with Section 7 of this code. Similarly, where the 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.

### **13 Membership of a Secret Society**

- 13.1 All employees must declare any membership of any organisation classed as a secret society, for example the Freemasons. Such a declaration must be made in writing and sent to the Corporate Director who will record it in a departmental register(s) kept for that purpose.

The following information will be recorded in the departmental register(s):

- the name of the member of staff;
- the secret society to which that member of staff belongs.

- 13.2 The departmental registers are open for inspection by the Chief Executive and the Chief Finance Officer.

The definition used is in line with the Yearbook:

"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, gather 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".

### **14 Employees Facing Criminal Charges**

- 14.1 The City Council expects employees facing criminal charges to give notice of this, without delay, to an appropriate line manager. Employees are required to notify an appropriate line manager or Corporate Director in all circumstances, whether they personally feel the matter is relevant or not.

#### **Addendum**

In addition to the requirement laid down in Paragraph 13 the City Council expects employees in the Residential Child Care Sector of the Social Services Department to also notify an appropriate line manager of any cautions and any arrests or charges in connection with a child or children. (Personnel and Customer Care Committee July 1999).

## **Protocol for Councillor/ Officer Relations**

### **1. Introduction**

- 1.1 The purpose of this protocol is to provide guidance on the complementary roles of councillors and officers. It seeks to promote good working relationships between councillors and officers and support the smooth and effective running of the Council.
- 1.2 It is not comprehensive but is a guide and is intended to supplement other codes and procedures including the Councillor and Officer Codes of Conduct which can be found elsewhere in this Constitution.
- 1.3 It applies when councillors, voting and non-voting co-opted members, and officers are conducting Council business. The majority of provisions of this protocol that are applicable to councillors are also applicable to voting and non-voting co-opted members.
- 1.4 A breach of this protocol will be considered a breach of the relevant code of conduct and will be dealt with under the procedures for breaches of those codes.
- 1.5 This protocol will be reviewed periodically by the Standards Committee and will be overseen by the Monitoring Officer.
- 1.6 Further information and guidance on the matters covered by this protocol can be sought from the Monitoring Officer.

### **2. Principles**

- 2.1 Good working relationships between councillors and officers are essential for the effective operation of the Council. This protocol and the relationships it seeks to support are underpinned by the following principles:
  - mutual trust,
  - respect for the different roles of councillors and officers,
  - a desire to provide the best possible service to the residents and city of Nottingham,
  - a commitment to collaborative, non-adversarial resolution of disputes.

### **3. The Roles of Councillors and Officers**

#### **3.1 Councillor Roles**

Councillors are democratically elected for a term of four years and, once elected, represent all individuals in their ward, not just those who voted for them. Councillors can form political groups and the largest group or a combination of groups usually form an administration to provide the political leadership for the authority.

- 3.2 Councillors have a range of roles and must bear in mind the capacity in which they are operating and any conflicts of interest that may arise from these different roles.



Further advice on interests can be sought from the Monitoring Officer. The roles occupied by councillors include:

- policy-makers and budget setters – setting the strategic direction of the Council,
- community representatives and leaders and advocates for their wards,
- representatives of the Council on non-Council bodies.
- as politicians, representatives of the political parties to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.

3.3 In addition to the above, members of particular Council bodies have specific roles. Executive members make executive decisions within the policy and budgetary framework, Overview and Scrutiny members scrutinise decisions, develop policy and examine issues, and members of other non-executive committees make decisions within their remits. Working relationships between officers and councillors with specific Executive or chairing roles will, by necessity, be close.

3.4 It is a generally accepted convention in local government that the Officer leadership of the Council and its executive councillors will have support from officers in developing policy. Any advice and drafts of documents/ policies provided in the course of the development of proposals by the Administration and in support of its decision making will be confidential to the Administration.

3.5 All Ward Councillors representing an affected ward should be notified of any proposed formal consultation exercises and site visits and invited to public meetings relating to their wards.

