

To: All Members of the Constitution Sub Committee

Professor Steven Broomhead
Chief Executive
Town Hall
Sankey Street
Warrington
WA1 1UH

Councillors:
Chair – C Fitzsimmons

B Axcell, K Buckley, C Froggatt and B Maher

Constitution Sub Committee

Date: Thursday, 18 October 2018

Time: 15:30

Venue: Tea Room, Town Hall, Sankey Street, Warrington, WA1 1UH

Contact Adam Kellock, Democratic & Member Services, Tel: 01925 442144,
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AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

1 Apologies

To record any apologies received.

2 Code of Conduct - Declarations of Interest

**Relevant Authorities (Disclosable Pecuniary Interests)
Regulation 2012**

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

3 Minutes

3 - 6

To confirm the minutes of the meeting of 26 April 2018 as a correct record.

4 Proposed Constitutional Amendments

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Report of the Head of Legal and Democratic Services and Monitoring Officer.

Part 2

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Constitution Sub Committee

Item 3

26 April 2018

Present:

Councillors C Fitzsimmons (Chair), B Axcell, K Buckley, P Carey and B Maher

CSC 10 Apologies

There were no apologies received.

CSC 11 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

CSC 12 Minutes

The Minutes of the meeting held on 14 February 2018 were signed and agreed as a correct record.

CSC 13 Annual Review and Adoption of the Constitution

The Head of Legal and Democratic Services presented the report for the annual review of the Constitution. The report was to be considered by the Sub Committee prior to being referred to Full Council for re-adoption of the Constitution for the 2018/19 municipal year at the Annual Meeting on 21 May 2018.

The proposed amendments were outlined within the report and wording for the changes were included within Appendix A.

It was proposed that the Development Management Committee changed its meeting frequency from a three weekly cycle to a four weekly cycle with the removal of the reserve day on the Thursday following each meeting. It was noted that this would not require a change to the Constitution but it was good practice for it to be confirmed by the Sub Committee and Full Council after being approved by the Development Management Committee at an earlier meeting.

The Chair of the Development Management Committee attended the meeting and confirmed his support for the move to a four weekly meeting cycle on a trial basis with further changes to be considered in due course.

Detailed amendments to the Licensing Committee Terms of Reference and Powers of Officers were outlined within Appendix C. The amendments were required in order to bring the items up to speed with current legislation and best practice. The Chair of the Licensing Committee supported the proposed amendments.

With regards to the Petition Scheme a minor amendment was proposed to include a paragraph which stated that whilst a petition can be submitted there is no guarantee that the requested actions would be carried out. A further amendment was proposed to confirm that a petition with over 1500 signatures could go to any committee of the Council following consideration by the Monitoring Officer and Chair of the Audit and Corporate Governance Committee. The Sub Committee also requested that the Monitoring Officer confirm whether there was a lower age limit for signing a petition.

Members were content with the existing rules in relation to Part 2 and Confidential items along with the amendment which stated that as a matter of course items would be considered as Part 1 unless it met any of the strict criteria and Part 2 committee papers would be reviewed periodically to determine if they could be released.

The Sub Committee considered the Council Procedure Rules, in particular the arrangements for members of the public asking supplementary questions. Of the four options set out members favoured option four which removed the right to ask a supplementary question as it was felt that this would streamline the process of Full Council meetings without affecting the rights of residents to ask questions.

In relation to the Call-in procedure an additional option was to be added which would enable to scrutiny to committee give advice on procedural or administration issues to the Executive Board when they are content with the decision that had been made but wished to provide such advice. This would allow advice to be given without the implementation of the decision being delayed unnecessarily. The wording of the amendment would be drafted by the Monitoring Officer and shared with the Sub Committee prior to being included on the report to Full Council.

The Sub Committee requested that no changes be made to the Access to Information Procedure Rules for the time being to ensure that the information was available electronically.

Administrative changes and the additional hyperlinks within the electronic document were approved by the Sub Committee.

Decision:

That the Sub Committee approves the proposed changes to the Constitution as outlined within the report and Appendix A and recommends to Full Council that the updated Constitution be approved for the 2018/19 municipal year;

That the Sub Committee approves the amendment to the Petition Scheme as outlined in Appendix B;

That the Sub Committee approves the proposed changes to the Licensing Committee terms of reference and Powers of Officers as outlined in Appendix C.

Signed

Dated.....

WARRINGTON BOROUGH COUNCIL
CONSTITUTIONAL SUB COMMITTEE
18 October 2018

Item 4

Report of: Matthew Cumberbatch, Head of Legal and Democratic Services
(Monitoring Officer)
Report Author: Adam Kellock - Democratic Services Officer
Contact Details: **Email Address:** akellock@warrington.gov.uk **Contact Details:** 01925 442144

Ward Members: All

TITLE OF REPORT: Proposed Constitutional Amendments

1. PURPOSE

- 1.1 To consider proposed amendments to the Constitution and make recommendations to the meeting of the Full Council on 29 October 2018.

