

G Officers' Code of Conduct¹

1. Standards

1.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. Relationships

4.1 Councillors²

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. 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 prove embarrassing to other employees and councillors and should therefore be avoided.

1 Code of Conduct: agreed by F. R. & S. Committee, 13.9.94. This will be amended in the light of any employee provisions in the proposed new National Code.

2 Also see Protocol on Member / Officer Relations

4.2 The Local Community and 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.

4.3 Contractors

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

4.4 Employees 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 to the appropriate manager.

5. Appointment and other Employment Matters

5.1 Employees involved in appointments should ensure that these 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 an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

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

6. Outside Commitments

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests.

6.2 Employees should follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Officers' Interests in Contracts, Decisions, etc.

7.1 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties. Employees must declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and must register those interests on a database maintained by the Council's Deputy Monitoring Officer. The register is checked annually and a reminder sent to all staff to consider the issue.

7.2 The most important thing is that officers behave with integrity. To achieve this, conflicts of interests must be avoided and the Council must stop them arising.

8. Pecuniary Interests

8.1 Section 117 Local Government Act 1982 requires officers to give the Council written notice of any contract or proposed contract in which the officer has a pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

8.2 A pecuniary interest is where an officer or his / her spouse stands to make money from the contract (e.g., they own or are employed by the business that the contract will be with or shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings; please consult the Deputy Monitoring Officer if further clarification is required).

8.3 The examples given are not exhaustive. If you are in any doubt you can seek advice from the Deputy Monitoring Officer, who will maintain a record of all declarations under s117. The Register of Declarations under s117 may be inspected by councillors and Chief Officers only.

9. Non-Pecuniary Interests

9.1 There is no legislation governing these. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.

9.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the Public Interest.

9.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.

9.4 If such an interest arises you must declare it at once to your Chief Officer, who will advise you and record the interest in a register kept for the purpose by the Deputy Monitoring Officer.

9.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:
If a reasonable man knew that I was involved in making this decision and had this interest in its outcome then would he think that any decision made would be at risk of being biased?
e.g. You should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence.

9.6 Employees should also declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

9.7 Guidance is available from your Chief Officer or from the Deputy Monitoring Officer. Again you are urged to err on the side of caution in this matter.

7. Personal Interests

~~9.8 Employees must declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and must register those interests on a database maintained by the Council's Deputy Monitoring Officer. The register is checked annually and a reminder sent to all staff.~~

~~9.9 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.~~

Officers' Interests in Contracts, Decisions, etc³

9.10 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties.

9.11 The most important thing is that officers behave with integrity. To achieve this, conflicts of interests must be avoided and the Council must stop them arising.

10. Pecuniary Interests

10.1 Section 117 Local Government Act 1982 requires officers to give the Council written notice of any contract or proposed contract in which the officer has a pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

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10.3 The examples given are not exhaustive. If you are in any doubt you can seek advice from the Chief Executive, who will maintain a record of all declarations under s117. The Register of declarations under s117 may be inspected by members and Chief Officers only.

11. Non-Pecuniary Interests

11.1 There is no legislation governing these. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.

11.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the Public Interest.

11.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.

11.4 If such an interest arises you must declare it at once to your Chief Officer, who will advise you and record the interest in a register kept for the purpose.

11.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:
If a reasonable man knew that I was involved in making this decision and had this interest in its outcome then would he think that any decision made would be at risk of being biased?

11.6 Plainly you should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence.

11.7 Guidance is available from your Chief Officer or from the Chief Executive. Again you are urged to err on the side of caution in this matter.

10. Equality Issues

- 10.1 All local government employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

11. Separation of Roles During Tendering

- 11.1 Employees involved in the 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.
- 11.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 11.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 11.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

12. Corruption [See Anti-Theft, -Fraud and -Corruption Policy]

- 12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

13. Use of Financial Resources

- 13.1 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.

