

5.7 PART 5.7 — OFFICER CODE OF CONDUCT

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5.7 – 2 **INTRODUCTION**

Application

5.7 – 2.1 This Officer Code of Conduct ('the Code') applies to and requires all officers of Amber Valley Borough Council, whether or not employees of the Authority, to comply with the Code.

5.7 – 2.2 Agency workers and others who work for and on behalf of the Authority are required to be made aware of the principles of the Code (and what is expected of them) by the Authority's relevant manager of the service area or the recruiting officer.

Purpose of the Code

5.7 – 2.3 Amber Valley Borough Council is a public authority and, as such, the public, and all other individuals and organisations who come into contact with the Authority, are entitled to expect you, as a local government officer, to demonstrate the highest levels of integrity and professionalism at all times.

5.7 – 2.4 Local government officers are required to comply with the highest possible standards of behaviour. Standards matter and this is especially the case where public resources are being used in the exercise of public functions (including to deliver, directly or indirectly, public services).

5.7 – 2.5 Such standards form a crucial part of good governance with which the Authority is entrusted to deliver as a matter of public duty. As the former Audit Commission noted: 'Good corporate governance combines the 'hard' factors – robust systems and processes – with the 'softer' characteristics of effective leadership and high standards of behaviour'.

5.7 – 2.6 The purpose of the Code and its requirements is therefore to help maintain and improve standards so as to enhance public confidence in local government, especially in the Authority's decision making. The Code thus gives details of the Authority's arrangements for the disclosure of interests and other key matters that affect you and provides proactive guidance to seek to avoid misunderstandings or criticism which might damage reputations.

Status of and Non-Observance of the Code

- 5.7 – 2.7** The Code is part of your agreement with the Authority and, where you are an employee, forms part of the terms and conditions of your contract of employment.
- 5.7 – 2.8** Breaches of the Code by employees will be dealt with under the Authority's disciplinary policy and procedure which from time to time applies.
- 5.7 – 2.9** The Authority views failure to adhere to the Code seriously as such failure can bring the Authority and local government as a whole into disrepute. Such failure could also lead to a finding of maladministration on the part of the Authority by the Local Government Ombudsman.
- 5.7 – 2.10** Furthermore officers need to be aware that acts and/or omissions which are contrary to certain provisions of the Code (e.g. those dealing with unauthorised disclosure of confidential information) could, depending upon the precise circumstances of the case also amount to an offence under criminal law (e.g. under the Data Protection Act) and thus result in prosecution of the officer concerned.

Scope

- 5.7 – 2.11** The Code is not an exhaustive account of all the expectations and requirements of you as an officer and should be read in conjunction with the Authority's Disciplinary Policy and Procedure.
- 5.7 – 2.12** The Code does not override any statutory or common law requirement imposed upon you by law and therefore the Code is subject to the law.

5.7 – 3 PRINCIPLES OF THE CODE AND THE AUTHORITY'S CORE VALUES

- 5.7 – 3.1** The Code establishes a set of 'core principles' which underpin the concept of public service.
- 5.7 – 3.2** Your behaviour, whether acts or omissions, must also reflect the Authority's core values. It is your responsibility to familiarise yourself with both the Code of Conduct and Authority's Core Values and to ensure that you comply with them.

5.7 – 3.3 Working within the public sector, officers are required to be aware of and follow the ‘Seven Principles of Public Life’ suggested by the Committee on Standards in Public Life which are set out in the Member/Officer Protocol.

5.7 – 3.4 To comply with those principles, an officer must comply with the following:

5.7 – 3.4.1 HONESTY, INTEGRITY, IMPARTIALITY AND OBJECTIVITY

An officer must perform their duties with honesty, integrity, impartiality and objectivity.

5.7–3.4.2 ACCOUNTABILITY

An officer must be accountable to the authority for their actions.

5.7 – 3.4.3 RESPECT FOR OTHERS

An officer must:

- a) Treat others with respect
- b) Not discriminate unlawfully against any person and
- c) Treat Members and co-opted Members of the Authority professionally.

5.7 – 3.4.4 STEWARDSHIP

An officer must:

- (a) Use any public funds entrusted to or handled by them in a responsible and lawful manner and
- (b) Not make personal use of property or facilities of the Authority unless properly authorised to do so.

5.7 –3.4.5 PERSONAL INTERESTS

An officer must not in their official or personal capacity:

- (a) Allow personal interests to conflict with the Authority’s requirements or
- (b) Use their position improperly to confer an advantage or disadvantage on any person.

5.7 – 3.4.6 REGISTRATION OF INTERESTS

An officer must comply with any requirements of the Authority:

- (a) To register or declare interests and
- (b) To declare hospitality, benefits or gifts received as a consequence of their agreement with the Authority or employment with the Authority.

5.7 – 3.4.7 REPORTING PROCEDURES

An officer must not treat another employee of the Authority less favourably than other officers by reason that the other officer has done, intends to do, or is suspected of doing anything under or by reference to any procedure the Authority has for reporting misconduct.

5.7 – 3.4.8 OPENNESS

An officer must:

- (a) Not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and
- (b) Not prevent another person from gaining access to information to which that person is entitled by law.

5.7 – 3.4.9 APPOINTMENT OF OFFICERS

An officer must not be involved in the appointment of or any other decision relating to the discipline, promotion, pay or conditions of another officer, or prospective officer, who is a relative or friend.

In this paragraph:

- a) 'relative' means a spouse, civil partner, partner, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- b) 'partner' in sub-paragraph a) above means a member of a couple who live together.

5.7 – 3.4.10 DUTY OF TRUST

An officer must at all times act in accordance with the trust that the public is entitled to place in them.

5.7 – 3.4.11 THE AUTHORITY'S CORE VALUES

5.7 – 3.4.11.1 Amber Valley Borough Council has five core values that lie at the heart of everything we do to achieve our vision for the Borough. These drive the way we design our strategies, deliver our services and do business with our partners.