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is not considered to contain confidential or exempt information

3. INTRODUCTION AND BACKGROUND

- 3.1 The legal framework relating to local authority constitutions is relatively straight forward. Section 37 of the Local Government Act 2000 (as amended) requires local authorities operating executive arrangements to prepare and keep up to date a document to be referred to as the Constitution. The Council Procedure Rules in the constitution (Paragraph 7.1(a)(xiv)) require the Council at its Annual Meeting to approve any changes to the Constitution. It is also considered to be good practice for the Council to review and re-adopt its Constitution annually.
- 3.2 The Monitoring Officer has reviewed the Constitution and the proposed amendments are outlined within the below report and attached appendices. The Sub-Committee is invited to review the proposed amendments and to suggest additional amendments or alterations as they see fit.
- 3.3 It is considered good practice for the Constitution to be reviewed fully on an annual basis and to be readopted by the Full Council at its Annual Meeting. However, the Constitution is always under review for changes that need to be made or become apparent in the course of the year as and when necessary.

4. CURRENT CONSTITUTION

4.1. The current Constitution was first approved by Council at its 30 June 2008 meeting and has been revised from time to time in the light of new legislation and changes to local practices and procedures. The constitution has been re-adopted at successive Annual Council meetings and most recently at the meeting held on 21 May 2018 at which the amendments to a variety of areas including the Petition Scheme, Part 2 items, Council Procedure Rules and Taxi Licensing Policy were agreed.

4.2. The below amendments are proposed to the current Constitution.

5. COUNCIL PROCEDURE RULES

5.1 At its 21 May 2018 meeting Full Council approved the removal of references to supplementary questions within the questions from the public section of the Council Procedure Rules.

5.2 The matter had previously been considered by the Constitution Sub Committee at its meeting on 26 April 2018. The sub committee noted that during 2017/18 there had been increased public interest in and awareness of Council business which had led to larger number of public questions being submitted at Full Council meetings. The arrangements for public questions prior to May 2018 included a time limit of five minutes per questions which included the asking of the question, reply and supplementary question as well as an overall time limit of 15 minutes for public questions. Practical issues had arisen when considering supplementary questions, particularly with lengthy supplementary statements/questions being asked which impacted on the allotted time for other members of the public to ask their questions. In order to improve this aspect of Full Council meetings members were asked to consider four proposals and elected to recommend to Council that references to supplementary questions be removed.

5.3 The above proposals were not intended to stifle debate or public involvement in the democratic process but were aimed at giving members the option to improve effective engagement and the efficient running of the Full Council meetings.

5.4 Since the removal of supplementary questions from the Council Procedure Rules members of the public and Councillors have expressed concern about its impact on the ability of the public to engage effectively with the democratic process and it has been requested that the process be reviewed again. Members are invited to consider how they would wish to deal with supplementary questions going forward and subsequently make a recommendation to the next meeting of Full Council in order to amend the Constitution accordingly if so inclined.

5.5 It is worth noting that upon receipt of a question, members of the public receive guidance from the Democratic and Member Services Team regarding the arrangements for asking questions which is also freely available on the website. This guidance and the Constitution previously informed members of the public that supplementary questions should not seek to introduce new information, extend the

area of the original question, be unduly lengthy or expressed in inappropriate terms. This information was provided both in advance of the meeting and again in person prior to the meeting by the Democratic and Members Services Team. Members of the public were also informed that the Mayor is responsible for the effective running of the meeting and will apply the rules as set out within the Constitution.

- 5.6 The Sub-Committee is asked whether the supplementary question is to be reintroduced and if so as to whether it should return in accordance with the rules that applied before its removal or if new/amended rules should be introduced

6. ROLE OF CIVIC MAYOR

- 6.1 The role and responsibilities of the Civic Mayor are set out at Article 5 of the Constitution attached at Appendix A. In the previous two municipal years, for differing reasons, the Mayor has not completed their full term of office. In those circumstances the term of office was nearly complete and the Deputy Mayor acted in place of the Mayor as per the terms set out at 5.3.2 of Article 5 of the Constitution attached.

- 6.2 The Monitoring Officer has been asked to prepare an amendment to the Constitution for the Sub-Committee to consider, which allows for a situation where a Mayor may not complete their term of office but some action needs to be taken to consider whether a replacement is to be elected to serve the remaining term for the municipal year.