#### 3.6 **Officer Roles**

Officers (with the exception of political assistants) are required to be politically impartial. They serve the whole Council and not individual groups or councillors. Some officers, including all senior officers, hold politically restricted posts which prevent them from engaging in political activity outside of work.

3.7 Certain senior officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer, and the Chief Finance Officer as well as those with responsibility for particular areas of Council activity. A full list of statutory officers can be found in Part Two of this Constitution. Councillors must respect these responsibilities and accept that these officers have a duty to give advice or make decisions which councillors may not have requested and may not agree with or support.

3.8 Officers are responsible for enforcement and regulation matters within the policy framework set by Councillors at regulatory committees. Councillors should not seek to influence decisions taken within this framework.

## 4. **Responsibilities of Councillors and Officers**

### 4.1 **Councillors**

Councillors are responsible for:

- providing political leadership,

- determining the budget and policy framework for the Council,
- monitoring and reviewing the performance of the Council in implementing that policy and delivering services,
- representing the Council externally and acting as advocates on behalf of their residents.

#### 4.2 **Officers**

Officers are responsible for:

- Ensuring the Council acts lawfully and with financial propriety, even if that is against the wishes of councillors,
- the day to day management of the Authority's services, the organisation and its resources inclusive of officers,
- initiating, implementing and managing policy in accordance with the overall framework set by councillors,
- giving professional advice to all Councillors.

#### 4.3 **Mutual Responsibilities**

Both councillors and officers are responsible for:

- working effectively together in partnership,
- respecting each other's respective roles, workloads and pressures,
- acting with respect, dignity, courtesy, integrity, mutual support and appropriate confidentiality,
- undertaking training and development in order to carry out their role effectively,
- not subjecting any individual to intimidation, bullying or harassment.

### 5. **Working Together**

The remainder of this Protocol will address specific areas of councillor/ officer interaction.

#### 5.1 **Personal Relationships**

Mutual respect between councillors and officers is essential for the delivery of good local government. Close personal familiarity in public between individual councillors and officers can damage this relationship and should be avoided. Close working relationships should never become so close, or appear to become so close, as to bring into question the officer's ability to deal impartially with another councillor or other party groups, nor to undermine public trust in the Council.

- 5.2 Where such relationships exist or develop over time they should never be hidden. Councillors should declare such relationships to the Monitoring Officer and officers should declare such relationships to their Director in writing. This includes any family relationships.

#### 5.3 **Contact between Councillors and Officers**

Contact between councillors and officers should be at a level appropriate to the issue being raised. Routine matters should be raised with a relevant officer however concerns about a service should normally be raised with the relevant Director or Head of Service.

- 5.4 While councillors and officers can constructively challenge they should not criticise or undermine respect for the other at any meeting where council business is being

considered or transacted, in any public forum or through any communications. Any concerns a councillor has about the conduct or capability of an officer should be raised with the relevant Head of Service or more senior officer. Any concerns an officer has about the conduct of a councillor should initially be raised with the officer's line manager. If the concerns relates to a possible breach of the Councillor Code of Conduct the relevant process should be followed.

#### **5.5 Advice**

Officers should always provide advice based upon their professional judgment even if that advice is contrary to the view of the councillor/s receiving it. Where an individual councillor may have a contrary view s/he should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

#### **5.6 Correspondence**

Official letters on behalf of the Council should normally be sent out in the name of the relevant officer, Portfolio Holder, Committee Chair, the Leader or the Lord Mayor or Sheriff, rather than in the name of an individual councillor. In certain circumstances it may be appropriate for a letter to go out in the name of a councillor, for example, making representations to an MP, but the letter should make clear whose views are being expressed in the correspondence.

5.7 Officers should not normally copy correspondence between themselves and a councillor to another councillor. If it is necessary to copy correspondence to another councillor, the officer should tell the original councillor. Use of silent or blind copies is not acceptable. If an officer has to reproduce a conversation with a councillor in correspondence, then that correspondence should be copied to the relevant councillor.

5.8 Letters which, for example, create obligations or give instructions on behalf of the Council should not be sent out in the name of a councillor.