1. Excellent People Focus
 - **We will be co-operative and helpful** by treating our customers and colleagues

with respect. We will listen to, consult with and involve fully our officers and community

- **We will value our officers** by continuing to recognize our most important asset and demonstrate this by how we treat and manage them to ensure their development leads to improving services
 - **We will promote equality** by being fair and inclusive in all that we do both inside and outside the Authority
2. Services that represent good value for money
- **We will provide value for money** by identifying the needs of our communities and using our resources innovatively to best effect
 - **We will continuously improve** by aiming to provide high service standards, measuring and publicising our performance, annually reviewing the services we deliver and all Authority departments working together to support the delivery of services.
3. Effective working relationships with our many partners
- **We will work with** statutory, voluntary and private sector partners to improve the well-being of our community and those that live, work and visit the Borough
4. Decision Making of the Highest Standard
- **We will ensure ethical practice** by being committed to the highest standards of behaviour from both members and officers. This includes demonstrating selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
5. Sustainability
- **We will be mindful of** the long term consequences of our decisions on future generations

5.7 – 4 DEALINGS WITH THE PUBLIC

5.7 – 4.1 General

5.7 – 4.1.1 Officers are expected to give the highest possible standard of service to the public and to the local community and to abide by the customer care standards set by the Authority. Officers who in the course of their duties have contact with the public, whether face to face, over the telephone or by way of written correspondence/electronic communication shall ensure that at all times they deal with the individual(s) in an efficient and courteous manner, irrespective of the circumstances.

5.7 – 4.2 Standard of Dress

5.7 – 4.2.1 Officers shall dress in a manner appropriate to their role so as to ensure, so far as is reasonable, that no offence is caused to individual members of the public, including members of minority groups.

5.7 – 4.2.2 Unless special dispensation has been granted for good cause by the supervisor or line manager, smart dress standards are to be observed at all times and where a uniform is provided this must be worn at all times when on duty.

5.7 – 4.2.3 Officers shall refrain from wearing any badges, jewellery or insignia which might give offence or which could be taken to indicate that the wearer is a supporter of a particular political party or pressure group.

5.7 – 4.3 Alcohol and Drugs

5.7 – 4.3.1 Officers shall not consume any alcohol at all when on duty.

5.7 – 4.3.2 Officers should refrain from consuming any alcohol or drug before or during their working day where it is likely to have an adverse effect on their work (for example, driving, operating machinery and supervising others) or if it would be inappropriate (for example, if their work brings them into face to face contact with the public).

5.7 – 4.4 Smoking

5.7 – 4.4.1 The provisions of the Authority's No Smoking Policy shall be observed by all officers at all times.

5.7 – 4.5 Gifts and other benefits

5.7 – 4.5.1 Except in the very limited circumstances set out below, officers shall not accept any gifts or other benefits on his/her own behalf or on behalf of any third party from any person or organisation. In particular, officers must not take any benefit arising from the Authority's purchasing power.

5.7 – 4.5.2 Officers must be on constant alert to the possibility that some suppliers may offer free gifts in order to entice a person to place an order for goods or services. These inducements can come

in many guises: gifts, vouchers, discounts off purchases, hospitality, free raffles etc. Anyone involved in the purchasing process must be especially alert to this type of approach and must report any such approaches to their manager. By reporting any such approaches, other officers can be alerted. Officers need to be constantly on their guard as there seems to be no limit to the imaginative tactics which some suppliers will use to secure a transaction (e.g. a sale).

5.7 – 4.5.3 Where the Authority's purchasing power is not engaged, officers may accept and keep gifts (either in the course of receiving authorised hospitality or otherwise) which are insignificant items of token value some as pens, diaries, calendars, mouse mats etc. Items such as bottles of wine etc or boxes of chocolates etc. should be refused. Officers should however always be very cautious about accepting any gifts(s) and the presumption is that any gift etc. is corruptly received with the burden on the officer to show otherwise.

5.7 – 4.5.4 If such a gift is deemed to be acceptable, then it must be promptly recorded in the Authority's 'Gifts and Hospitality Register', detailing the nature of the gift, the recipient and the name of the person or organisation presenting the gift.

5.7 – 4.5.4 If a gift is deemed to be inappropriate to accept, it shall be courteously but firmly returned (where practicable and appropriate) and the rejection must be recorded in writing in the Authority's 'Gifts and Hospitality Register', detailing the nature of the gift, the recipient and the name of the person or organisation offering the gift.

5.7 – 4.5.5 If gift is sent in the post or otherwise delivered and it is impracticable or inappropriate to return it, the receipt of the gift shall be entered in writing in the Authority's 'Gifts and Hospitality Register', detailing the nature of the gift, the recipient and the name of the person or organisation presenting the gift, and shall donated to the Mayor's Charity or raffled off for a similar purpose.

5.7 – 4.5.6 Any person who, or organisation which, strongly wishes to make a gesture of goodwill to the Authority shall be directed to the Civic Links and FOI Officer.

5.7 – 4.5.7 In any particular instance, officers shall always have regard to the criminal law position and also have regard to how the acceptance of such a gift might be perceived by a member of the

public.

5.7 – 4.5.8 Officers should be aware that it is a serious criminal offence for an officer corruptly to receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person in their official capacity. Attention is, for example, drawn to the Fraud Act 2006, the Bribery Act 2010 and the common law offence of misconduct in public office.

5.7 – 4.5.9 If an allegation of corruption is made, it is therefore down to the particular officer in receipt to demonstrate that any such advantage has not been corruptly obtained. The Authority's Anti-Fraud/Corruption Strategy, Financial Regulations and Standing Orders are designed to reduce the opportunity for fraud and corruption by ensuring that systems and procedures are clearly defined and that boundaries are set for functions where an officer or the Authority could be put at risk. Officers are required to make themselves fully familiar with these documents.

5.7 – 4.6 Hospitality

5.7 – 4.6.1 *Accepting Hospitality*

5.7 – 4.6.1.2 Officers should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions shall be accepted only when these are part of the life of the community or where the Authority should properly be seen to be represented.