- 6.3 It is proposed that the following is added to paragraph 5.4 of Article 5 of the Constitution

“Should the Mayor or Deputy Mayor resign or be removed from office during their term, the Mayoral Selection Committee will meet to consider what action is to be taken. This could include making a recommendation to Council to appoint a new Mayor or Deputy Mayor to hold office for a set period of time such as to the end of the municipal year or it could recommend (in the event that the matter relates to the office of Mayor only) that the Deputy Mayor continue to deputise in the absence of the Mayor as per paragraph 5.3.2 above”.

Further, the Terms of Reference of the Mayoral Selection Committee will also be amended at Section A, paragraph 10 of the Constitution as follows:

“10.2 To recommend to Council the actions to be taken should the Mayor or Deputy Mayor resign or be removed from office during their respective terms of office”

7. CODE OF CONDUCT FOR EMPLOYEES - UPDATE

- 7.1 The Code of Conduct for Employees has been updated by Human Resources and is attached at Appendix B. The update has not been reflected in the Constitution. The

Sub-Committee is asked to recommend to full Council that the update is recognized at Part 5, section B of the Constitution.

8. FUTURE ITEMS

8.1 The Constitution is reviewed on an annual basis and formally re-adopted at each AGM in May. The Sub Committee will meet again in 2019 to consider the annual review and the below items have been added to the work programme for consideration:

- Call-in Procedures, which members can call-in a decision;
- Status of single members.

9. FINANCIAL CONSIDERATIONS

9.1 The financial implications of the current proposals can be met from within existing resources.

10. RISK ASSESSMENT

10.1 All recommendations are consistent with the legal requirements relating to the conduct of local authority meetings.

11. EQUALITIES ISSUES

11.1 There are no equalities issues arising from the proposed revisions to the Constitution.

12. CONSULTATION

12.1 The Constitution Sub Committee consists of members from all political parties and provides the opportunity for members to be consulted on proposed amendments to the Constitution.

13. REASONS FOR RECOMMENDATION

13.1 To enable to the Council to discharge the Council's statutory duty to maintain the Constitution.

14. RECOMMENDATION

14.1 That the Sub Committee makes recommendations to Full Council with regards to any proposed amendments to the Constitution that it deems necessary.

15. BACKGROUND PAPERS

15.1 None

Contacts for Background Papers:

Name	E-mail	Telephone
Matthew Cumberbatch	mcumberbatch@warrington.gov.uk	442150

ARTICLE 5 – ROLE OF THE CIVIC MAYOR

Item 4

5.1 Civic Role

- 5.1.1 The Civic Mayor supported by the Deputy Civic Mayor, and as appropriate other Councillors, will perform the civic role on behalf of the Borough Council.
- 5.1.2 The civic role will seek to maintain and raise the profile of the Borough and its people and will promote the aims, objectives and values of the Council in an apolitical manner.
- 5.1.3 The Civic Mayor will promote such civic and ceremonial functions as the Council or he/she may determine following consultation, where appropriate, and within allocated resources.
- 5.1.4 The Civic Mayor will represent the Borough at civic and ceremonial events of other local authorities or involving other appropriate bodies.

5.2 Council Role

- 5.2.1 The Civic Mayor is responsible for the following:-
 - (a) upholding and promoting the terms and purpose of this Constitution and, when necessary, interpreting it with appropriate advice;
 - (b) presiding over meetings of the Council to ensure that business is carried out efficiently, effectively and democratically whilst preserving the rights of Councillors and the interests of the people of Warrington;
 - (c) ensuring that at Council meetings matters of concern to local communities can be debated through the appropriate Borough Councillors;
 - (d) ensuring that Borough Councillors who are not on the Executive Board or who are not the Chairperson of a Committee can hold the Board and those Chairpersons to account;
 - (e) promoting public involvement in the Council's affairs;
 - (f) to be the conscience of the Council;
 - (g) to work with the Monitoring Officer, the Standards Committee and the Chief Executive in ensuring that the Council operates within excellent ethical standards

5.3 Deputy Civic Mayor

- 5.3.1 The Deputy Civic Mayor will support the Civic Mayor in his/her civic role and will carry out civic duties as well on behalf of the civic office;

5.3.2 He/she will also deputise in the absence of the Civic Mayor in carrying out the other responsibilities of the office.

5.4 Eligibility for Office

5.4.1 Any elected member of the Council shall be eligible for appointment to these two offices unless he/she is a member of the Executive Board.

5.4.2 If the sitting Mayor is not re-elected as Councillor at the end of their Civic year they will remain in the post as Mayor until the next Annual Council Meeting where the incoming Mayor will be sworn in.