5.9 Individual councillors will respond directly to casework and other requests from citizens or other relevant stakeholders.

#### **5.10 Response to Councillor Queries**

Officers will respond to enquiries made by councillors, including casework requests, within agreed time frames.

#### **5.11 Political Groups**

With the exception of Political Assistants, officers serve the Council as a whole and not exclusively any political group or individual councillor. In their dealings with political groups and individual councillors, all officers must maintain political neutrality and treat them in a fair and even handed manner.

5.12 Officers, may attend group meetings to provide briefings on Council business. With the exception of Political Assistants, officers below the level of Head of Service should only attend group meetings when accompanied by a senior officer. Officers attending group meetings should usually be accompanied by another officer and must respect the confidentiality of information disclosed at group meetings.

5.13 Briefings, whether in person or in written form, must be available to all groups on an equal basis.

**5.14 Management of Officers**

The management of officers (including Political Assistants) is the responsibility of managers and ultimately the Chief Executive as Head of Paid Service. Officers are also responsible for the preparation of Job Descriptions and Person Specifications. Officers will support, advise and respond to councillors' requests but councillors cannot instruct officers to do any piece of work or take any course of action other than through formal decision making procedures. Requests should not be given directly to junior officers without the knowledge of their line manager.

5.15 In some officer appointments, at the level of Head of Service and above, councillors may take part in selecting and appointing an officer. As a matter of law the candidate who best meets the specification for the role as advertised should be appointed and a councillor should not let his/her political or personal preferences influence his/her judgement. The Council has legal obligations in relation to equal opportunities and councillors are required to comply with these legal obligations and to adhere to the Council's equal opportunities policy in their dealings with staff/ potential staff.

5.16 Councillors should not seek or request personal information about individual officers nor seek to contact officers outside of working hours or via personal contact details unless by prior agreement, an existing provision or arrangement.

**5.17 Access to information**

When requested, officers should provide councillors with published information. Any exceptions to this should be referred to the Director for Legal and Governance for consideration.

5.18 Where unpublished, exempt or confidential information is requested, the requesting Councillor must demonstrate their need to know the information before it is released. Where a conflict of interest would be created by providing information to a Councillor, it should not be released. It is the councillor's responsibility to disclose such an interest. Consideration should always be given to Data Protection and other regulations when deciding whether to release information.

5.19 Further information can be found in the Access to Information Procedure Rules contained within this Constitution.

5.20 As outlined in the Councillor and Employee Codes of Conduct, exempt, confidential or personal information obtained by councillors or officers in the course of their duties must not be shared.

**5.21 Public Relations and Press Releases**

The Council's Communications and Marketing officers serve the Council as a whole and must operate within the limits of the statutory framework which prohibits publishing material which appears to be designed to affect public support for a political party. All councillors should be offered the opportunity to participate in communications and marketing events regardless of political group. The latter does not apply where an individual councillor or a number of councillors are participating in the event due to a role they hold, for example, Portfolio Holder or Chair of a

Committee.

- 5.22 Council press releases drafted by officers will often contain quotations from the Mayor, Deputy Mayor, Leader, a Portfolio Holder or the Chair or Vice-Chair of the Committee or Sub-Committee whose service is involved. Such press releases will not indicate the councillor's party political affiliation.
- 5.23 Individual councillors may issue personal press releases. If issued, these must contain a clear statement that it is a personal publication to avoid any possibility of confusion with a Council press release.
- 5.24 Further guidance on the legal constraints placed on local authority publicity during an election period can be obtained from the Communications and Marketing Office and/or the Monitoring Officer.
- 5.25 Ceremonial Events**  
The Mayor or the Sheriff, will be the appropriate person to lead/ represent the Council at ceremonial events which are of particular significance or are not specifically associated with the office of the Leader, a particular Portfolio/Committee/Sub-Committee.
- 5.26 Ward councillors should always be informed of, and, where possible, invited to ceremonial events taking place within their own wards. Any councillor taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the councillor is representing the Council as a whole.