5.7 – 4.6.1.3 Attendance at such functions shall be authorised by an Executive Director and shall be recorded in writing in the Authority's "Gifts and Hospitality Register", detailing the nature of the hospitality, the recipient and the name of the person or organisation providing the hospitality.

5.7 – 4.6.1.4 Acceptance by officers of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, officers shall ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

5.7 – 4.6.1.5 When receiving authorised hospitality, officers should be particularly sensitive as to its timing in relation to decisions which the Authority may be about to take which may affect those

providing the hospitality. If you consider that your integrity could be compromised or if you have any doubts, say no or seek advice from your manager.

5.7 – 4.6.1.6 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority. Hospitality offered to you but declined must be recorded in writing in the Authority’s “Gifts and Hospitality Register”. You should discuss such matters with your manager who may decide it is necessary to write to the person or organisation involved explaining the Authority’s policy on such matters.

5.7 – 4.6.2 *Giving of Hospitality*

5.7 – 4.6.2.1 The Authority does not normally provide hospitality.

5.7 - 4.6.2.2 Where it is proposed to offer hospitality in exceptional circumstances, the need for such hospitality and the hospitality arrangements shall be first considered by the Executive Director (Resources) to ascertain whether such hospitality shall be given.

5.7 – 4.6.2.3 Where consent is granted, it shall be in writing and recorded in writing in the Authority’s “Gifts and Hospitality Register”.

5.7 – 4.6.2.4 Consent shall be refused where the proposed hospitality is lavish or extravagant as this is inappropriate because the Authority is a public body.

5.7 – 4.6.2.5 Officers are reminded of the requirement for impartiality in relations with contractors and potential contractors.

5.7 – 4.7 Complaints

5.7 – 4.7.1 Officers who, in the course of their duties, have contact with the public should familiarise themselves with the Authority’s complaints procedure and, where appropriate, bring the procedure to the attention of members of the public.

5.7 – 4.7.2 Officers should be prepared to disclose to any member of the public their name and position with the Authority unless in any particular case they have genuine cause to believe that such disclosure might compromise their own personal safety.

5.7 – 5 DISCLOSURE AND USE OF CONFIDENTIAL/EXEMPT INFORMATION

5.7 – 5.1 Disclosure of Information

5.7 – 5.1.1 An officer must:

- a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so; and
- b) not prevent another person from gaining access to information to which that person is entitled by law.

5.7 – 5.1.2 Officers who are privy to any exempt or confidential information, including information on tenders or costs for either internal or external contractors, shall not disclose that information to any unauthorised party or organisation. Information can be a valuable resource and it should not be used to secure a personal advantage or disadvantage for another person. Failure to comply with this requirement not to disclose in an unauthorised manner will lead to disciplinary action.

5.7 – 5.1.3 Officers shall take all reasonable measures to keep confidential/exempt information secure against unauthorised disclosure, howsoever that occurs.

5.7 – 5.1.4 Numerous high profile cases have shown how the reputation of organisations can be damaged when personal data is lost by negligent behaviour, whether acts or omissions. All officers have responsibilities to ensure that personal data is properly protected. It is therefore essential that all officers follow approved procedures for the storage and access to personal data.

5.7 – 5.1.5 The Information Commissioner can impose substantial financial penalties on an organisation if there is a serious breach of one of the data protection principles and the risk was known or should have been known. This can be a complex area and if you are not sure about your responsibilities in this area you should take it up with your manager.

5.7 – 5.1.6 Furthermore, under the Data Protection Act 1998 the unauthorised disclosure of personal information is a criminal offence.

5.7 – 5.1.7 This provision of the Code is not intended to preclude or discourage officers or others from communicating confidential/exempt information to the Authority's Whistleblowing Officer, the Monitoring Officer or Executive Directors, where such communication is necessary in order to bring that Officer's notice acts and/or omissions which are (or might be) unlawful or in breach of the Authority's disciplinary standards.

5.7 – 5.2 Use of Information by Officers

5.7 – 5.2.1 Officers must never use confidential, exempt or sensitive information obtained by them in the course of their duties for personal/private gain or benefit, either for themselves or others.

5.7 – 6 RAISING CONCERNS IN THE PUBLIC INTEREST (WHISTLE-BLOWING POLICY & PROCEDURE)

5.7 - 6.1 The Authority has in place a formal Whistleblowing Policy and Procedure whereby officers (including employees) and contractors engaged by the Authority and others can raise concerns in the public interest about actual or suspected malpractice in a confidential setting. Details can be obtained from Personnel and Development.

5.7 – 6.2 As it can be difficult to know what to do for the best when you have such concerns, a special leaflet has been produced on the subject of raising concerns, explaining how to raise a concern and how it will be dealt with. The leaflet is available on the intranet, from your manager or from Personnel and Development.

5.7 – 6.3 Such concerns will usually be easily resolved but some concerns may take longer to deal with due to the particular complexity of the individual circumstances, for example, where serious malpractice is reported like material financial irregularities, discrimination, fraud or dangerous working conditions.

5.7 – 7 EQUALITY AND DIVERSITY

5.7 – 7.1 The Authority's Corporate Equality Plan ('the Scheme') sets out how we intend to meet the needs of our diverse community. The Scheme demonstrates the Authority's commitment to fulfill our duties under the Equality Act 2010 (including their public sector equality duty under section 149 of that Act) seeking to eliminate all aspects of unlawful discrimination and ensuring that equality is embedded within all the services we provide and the work we do in the Borough of Amber Valley.

5.7 – 7.2 The Code reflects the requirements of the Equality Act 2010 and specifically requires that an officer must:

- a) treat others with respect (including treating members and co-opted members of the Authority professionally); and
- b) not discriminate unlawfully against any person.

5.7 – 7.3 The Scheme adds meaning to these provisions by supporting equality and diversity and condemning unlawful discrimination of any kind. The Authority provides equality and diversity training on and following induction, but if you need further advice or assistance please speak to your manager or Executive Director.