Item 4
WARRINGTON
Borough Council

Code of Conduct For Council Employees

Produced by Human Resources

Tel: 01925 442941
www.warrington.gov.uk

This document can be found on Winnie at the following link:

<https://intranet.wla.int/RASC/HR/SitePages/Discipline%20and%20Conduct.aspx>



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1. INTRODUCTION

Local Government is a service to the public. The work of the Council is for their benefit and at their expense. It is carried out in public view and it is important that the Council responds positively to the challenge this provides. Policy developments at national level illustrate an increased focus upon the high standards expected of local government employees. Examples include the enactment of the Bribery Act 2010 and an increased use of the criminal offence of misconduct in public office by prosecuting authorities

Many of the requirements set out in this Code of Conduct for Council Employees ('the Code') apply to the services the Council provides to the public, internal customers and partner organisations. There are some requirements relating to relationships between Council employees and Members of the Council Other requirements arise when there is interaction between employees.

1.1 Purpose Of The Code

Acting in accordance with the Code will help all those employed by the Council to contribute to the effective delivery of Council services. The Code is designed to help the Council maintain a reputation for quality and integrity.

1.2 Application

Employees must consider this Code carefully and comply with it fully as it forms part of their terms and conditions of employment. If any of the provisions contained within this Code are not fully understood, employees must in their own interests seek clarification from their Manager. Managers should ensure that clarification and any appropriate access to training is available.

Employees who are aware of any impropriety, breach of procedure, unlawfulness or maladministration, should report this to their manager, or if this is not appropriate, a more senior manager (also see 2.3).

2. GENERAL STANDARDS

2.1 Customer Care

All Council employees are expected to provide a good quality service in a friendly, efficient and helpful way, ensuring good communication and a positive attitude towards customers.

Each person should be treated as an individual. In order to do this, it is necessary to understand and recognise that we are all different and that we all have diverse needs. These differences and needs can be based on a variety of factors. The Council is committed to equality of opportunity and respect for diversity. In doing so the council meets the requirements of the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 highlights eight key characteristics: age, disability, gender reassignment, pregnancy and

maternity, race, religion or belief, sex and sexual orientation. Good customer care is about having a positive attitude towards and respect for diversity and, in turn having the flexibility to adapt our behaviour and actions in a way that is appropriate for the individual.

The Council expects its employees to treat people with dignity, respect and courtesy at all times. Generally customers and service users will request a service from the Council. In some instances we may need to be involved with people when they do not particularly want our involvement. In all cases, customers and service users have a right to be treated with dignity, respect and courtesy.

You should familiarise yourself with the Council's key customer documents and standards.

2.2 Official Conduct (i.e. whilst an employee is on Council business)

Employees should maintain conduct of the highest standard such that public confidence in their integrity is sustained.

Employees are employed by the Council as a whole and all employees must perform their work impartially.

Any behaviour outside of working hours which could be construed as bringing the Council into disrepute, or which in any way may weaken public confidence in the conduct of the Council's business, or may affect normal working relationships or the way in which individuals may do their job, will be regarded as legitimate areas of concern for the Council.

2.3 Criminal Proceedings/Criminal Offences

You must inform your manager (or a senior manager), without delay, if you are the subject of criminal proceedings, are charged with a criminal offence or are convicted of a criminal offence whether in direct connection with your employment or otherwise.,

If your employment is subject to a Disclosure and Barring Service (DBS) check, you must inform your manager (or a senior manager), without delay, if there have been changes to your personal circumstances that may call into question your suitability to work in that role.

2.4 Public Concern and Whistleblowing

The Council is committed to the highest possible standards of transparency, probity and accountability. We would therefore encourage employees to come forward with any serious concerns they may have about any aspect of the Council's work. The earlier a concern is raised, the easier it is to take action and deal with the matter.

The Council recognises that the decision to report a concern can be a difficult one to take. The Council will not tolerate any harassment or victimisation of anyone as a result of making this decision. The Council will take appropriate action to protect any individual from this, as long as they have raised the concern in good faith

Employees may raise concerns as follows:

- (a) Financial irregularities, including fraud, bribery and corruption (see the Anti-Fraud, Bribery and Corruption Policy)
- (b) Any other concern about malpractice, including criminal offences, failure to carry out legal obligations, danger to health and safety, miscarriage of justice, damage to the environment or concealment of any of the above.

As soon as there is a reasonable belief that one of these serious concerns may be happening, the employee's immediate supervisor or line manager should be informed. If it is believed that a manager or supervisor is involved in the matter, then the employee should contact a more senior manager: the Solicitor to the Council; the Chief Executive; the Director of Finance; or the Chief Internal Auditor (see the Whistleblowing Policy).

2.5 Disclosure of Information

Employees must be aware of the sensitivity and confidentiality of information they deal with on a day to day basis. If they have any questions with regard to disclosure of this information they should seek advice from their line manager who may in turn seek advice from Legal Services.

If any request is made under the Freedom of Information Act 2000 or Data Protection Act 1998, employees are obliged to preserve that information and must not destroy that information. Destruction of this information would amount to a criminal offence.

Employees must be aware of the type of information which must be made available, and to whom; and the type of information which must not be disclosed without specific permission, in accordance with the Data Protection Act and other applicable regulations. Advice on this is available from the Solicitor to the Council.

Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Any personal information received from a councillor should not normally be divulged. If however, information is received which raises an employee's concern with regards to the behaviour or status of Councillors and in particular with regards to Councillor's compliance with the members Code of Conduct, then advice should, if necessary, be sought from the Solicitor to the Council.

The Council has a duty to protect its information assets. Employees who have access to information about individuals (whether service users, staff or others) have an obligation to use personal data in a secure and confidential way. This includes protecting the information in transit, including paper and electronic methods, ensuring it is only shared in line with documented agreements and is stored and disposed of in line with the Council's data retention and disposal policies.

All employees are expected to be aware of their information governance responsibilities including protecting Council assets, maintaining appropriate training and knowledge including adherence with the Data Protection Act 1998 and the Council's information governance policies and procedures. Breaches of data or confidentiality must be reported through the Council's data breach reporting process

2.6 Emergency Contact Details

Council employees are asked to provide emergency contacts details (e.g. home address, telephone numbers) for the purposes of emergency planning and business continuity. Employees must ensure that these details are kept up to date.

2.7 Safeguarding children and adults from abuse is everybody's business.

We all share a responsibility, both corporately and individually, to ensure that every person in society is treated with dignity and respect and protected from others who may abuse them. All Council employees, who come into contact with children or vulnerable adults or those who work with them, in the course of their work have a duty of care to safeguard and promote their welfare and to work to prevent, detect and report neglect and abuse.

The Council has a range of policies and guidance that encourage and support staff to raise concerns about the safety and welfare of children or adults towards whom we have safeguarding responsibilities. If you have any concerns that a person who works with children has:

- behaved in a way that has harmed or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicated she or he is unsuitable to work with children

These concerns can include actions at work, home or in the community. All allegations will be addressed, examined and followed up objectively and appropriate action taken

In the first instance employees should report any concerns to their line manager or a senior manager. The whistleblowing policy which provides guidance for staff and the public to report concerns about other employees/contractors or about the way the Council operates may also be used.

2.8 Dress Code/Identity Cards

As Council employees may come into contact with the public each day, a smart appearance and courteous, helpful manner is essential. Personal hygiene is also an important factor. Inappropriate dress can create the view that the Council is unprofessional.

The Council values and welcomes the ethnic diversity of its workforce and will take account of ethnic and religious dress requirements with sensitivity by ensuring that employees are able to observe them, unless there is a justifiable reason as to why this is not acceptable.

In all cases employees will be expected to conform to health and safety requirements and may be required to wear a uniform or protective clothing accordingly.

In every case where employees are representing the Council it is a requirement that Borough Council identification badges are worn. This is not only from a security viewpoint but also to let people know who they are dealing with. Identification badges and/or warrant cards are important especially for employees who may be required to visit people's homes. It is an assurance to the public in that it confirms to them, you are who you say you are. If an employee loses their identification badge and/or warrant card they must report this immediately to their manager.

2.9 Drugs, Alcohol and Substances

Employees should present themselves for work free from any impairment due to drugs, alcohol or other substance.

Alcohol, drugs or substances should not be consumed (except recommended doses of any prescribed or over-the-counter drugs) during the course of the working day, including unpaid breaks (for further information, see the Drug, Alcohol and Substance Misuse Policy).

2.10 Smoking

All Council buildings/premises are designated smoke free. Therefore smoking is prohibited in or outside any Council building or in any Council vehicle.

There are no smoke breaks during the working day. Where employees choose to smoke in their own time, they must ensure that any Council badges or logos are covered up. Smoking is not permitted whilst wearing a Council uniform. Further information is available in the Smoke Free Policy.

3. EQUALITY AND DIVERSITY

The Council is committed to equality of opportunity and valuing diversity both in the provision of services and in our role as a major employer. The Council

meets the requirements of the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 requires the council to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity; and
- Foster good relations and community cohesion.

Therefore a commitment by all employees to embrace equality and diversity and preserve the dignity of others in all aspects of Council business is fundamental to effective service provision and working relationships.

All employees have a duty to co-operate with the Council and to promote equal opportunities and respect diversity.