5.7 – 8 PERSONAL/PRIVATE INTERESTS, DISCLOSURE OF INTERESTS, AND REGISTRATION OF INTERESTS

5.7 – 8.1 Avoiding conflict of personal/private interests with the public interest

5.7 – 8.1.1 You must at all times act in the public interest only. This is why the Code states: ‘An officer must not act in their official or personal capacity (a) allow their personal interests to conflict with the Authority’s requirements; or (b) use their position improperly to confer an advantage or disadvantage on any person.’ (see 5.7 – 3.4.5 ‘Personal Interests’ above). The underlying principle is therefore that officers should never use their positions with the Authority to seek special favour or preferential treatment for themselves, or friends or relatives. Equally important, officers should not allow the impression to be created that they are, or may be, using their position as an officer of the Authority to promote personal or private interests.

Outside commitments

5.7 – 8.1.2 An officer’s off-duty hours are normally their personal concern but even when ‘off-duty’ you must not subordinate your public duty to your personal or private interests, or put yourself in a position where your public duty and your personal or private interests conflict. The concept of duty within the public sector means that the public will expect a high degree of trust and may be very suspicious of any interest that conflicts with your office or employment with the Authority.

5.7 – 8.1.3 It is therefore not the role of the Authority generally to preclude an officer from undertaking additional paid/unpaid work, or employment, outside his/her work or employment with the Authority. You cannot, however, undertake such outside work, or employment, where in any circumstances, in the view of the Authority, it could or does conflict with, or otherwise

detrimentally affect, the Authority's interests, or in which it in any way weakens public confidence in the conduct of the Authority's business.

5.7 – 8.1.4 An officer must not, for example, undertake outside work, or employment, whether paid or unpaid:

- (i) if his/her official duties overlap in some way with it; or
- (ii) if it otherwise causes a conflict of interest; or
- (iii) if it makes use of material to which the officer has access by virtue of his/her position (e.g. architects or planners who draw up plans within their own Authority for an applicant for planning consent); or
- (iv) if it otherwise could or does adversely affect the ability of the officer to effectively discharge his/her obligations to the Authority or to the public at large (including their health and safety obligations).

Whole-time service requirement for Officers on Grade 6 and above

5.7 – 8.1.5 Any officer paid on SCP 27 (Grade 6) and above shall devote their whole-time service to the work of the Authority and shall not engage in any business or take up any other additional employment without the prior express written consent of the Head of Paid Service.

5.7 – 8.1.6 Any officer seeking such consent under paragraph 5.7 – 8.1.5 above is required to write to the Monitoring Officer who will then consider the matter with the Management Team before a decision is made by the Head of Paid Service. Consent will be refused if it causes a conflict of interest. If consent is granted, it shall be recorded in writing and such consent may impose conditions and will be periodically reviewed and time-limited.

5.7 – 8.2 Disclosure Generally

5.7 – 8.2.1 Officers shall disclose to their manager, both on an annual basis and where individual circumstances change any personal interest (whether financial or non-financial in nature) which may affect, or be considered by others to affect, an employee's impartiality in any matter relevant to his/her duties.

5.7 – 8.2.2 Non-financial interests could, for example, include involvement with an organisation receiving grant aid from the Authority, or involvement with an organisation or pressure group which is seeking to influence or change the Authority's policies.

5.7 – 8.3 Disclosure by officers of interest in contracts with the Authority

5.7 – 8.3.1 When you know that you have any financial interest, direct or indirect, in a contract or proposed contract with the Authority, you must notify the Authority in writing as soon as practicable of that interest under section 117(1) of the Local Government Act 1972. The Monitoring Officer shall ensure that a 'Register of Financial Interests' is maintained and updated regularly and reviewed at least once a year.

5.7 – 8.3.2 An example of a contract in which you would have a financial interest to disclose would be where your spouse, partner or relative was contracting to supply the Authority with goods or services. This requirement does not apply to a contract in which you are a named party because your involvement will be readily apparent.

5.7 – 8.3.3 In the circumstances when an officer has a financial interest in a contract, the officer must write to the Monitoring Officer who will refer the matter to the Management Team for a decision. A decision will be taken as to whether any conditions are to be imposed to protect the Authority's position and ensure that the officer's personal interests do not conflict with their public duty.

5.7 – 8.3.4 Section 117(2) of the Local Government Act 1972 forbids any officer 'under colour of his office or employment' to accept 'any fee or reward whatsoever other than... proper remuneration'. (see also [Gifts](#) and [Hospitality](#)).

5.7 – 8.4 Register of interests/consents

5.7 – 8.4.1 An officer must disclose, declare and register any personal/private interests under the Code in any business of the Authority or otherwise required. Forms for doing so are contained in the Appendices to the Code (see [Appendix E](#)).

5.7 – 8.4.2 Applications for consent, and any conditions attached to the consent declared under the Code, if granted, shall be recorded in a register of officers' interests/consents maintained by the Monitoring Officer.

5.7 – 8.4.3 The Head of Paid Service and any Executive Director shall have access to such register on a read only basis.

5.7 – 8.4.4 Where an officer has made a disclosure/declaration/registration under this Code and such officer leaves the Authority, his/her details in such register will be removed eighteen months after such officer has ceased to be an officer of the Authority (unless otherwise required to be retained for the purpose of relevant legal proceedings).

5.7 – 8.5 Supplementary voluntary registration of personal interests by Executive Directors

5.7 – 8.5.1 Executive Directors are invited to complete voluntarily the supplementary registration form attached as [Appendix C](#) to this Code relating to personal interests which is based upon the register for Members of the Authority. [Appendix D](#) to this Code provides guidance on completion of the form.

5.7 – 8.5.2 Under existing legislation there is no equivalent mandatory registration for Executive Directors but the Management Team believes that voluntary registration is sensible, provided certain safeguards are put in place.

5.7 – 8.5.3 Any completed form will be held by the Monitoring Officer and will be reviewed every six months by the Management Team.

5.7 – 8.5.4 The register will be a private register and will only be available for inspection (not copying) by members of the Authority. It will therefore not be available to members of the public. Elected members are not permitted to publish any of the information contained in the voluntary registration form. Sensitive information may be withheld from the register if the Monitoring Officer considers this appropriate.

5.7 – 9 DEALING WITH MEMBERS AND POLITICAL NEUTRALITY AND POLITICALLY RESTRICTED POSTS

5.7 – 9.1 When carrying out work for the Authority

5.7 – 9.1.1 Members and officers have different roles and a clear understanding of their respective roles is essential to good local government. Officers serve the Authority as a whole and officers are responsible to the Authority through its Executive Directors. All officers are engaged to carry out the Authority's work such as, for example, providing services to the community. For some officers their role requires them to give advice to senior managers and councillors. Mutual trust between officers and councillors is therefore a key element underpinning good corporate governance.

5.7 – 9.1.2 If you consider that a relationship that you have with a councillor is likely to prove embarrassing or difficult, you should discuss the matter with your manager in the first place, who may in turn, decide to take the matter up with your Executive Director. Concerns about such matters could be raised through the 'Raising Concerns' procedure.

5.7 – 9.1.3 Subject to limited statutory exceptions, officers are appointed on merit and must impartially serve all members of the Authority i.e. be politically neutral. Officers (whether or not their post is designated as politically restricted) must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with or influence their work.

5.7 – 9.1.4 This policy requirement is important for two main reasons:

- (1) It is essential to the functioning of the democratic system that elected members should be able to receive such impartial advice from their officers, and that their officers should not be influenced by any political bias in the implementation of the Authority's policies.
- (2) It is also vital that elected members, and those who have elected them, should have complete confidence that their officers will give such impartial advice and will act politically impartially in implementing the Authority's policies.

5.7 – 9.1.5 They therefore serve all Councillors and not just those of the controlling group, and are required to ensure that the individual rights of all Councillors are respected.

5.7 – 9.1.6 Only Executive Directors and the Monitoring Officer shall be permitted to advise political groups in accordance with the agreed protocol and in ways which do not compromise their political neutrality. Other officers may be required to provide training to political groups when instructed by the Head of Paid Service.

5.7 – 9.1.7 Information communicated to an officer by a political group should not be communicated to other political groups.

5.7 – 9.1.8 Close personal familiarity between officers and individual members can damage Member/Officer relationships, prove embarrassing to other officers and councillors and should be avoided in the conduct of the Authority's business, not least in order to avoid perceptions of bias or favouritism. To seek to avoid this problem, officers must declare to their Executive

Director any close personal relationship with a Member. It is not possible to define exactly the range of relationships that would be considered close or personal. Examples however would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.

5.7 – 9.2 Undue Political Pressure

5.7 – 9.2.1 If any officer feels that a Member of the Authority is seeking to exert undue political pressure on the individual, or is making requests that are considered to be overtly political in nature, then the matter should be reported immediately to the line manager and the relevant Executive Director.

5.7 – 9.3 Politically Restricted Posts

5.7 – 9.3.1 Certain posts are by law 'politically restricted'. Specific restrictions are imposed by section 2 of the Local Government and Housing Act 1989 (as amended) designed to maintain the independence of senior officers and avoid any conflict of interest. This Act imposes political restrictions on certain posts, and these fall into two categories, namely:

- a) Specified posts – the Head of Paid Service, the Chief Finance Officer, the Monitoring Officer, and other officers who are statutory chief officers or non-statutory chief officers, deputy chief officers and any other officers exercising delegated powers on a list maintained under section 100G(2) of the Local Government Act 1972 i.e. in this Authority, Executive Directors, Assistant Directors and those who directly report to those specified posts.
- b) Sensitive posts – Other posts which meet certain criteria namely the giving of advice to decision makers or speaking on behalf of the Authority on a regular basis to journalists or broadcasters.

5.7 – 9.3.2 Political restriction means such postholders:

- a) shall not announce an intention to be a candidate for election to the House of Commons, the European Parliament, or a local authority [where an officer announces that they wish to resign their post because they intend to be a candidate for election in the House of Commons, their appointment shall terminate]
- b) must not act as an election agent or sub-agent
- c) shall not be an officer of a political party, or a committee or sub-committee member of a political party if this involves them in the general management of, or acting on behalf of, the party or branch

- d) shall not canvass on behalf of a political party, or on behalf of a candidate for election
- e) other than 'political assistants' (i.e. officers appointed under section 9 of the Local Government and Housing Act 1989), are also prevented from speaking to the public with the apparent intention of affecting support for a political party
- f) not publishing or causing to be published written or artistic work if intended to affect public support for a political party.

5.7 – 9.3.3 The statutory list of politically restricted posts is attached at Appendix B to this Code.

5.7 – 9.3.4 Applications for exemption from political restriction for 'Sensitive posts' should be sent in writing to the Monitoring Officer who will place the matter before the Head of Paid Service for consideration. There are no exemptions however for 'Specified posts' which are politically restricted without rights of appeal for exemption because the public has a right to expect that those holding higher level local government office are politically impartial.

5.7 – 10 DEALING WITH CONTRACTORS AND PROPOSED CONTRACTORS

5.7 – 10.1 Familiarity with Standing Orders Etc

5.7 – 10.1 Officers who make or advise on purchasing decisions or are otherwise involved in the ordering of goods and/or services on behalf of the Authority must ensure that they are familiar with, and observe the provisions of, the Authority's standing orders relating to contracts and financial regulations.

5.7 – 10.2 Disclosure of Business/Private Relationships

5.7 – 10.2.1 Any officer involved in purchasing decisions or are otherwise involved in the ordering of goods and/or services on behalf of the Authority (including the selection of persons invited to tender, and the evaluation of tenders etc) shall disclose in writing to the Authority all relationships of a business or private nature with external contractors, or potential contractors. Such disclosure shall be recorded in the Register of Financial Interests.

5.7 – 10.3 Separation out of roles during the tendering process etc.