All employees of the Council should ensure that Council policy, plans and schemes relating to equality are complied with in addition to the requirements of the law. Discrimination may not only be direct (where an individual or group is disadvantaged compared to another) but also indirect (where a rule that applies to everybody results in a particular group of people being put at a disadvantage). However, discrimination may be allowed if it is justified to meet equality needs, for example, providing a social event for older people. Please refer to the Equality & Diversity intranet page for further information.

4. HEALTH AND SAFETY

In the interests of the public, colleagues and themselves, employees must adhere to the Council's health and safety policies.

Employees must not act in a manner liable to place the public, their colleagues, themselves or anyone else at risk. This is particularly the case where the employee has a direct responsibility for a service user's welfare.

5. RELATIONSHIPS

5.1 General

The Council expects employees to maintain good relationships, whether it be with Councillors, members of the public, colleagues or otherwise. Employees should respect the rights and dignity of others and treat everyone fairly. The Council is committed to creating an environment in which all workers are treated fairly and with dignity and respect and condemns all forms of inappropriate behaviour, such as bullying, harassment and victimisation.

5.2 Councillors

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and therefore, should be avoided. Further guidance can be obtained in the Protocol on Member/Officer Relations in the Council's Constitution.

Employees may, as part of their job, be expected to give advice to Councillors. Councillor's enquiries should be dealt with objectively, politely and efficiently.

5.3 The Local Community & Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority. At no time should an employee's actions damage public confidence in their honesty or integrity.

5.4 Colleagues

Employees are expected to apply the same high standards of conduct in their dealings with colleagues as with the public. The Council is committed to creating a working climate in which all workers are treated fairly and with dignity and respect.

Where a personal relationship exists or develops between members of staff who are in a line management or supervisory relationship at work, they must declare this in confidence to the Head of Department. Staff in personal relationships should not work together in any circumstances whereby a conflict of interest, breach of confidentiality or unfair advantage may be perceived to be gained. The manager to whom the information is disclosed will then make alternative management arrangements and confirm them in writing to the individuals concerned.

A case whereby any personal relationship as defined within this code, is not declared and results in an unfair advantage or disadvantage to either of the parties, will be considered a serious matter and may lead to disciplinary action.

5.5 Contractors

Employees should make any declarations of any personal or business relationship with or interest in the Council's external contractors, or potential contractors to their line manager. It would not be appropriate for employees with any relationship personal or business or interest to be involved in the procurement process. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown in the tendering process. No part of the local community should be discriminated against.

5.6 Media

In general, all communications with the media relating to the Council are handled through the Communications Team.

Employees are not permitted to communicate with the media on matters relating to the activities of the Council without prior authority from the Communications Team and the appropriate Director.

6. CONFLICTS OF INTEREST

6.1 Political Neutrality

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

Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

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

Certain posts are designated as 'politically restricted' under relevant legislation and those employees affected have a personal responsibility to observe the relevant restrictions

6.2 Use of Financial Resources

Employees must ensure 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 and to avoid legal challenge to the authority (please refer to the Financial Regulations document).

6.3 Personal Interests

Employees must declare to their line manager any financial or non-financial interests that they consider could bring about conflicts with the authority's interests. These interests could be:

- (a) A pecuniary interest in a contract with the local authority.
- (b) Any interest whether pecuniary or not in any organisation or body where the interests of that organisation might be affected by the Council's action or might seek to influence the Council's action (e.g. acting as a school governor within schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies).

6.4 Recruitment and other Employment Matters

Employees involved in appointing staff should ensure that these appointments are made on the basis of merit. 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. In order to avoid any possible accusation of bias, employees should not be involved in any appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees should not be involved in the decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

Employees should notify their Assistant Director of any relationship between themselves and any person who is a candidate for appointment (by the Council) to a post for which they are responsible.

All recruitment matters must be conducted in accordance with the Council's Equality & Diversity Policy and Fair Employment Statement of Intent and Safe Recruitment and Vetting Policy and must follow the steps and procedures outlined in the Council's Policy and Code of Practice on Recruitment and Selection.

6.5 Gifts and Hospitality

Employees must be aware that when acting in an official capacity, it is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person. If any allegation is made which is supported by evidence, which indicates improper actions, the police may be informed and disciplinary action may be taken.

Employees should accept offers of hospitality only if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of life in community or where the authority should be seen to be represented. They should be properly authorised by the line manager and recorded with the Solicitor to the Council.

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

Employees should not accept personal gifts from contractors and outside suppliers, although the Council does allow employees to keep insignificant items of token value such as pens, diaries and calendars.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is

corporate rather than personal, where the Council gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised.

See further guidance in Appendix 1

6.6 Borrowing money

It is not acceptable, under any circumstances, for any employee to borrow money or use a service users money for purposes of their own.

6.7 Wills

Where an employee has or has had direct contact with a service user/client during the course of their duties, they should not:

(i).act as Executors for the Estate of service users.