5.7 – 10.3.1 Officers involved in the tendering process and dealing with contractors should be clear on the need for separation out of client and contractor roles within the Authority and shall ensure that proper separation out occurs at all times.

5.7 – 10.3.2 Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

5.7 – 10.4 Awarding of Contracts and Orders

5.7 – 10.4.1 Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be unfairly discriminated against, whether directly or indirectly.

5.7 – 10.5 Officers Who Supervise Contracts etc

5.7 – 10.4.1 Officers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship in writing to the Authority.

5.7 – 11 DEALING WITH RELATIVES AND FRIENDS

5.7 – 11.1 From time to time you may find that a relative or close friend applies to receive a service from the Authority in an area where you are engaged as an officer to act. Many sections have local protocols or codes of practice in place which ban you from dealing with such matters. Examples include planning and benefit officers not dealing with applications from relatives or close friends. These measures are in place to protect you and such persons from any criticism that you were biased or they received more or less favourable treatment than other members of the community.

5.7 – 11.2 It is difficult to cover every possible scenario in the Code. The important thing is that you follow any local protocol or code/practice and comply with the law as to actual or perceived conflicts of interest and discuss any potential conflict with your manager who will decide upon the most appropriate course of action.

5.7 – 11.3 Who is a relative? The Code at paragraph 5.7 – 3.4.9 defines a relative as a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and “partner” means a couple who live together.

5.7 – 11.4 Who is a friend? There is no clear definition of who is a friend. A friend can be defined

as someone well known to a person and regarded with liking, affection and loyalty by that person. A closer relationship is implied here rather than an acquaintance. Such friendship will be established by the actual relationship existing between two people.

5.7 – 11.5 To help decide whether a friendship exists, it can be useful to pose the following questions:

- How many times do you meet?
- Where do you meet?
- Do you regularly attend the same social events?
- Do you know each other's families?
- Do you visit one another's homes?
- Are you close or connected in other ways?

5.7 – 12 OFFICERS' ACCESS TO AUTHORITY SERVICES

5.7 – 12.1 When accessing Authority services officers must be treated the same as any other customer (subject to any safeguards designed to protect the public interest). Applying this principle means that you should not use the Authority's e-mail to communicate with other officers of the Authority about Authority services affecting you or your family and friends etc. This could easily give the impression that you are using your position to confer on or secure for yourself or any other person, an advantage or disadvantage.

5.7 – 12.2 What may appear at first sight to be a convenient way to communicate with a colleague can look very differently when it is subject to close scrutiny.

5.7 – 12.3 An example which may help to clarify the point is where a colleague is dealing with a regulatory matter, concerning your property or one of your relatives or friends. You must not make casual enquiries of your colleague for an update on such an issue where such enquiries would not be available to the general public.

5.7 – 12.4 If therefore a colleague is dealing with a matter which affects your relatives, your friends or yourself, you should make sure that your enquiries will stand up to external scrutiny and will not be seen as obtaining an advantage which is not available to the general public. Obtaining such an advantage is often referred to as 'insider trading'. In these circumstances, it may be better to put your request in writing or ask to see the officer, making clear you are

acting as a private individual and not as an officer.

5.7 – 12.5 With the exception of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer who can demand to see whatever information which in their opinion is needed to allow their duties to be performed, officers have no greater or less rights to information than the general public and we must be careful to make sure that we do not give the impression that we can obtain an advantage, even if there is no intention to do so.

5.7 – 12.6 In the interests of transparency the Authority has decided that Executive Directors can deal with access by officers to Authority services up to a level of £5,000, subject to such restrictions and conditions as they consider appropriate to protect the Authority and its officers (such as those applied to council tax and benefit matters). Above that threshold, matters shall be referred to the appropriate decision making body of the Authority. If in doubt please see advice from your manager or seek assistance by going to the relevant reception point in the same way as a member of the general public would do.

5.7 – 13 OFFICER USE OF COUNCIL RESOURCES, PROPERTY ETC.

5.7 – 13.1 Use of Financial Resources

5.7 – 13.1.1 Officers must ensure that they use public funds entrusted to them in a responsible manner, They should strive to ensure value for money.

5.7 – 13.2 Use of Council Property etc

5.7 – 13.2.1 Authority property, equipment (including telephones and computer/word processing hardware and software) and materials are provided in connection with the Authority's official business purposes only, and are not provided for personal/private use.

5.7 – 13.2.2 Officers shall observe the Authority's policies and procedures relating to the use of resources (including those relate to e-mail and internet use. These documents are available separately.

5.7 – 14 DEALING WITH OTHER OFFICERS

5.7 – 14.1 Recruitment of Officers

5.7 - 14.1.1 Officers involved in recruitment (including selection and appointments) shall ensure that recruitment is undertaken solely on the basis of merit (unless the law otherwise permits)

and in accordance with the Authority's policies and procedures.

5.7 – 14.1.2 In particular, officers involved in recruitment shall familiarise themselves with, and comply with, the Officer Employment Rules contained in the Authority's Constitution.

5.7 – 14.2 Avoiding Conflicts or Perceived Conflicts of Interest

5.7 – 14.2.1 No officer shall use their position with the Authority to improperly secure themselves a personal advantage (financial or otherwise) and no officer shall be a decision-maker in relation to any decision which directly or indirectly affects their personal terms of engagement with the Authority.

5.7 – 14.2.2 The Code at paragraph 5.7 – 3.4.9 states: *'Any officer must not be involved in the appointment of or any other decision relating to the discipline, promotion, pay or conditions of another officer, or prospective officer, who is a relative or friend'*.

5.7 – 14.2.2 It is your responsibility to ensure that you draw any such matters to the attention of your manager or Executive Director at the earliest possible time so that alternative arrangements can be put in place that will avoid any possible accusation of bias.

5.7 – 14.3 Courtesy and Respect

5.7 – 14.3.1 Officers (irrespective of the job they do, or the grade which they are on) shall at all times endeavour to treat each other with courtesy and respect in the workplace.

5.7 – 14.3.2 Failure to observe the above standard of behaviour can, among other things, lead to poor industrial relations, low staff morale and also a poor public perception of the Authority as a whole, with consequential adverse effects such as reduction in performance, increased turnover of officers and difficulties in attracting and retaining officers of calibre.

5.7 – 14.4 Bullying and Harassment

5.7 – 14.4.1 The Authority will not tolerate bullying and harassment in the workplace. Harassment at work in any form is unacceptable behaviour and will not be permitted or condoned.

5.7 – 14.4.2 The Authority's policy covers any aspect of harassment or bullying in the work place and includes the whole organisation, including councillors, the Executive Directors and Head

of Paid Service, and all officers whether casual, permanent, full or part-time or voluntary. A full and comprehensive copy of the policy and procedures and a leaflet giving information about the action you will need to take if you feel you are being bullied or harassed, can be found on the Authority's intranet or a copy can be provided by the Authority's Personnel and Development Team. Please contact Personnel and Development if you need further information.

5.7 – 15 HEALTH & SAFETY (INCLUDING YOUR SECURITY/PERSONAL SAFETY)

5.7 – 15.1 You are required to take reasonable care not to put yourself and others (including members, work colleagues, visitors to the Authority's land and premises, and other members of the public) at risk by what you do or don't do.

5.7 – 15.2 The precise level of responsibility varies according to the particular context and the position that you hold within the Authority. Further details are available on the Authority's intranet including training which you are required to undertake and other detailed guidance which you must read and should comply with. If in any doubt, please ask your manager or an Executive Director.

5.7 – 15.3 The Authority has a duty of care to its officers to ensure their reasonable protection and well-being whilst carrying out their official duties.

5.7 – 15.4 It is totally unacceptable for any officer to be subject to intimidation or actual harm, whether physical or not, arising from undertaking his/her roles in fulfillment of the Authority's policies and procedures. But, unfortunately, from time to time officers are faced with threats against their person (including their family) and property arising from the discharge of their roles in accordance with the Authority's policies and procedures. Measures have been put in place to enable a prompt and appropriate response. The Authority has agreed a written policy for dealing with such matters which is available on the intranet but in the first place you should report such matters to your manager or Executive Director.

5.7 – 15.5 In order to safeguard your health and safety and that of others, you must comply with the Authority's health and safety policies and procedures (including those relevant to lone working).

5.7 – 16 LOCAL CODE OF GOOD PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

5.7 – 16.1 The determination of planning matters generates considerable public interest and can often be highly controversial. In order to maintain public confidence in the planning system, the Authority has introduced a [Code of Planning Conduct and Practice](#) (set out in Part 5.3). You are required to comply with this code (including whenever you or your close friends and relatives submit proposals).

5.7 – 17 DEALING WITH THE MEDIA INCLUDING THE SOCIAL MEDIA

5.7 – 17.1 You should not communicate with the media on matters relating to the activities of the Authority without the prior approval of your Executive Director. You should direct any media enquiries to the relevant Executive Director.

5.7 – 17.2 If you use social media such as social networking sites, you are required to comply with the Authority's Social Media Protocol. In particular, you need to be aware that your actions or omissions may reflect upon the reputation of the Authority and that you are expected to be an ambassador for the Authority at all times i.e. an exemplar of good conduct.

5.7 – 18 PROBITY OF RECORDS AND OTHER DOCUMENTS

5.7 – 18.1 You should not deliberately falsify any records or other documents for financial advantage or otherwise. Such action will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.

5.7 – 19 MONITORING STANDARDS

5.7 – 19.1 Your attention is drawn to the fact that the Authority has a 'Standards and Appeals Committee', the main role of which is to promote and maintain high standards of conduct. Further details can be seen in [Part 3](#) of the Authority's Constitution.

5.7 – 19.2 The Authority's Monitoring Officer contributes to the promotion and maintenance of standards. Further details of the Monitoring Officer's role are set out in [Article 12](#) of the Authority's Constitution.

5.7 – 20 FURTHER GUIDANCE AND ASSISTANCE

5.7 – 20.1 If you require further information about the way in which the Authority conducts its

business and the standards expected of officers, you should look at the relevant documents including:

- The Authority's Constitution which includes a copy of the Authority's standing orders and various codes and protocols;
- Code of Corporate Governance
- Anti-Fraud/Corruption Strategy
- Raising Concerns (Whistleblowing Procedure)
- The Authority's Grievance Procedure (Raising a Grievance at Amber Valley)
- The Council's Disciplinary Procedure
- Equality Scheme
- Social Media Protocol

Most of these documents are available on the intranet. If you cannot locate a copy, please speak to your manager or Personnel and Development. Reference to any policies and procedures shall include references to any amended or replacement policies and procedures.

5.7 – 20.2 If you have any doubt as to whether or not any action taken or contemplated on your part, or on the part of a third party, is likely to result or has resulted in a breach of the Code then you should discuss the matter with your line manager as soon as possible.

5.7 – APPENDIX A1 What Councillors can expect from Officers

What Councillors can expect from officers

- Wholly committed to the work of the Council and maintain political neutrality
- Work in partnership with you in the work of the Council
- Build an effective working relationship avoiding close personal familiarity
- Understand your role, pressures and workload
- Support and treat you courteously and with respect
- Maintain confidentiality
- Not compromise your impartiality in any way
- Give you access to information you are entitled to inspect
- Give objective advice
- Treat you with respect
- Timely response to enquiries and complaints and appropriate follow-up (provided resourced to that level)
- Raise issues of individual Councillor's conduct with the Executive Director in a constructive and well founded way
- To be competent in their roles
- Not to raise personal issues with Councillors outside the agreed procedures
- To support the role of Councillors as the local representatives of the Authority (using any scheme approved by the Council)
- Not to use their position or relationship with Councillors to advance your or their interests or influence decisions improperly
- To work in a way that demonstrates the Council's values (see Values to Behaviour and practice document)

This applies to Officers in their own right. It is a signpost to the main issues. It does not substitute the Member/Officer Protocol, which explains these matters in more detail.