(ii).feature as the beneficiary of any Will. If they are named as a beneficiary the Directorate will expect this money to be handed back to the deceased person's Estate and the matter be reported to a senior officer.

(iii).deal with the deceased's Estate in any way (if there is a Will or not) which could have the effect of them becoming an Executor or Administrator of the Estate. Seek advice.

Where an approach has been made by a service user/client in relation to being a beneficiary an employee should inform their manager.

6.8 Private work

Employees should not undertake any private work for a service user that they are providing a service to in their role as an employee

6.9 Secondary Employment

The Council recognises that employees may undertake secondary employment. Any secondary employment outside of the Council must not conflict with the Council's interests.

Employees graded above NJC spinal column point 28 must obtain the express consent of their Assistant Director prior to engaging in any other employment.

The Council expects that an employee's total working time should not exceed an average of 48 hours per week (in accordance with the Working Time Regulations). Employees should declare any other paid employment they have, including with other departments within the Council.

6.10 Separation of Roles During Procurement and Tendering

Employees involved in the procurement and tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

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

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

Employees should withdraw from the tendering process if those submitting a tender are current or recent, former employees or their partners, close relatives or associates.

6.6 Sponsorship

Where an outside organisation wishes to sponsor, or is seeking to sponsor a local government activity, whether by invitation, tender negotiation or voluntarily, the considerations concerning acceptance of gifts or hospitality apply (see paragraph 6.5 above). Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, 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.

7. COUNCIL PROPERTY, FACILITIES AND EQUIPMENT

7.1 Personal Use

The Council's time, property and facilities, including the use of plant machinery, stationery, vehicles, offices etc may be used only for official Council business.

Personal and outside activities must not be undertaken in the Council's time.

7.2 Communication Systems

There is a strict Acceptable Use Policy for the use of computing facilities. Anyone using Council IT equipment must read, understand and accept the requirements of that policy prior to use.

The Council does not generally engage in systematic monitoring and recording activities. However, it reserves the right to do so where there is reason to believe that misuse of its information assets or computing facilities is occurring. Any individual using the information assets or computing facilities of the Council consents to such monitoring and recording.

7.3 Intellectual Property

Intellectual property is a generic legal term which refers to the rights and obligations received and granted (including copyright) in relation to, for example, inventions, patents, creative writings and drawing (including policy, training and technical documents and materials). If an employee during the course of their employment creates these, the Council will seek to recognise and acknowledge the contributions of that employee, however the copyright belongs to the Council.

Knowledge and information held by the Council is equally the property of the Council and must not be used for the purposes of “outside” employment.

8. COMPLIANCE WITH THE CODE

The Code is part of every employee’s contract. The Code will be issued to every employee as part of their terms and conditions of employment.

Failure to comply with any of the provisions included in the Code of Conduct for Employees may result in disciplinary action being taken. The Council reserves the right to take legal action against employees where breaches of the Code warrant such action.

Please refer to the Disciplinary Procedure for further information on what the Council may regard as misconduct and gross misconduct.

9. FURTHER INFORMATION

If you would like further information on this Code, please contact your directorate Human Resources Business Partner. Any comments or suggestions on the content should be directed to Human Resources, by one of the following methods:

Write to:

Human Resources
Warrington Borough Council
Resources and Strategic Commissioning
4th Floor, Quattro Building
Buttermarket Street
Warrington
WA1 2QB

Telephone: 01925 442941

This document is also available in alternative formats such Braille, large print, on audio tape or community languages if requested.

1 INTRODUCTION

- 1.1 The following guidance supplements the Law, Financial Regulations and the Council's Code of Conduct for Employees.
- 1.2 The principles of this guidance are:
- Individuals covered by this guidance will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
 - Employees must refuse offers of gifts or hospitality where any suggestion of improper influence is possible. There can be little doubt that the acceptance of gifts or hospitality by employees from persons who have, or seek to have, dealings with the authority would be viewed by the public with grave suspicion and would make the employee concerned, and the Council, extremely vulnerable to criticism. This particularly applies where the offer is to an individual employee.
 - Individuals covered by this guidance will not accept personal gifts or hospitality for their use or the use of others. Civic gifts from other public bodies or overseas study visits are acceptable.
 - Never accept gifts or hospitality of any nature from a tenderer:
 - 1) In the immediate period before or after tenders are invited; or
 - 2) During the tender process (including between invitation to tender and acceptance).
 - Individuals covered by this guidance will not use their position within the Council for their personal gain or the personal gain of others.
- 1.3 To a large extent the reputation of local government depends on the conduct of its employees and what the public believes about their conduct. Employees are expected to use common sense in assessing any situation where improper influence could be construed and no employee should do anything which could give rise to accusations of improper influence and which could not be justified publicly. Disciplinary action will be taken against employees who fail to comply with this procedure.
- 1.4 If an employee is in any doubt about the right course of action to take he/she should always seek the advice of his/her Manager.
- 1.5 This guidance does not apply where the giving is a token gift received as a "Thank you" from a customer/client in appreciation of good customer service ("token" means an item with a value of less than £25.00).