5.7 – APPENDIX A2 What Officers can expect from Councillors

What Officers can expect from Councillors

- Provide political leadership and direction
- Work in partnership with you in the work of the Council
- Build an effective working relationship avoiding close personal familiarity
- Understand and support your role, pressures and workload
- Support and treat you courteously and with respect
- Maintain confidentiality
- Not compromise your impartiality in any way
- Respect and consider your advice even if it is not what they want to hear
- Give reasons supporting decisions in accordance with any reasonable and statutory requirements
- Be aware of the implications of their requests upon Officers, the organization, other priorities and workloads and ensure adequate resourcing and realistic timeframes
- Recognise that you have to work with statutory requirements and the implications this can have on how issues may be tackled
- Recognise that an Officer's role is to provide support to the public as well as Councillors, and that they cannot always take priority
- Not issue directions or instructions
- Never intimidate or attempt to intimidate, threaten, harass, bully, attack or embarrass you personally or your colleagues in any way
- Not use their position or relationship with Officers to advance their or your personal interests or influence decisions improperly
- Not to criticise Officers or their work in public
- Not to discriminate against Officers on grounds of race, gender, disability, religion or belief, sexual orientation or age
- To only raise issues of conduct or competency through the agreed procedures.

This applies to Councillors in their own right. It is a signpost to the main issues. It does not substitute the Member/Officer Protocol, which explains these matters in more detail.

- Executive Directors
- Assistant Director (Planning and Regeneration)
- Assistant Director (Landscape Services)
- Assistant Director (Well Being)
- Assistant Director (Legal and Democratic Services)
- Electoral Registration Officer
- Principal Solicitor

NB. This list is liable to change

5. **Land in the Borough of Amber Valley in which I or to my knowledge my spouse, civil partner or partner have a beneficial interest:**
6. **Land where the landlord is Amber Valley Borough Council and I am, or a firm in which I am a partner a company of which I am a remunerated director, or a person or body of the description with whom I or to my knowledge my spouse, civil partner, partner, close relative or friend have a close connection:**
7. **Land in the Borough of Amber Valley for which I have a licence (alone or jointly with others) to occupy for 28 days or longer:**

Please register these interests and I shall, within 28 days of becoming aware, provide written notification to you of any change.

Name: _____ (print clearly)

Signed: _____

Dated: _____

Date received: _____

Signed:

Monitoring Officer of Amber Valley Borough Council

5.7 – APPENDIX D

Code of Conduct for local government employees

Supplementary voluntary registration by Executive Directors - Guidance Notes

- 1. Any employment or business carried out.**
Please give details of any paid employment.

- 2. Any person or body who employs or has appointed you.**
Please give full details as above so as to enable identification.

- 3. Any person or body who has a place of business or land in the authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower):**

The nominal value of shares is the face value of those shares (the value recorded on the share certificate)

For example: You bought 10,000 £1.50 shares (face value) in 1999. The market value at the time was £3.00 each, so the total paid was £30,000. Those shares are now worth £45,000. The nominal value of those shares would be £15,000 (10,000 x £1.50).

Therefore, you would not be obliged to enter the shares on the register of interests, even though the current market value is £45,000.

- 4. Any contract for goods, services or works made between AVBC and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description with whom you or to your knowledge your spouse, civil partner, partner, close relative or friend have a close connection:**

Please give full details.

- 5. Land in the authority's area in which you or to your knowledge your spouse, civil partner or partner have a beneficial interest.**

You only need to register such land that is within the Authority's area. You should register your residence under this paragraph if within the Borough. You or they have a beneficial interest in land if, for example, you/they own, you/they rent, you/they are entitled to the proceeds of, or you/they may, under a trust, become entitled to the proceeds of that land. The address or other description (sufficient to identify the location) of the land must be provided. When the information to be recorded relates to a house or flat, this does not present any difficulty in providing an address. For other interests such as farm land you should include enough information so that all landholdings can be identified. This could be done by providing map grid references or by attaching a copy of a map identifying the land holding(s), which can then be included with the register of interests.

- 6. Land where the landlord is the authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description with whom you or to your knowledge your spouse, civil partner, partner, close relative or friend have a close connection, the tenant:**

Please give all relevant details.

- 7. Land in the authority's area for which you have a licence (along or jointly with others) to occupy for 28 days or longer:**

Please give all relevant details.

Sensitive information

1. Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest or, as the case may be, a change to that interest.
2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 1 is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Authority's register of members' interests.
3. 'Sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation. Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces).
4. If you think that some of the information relating to your interests is sensitive please discuss the matter with the Monitoring Officer. You do not need to include this information in your Register of Interests, if the Monitoring Officer agrees.

5.7 – APPENDIX E

Code of Conduct for Local Government Officers Registrations and Declarations

Personal and confidential

Name (please print in full):

Address:

Postcode:

Position:

Business unit:

Grade:

Officer number:

- 1. Contracts with the Council — please give details of any contracts with the Council in which you or to your knowledge your spouse, civil partner, partner, close relative or friend with whom you have a close connection have a financial interest, other than those to which you are party to yourself (i.e. do not list your contract of employment with the Council):**

- 2. Outside commitments — please give details of any paid or unpaid work which you do/or intend to do and which could cause a conflict of interest with your employment with this Council:**

Note: Remember if you are paid on SCP 27 (Grade 6,) and above you may not engage in any business or take up any additional employment beyond that with the Authority without the consent of the Head of the Paid Service.

- 3. Relationships — please give details of any relationship with a Borough Councillor, contractor, supplier, organisation, body, relative or friend that could create a conflict of interest for you carrying out your duties and explain what steps have been taken to deal with the matter:**

4. Other personal interests — please give details of any other personal interest that may conflict with the Authority’s requirement

I confirm that the above information is correct and should be registered appropriately.

Signed: _____
Dated: _____

When completed, this form should be returned to the Monitoring Officer, Amber Valley Borough Council, Town Hall, Ripley, Derbyshire, DE5 3BT

Designed & Published by Amber Valley Borough Council