2 GIFTS

- 2.1 Employees are reminded that under the provisions of Section 117 of the Local Government Act 1972, they are forbidden under the cover of their office and employment to accept any fee or reward other than their proper remuneration. Any person who contravenes this provision would be liable on summary conviction to a fine not exceeding £2500.

2.2 Employees should tactfully refuse any personal gifts offered to him/her or to a member of his/her family by or indirectly attributable to, any person or body (i.e. a contractor or supplier) who has, or may have, dealings of any kind whatsoever with the authority. This applies equally to accepting gifts from persons or a body that has applied, or may apply, to the Council for any planning or other kind of decision.

The only exceptions to this rule are:

- Small gifts of only token value (£25.00 or less) often given by way of trade advertisements or of a promotional nature to a wide range of people, e.g. calendars, diaries, mugs, pens, office stationery (including clocks), tape measures and similar articles for use in the office.
- Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises.
- Gifts/token presentations from foreign visitors/dignitaries e.g. presentation wine glasses and pennants which should be retained on Council premises.
- Small gifts (value not exceeding £25.00) where the employee concerned and also perhaps his/her spouse are personal friends of the donor and where refusal would be regarded as inappropriate. In such cases however, whilst the gift may be accepted the employee concerned should explain to the donor the problems of accepting such gifts in the future.

2.3 In the event of any employee receiving a gift without warning which does not fall in any of the exceptions mentioned above this should immediately be given to his/her Assistant Director/Director. This person will be responsible for deciding whether the gift should be returned or whether it could be forwarded to the Mayor's Charity Fund (see paragraph 2.5 below) or other deserving cause. In such cases, the person making the decision should inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

2.4 ***Acceptable but only if donated to Mayor's Charity Fund***

Certain gifts from **suppliers/contractors** may be accepted which would either be difficult to return or which would cause offence if they were returned. These gifts should **not** be retained by the individual who received them but should be forwarded to the Assistant Director/Director who will record them in the appropriate register and organise donation to the Mayor's Appeal. These items include:

- Bottles of wine and spirits
- Boxes of biscuits, chocolates and Easter Eggs
- Books, atlases and maps
- CDs – music or computer games

- Decorative objects such as glass tankards, glass crystal, china ornaments and paperweights
- Soft / cuddly toys

2.6 **If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.**

2.7 **In all cases a record should be kept of all gifts offered and whether they were accepted or not.** The action taken should be recorded in the appropriate Gifts and Hospitality register.

3 GIVING AND RECEIVING HOSPITALITY

3.1 Any hospitality **given** by employees should be justified as in the public interest. The hospitality given should be on a scale appropriate to the occasion and must not be extravagant. To ensure consistency if there is any doubt about what is appropriate, officers should contact their Assistant Director/Director.

3.2 Hospitality should only be **accepted** where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.

3.3 Wherever **hospitality is offered this must be recorded in the appropriate Gifts & Hospitality register. The record must also show whether the hospitality was accepted or refused.**

3.4 **If there is any doubt about whether hospitality may be accepted then the hospitality should be politely and tactfully refused.**

3.5 The following are examples of hospitality that is acceptable and unacceptable:

Acceptable

- Invitations to attend functions where the employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or functions which they attend by virtue of their position.
- A working lunch provided to enable the parties to continue to discuss business.
- Attendance at an event held at a Council owned venue or hosted/sponsored by the Council to the extent that is reasonable and the employee is representing the Council in an official capacity i.e. by virtue of their position within the Council.

Unacceptable

- Personal invitations to sporting events or other entertainment with representatives from a company or organisation which has dealings with the Council. Examples: tickets for football/rugby matches, cricket

games, music concerts, golf days, boxing matches, fashion shows and after dinner speaker celebrity events.

- Tickets for other non-work related event or venue, examples: the cinema, the theatre, entry to exhibitions, Granada TV Studios tour, Blackpool Pleasure Beach and Alton Towers.
- Holidays, weekend breaks, air or rail travel or the use of a company's own holiday accommodation.
- Non-working lunches/evening meals e.g. entertainment by outside bodies or organisations involving expensive meals where work is not discussed, cabarets, nightclub entertainment etc.
- The provision of any service. Any approach should be politely but firmly refused and if required an explanation provided to the person or organisation who offered the service.