~~12~~.14. Hospitality [See [Gifts](#), [Hospitality](#) and [Sponsorship](#) Policy: Interests in Contracts, etc.]

- 14.1 Employees 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 should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded.
- 14.2 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.
- 14.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 14.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

- 14.5 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 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, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

~~13.Sponsorship—Giving and Receiving~~

~~13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.~~

~~13.2 Where the Authority 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 Authority 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.~~

H Gifts, Hospitality and Sponsorship Policy – Interests in Contracts, etc.

General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

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

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

Criminal Law

The Prevention of Corruption Acts make it an offence to solicit or to receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority. This applies both in regard to the Council as a public body and the Council as a purchaser of services and supplies. The onus would be on you as a councillor or officer to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

Where a person or a business holds or is seeking to obtain a contract with the Council then any gift or other consideration is presumed to have been made corruptly unless the contrary can be shown, e.g., no hospitality whatsoever can be accepted in a tendering situation.

Officers above Scale 6 must devote themselves full time to Council Service except with the Council's consent.

No officer should subordinate their interest to that of another group or organisation.

Officers should disclose any interests in Contracts to their Chief Officer and -no officer should subordinate their interest to that of another group or organisation.

Officers should see also paragraphs 2.1 and 2.2 of the Green Book (National Agreement on Pay & Conditions of Service) which relate to officers' conduct. These form part of your terms and conditions of employment.

Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member or as an officer. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members in particular should be cautious when purchasing anything when additional services, privileges or advantages are offered which might be related to their position as a member.

Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member or an officer.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

Principles to Apply in Relation to Gifts and Hospitality

Since the Council discharges many public functions it is essential that the pPublic has every confidence that the Council officers and members try to operate fairly to everyone.

A gift by an interested party to a member or to an officer can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member or as an officer. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- "Reward" includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- (a) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (b) From applicants for planning permission and other applications for licences, consents and approvals;
 - (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - (d) From applicants for benefits, claims and dispensations;
 - (e) From parties in legal proceedings with the Authority.
 - Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - Do not solicit any gift or hospitality and avoid giving any perception of so doing.
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Hospitality

~~During the course of your employment it is possible that you will be offered gifts by the people or organisations with whom you deal. The purpose of this document is to try to offer guidance about which gifts are acceptable and which are not.~~

~~Since the Council discharges many public functions it is essential that the Public has every confidence that the Council officers and members try to operate fairly to everyone.~~

~~A gift by an interested party to an officer can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.~~

The Law

~~The Prevention of Corruption Acts make it an offence to receive practically anything in return for showing favour or disfavour to a particular person. This applies both in regard to the Council as a public body and the Council as a purchaser of services and supplies.~~

~~**Where a person or a business holds or is seeking to obtain a contract with the Council then any gift or other consideration is presumed to have been made corruptly unless the contrary can be shown, e.g., no hospitality whatsoever can be accepted in a tendering situation.**~~

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~~No officer should subordinate their interest to that of another group or organisation.~~

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South Cambridgeshire's Policy

~~The Council believes that its officers can, for the most part, be trusted not to accept gifts where there is a danger of an ulterior motive being suspected. It urges officers to err on the side of caution in this delicate area. If in doubt, **REFUSE**—it is better to offend a well-meaning giver than to jeopardise the Council's integrity. It also emphasises the importance that all gifts should be out in the open and Chief Officers should be aware of all gifts made or offered.~~

Gifts and Hospitality – Advice for Members

The Code of Conduct for Members and Co-opted Members provides that

'You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.'

This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality) The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.

Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value.

Reporting of Inappropriate Gifts and Hospitality offered

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

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

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Enforcement

The Standards Committee has responsibility for overseeing members' compliance with this guidance.

Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

Gifts and Hospitality – Advice for Officers

The Offer of any gift at all should be reported to your Chief Officer. Minor items such as cheap biros, rulers, calendars and diaries can normally be accepted on behalf of the Council. No gifts at all can be accepted personally. In order that the gift does not seem underhand, perhaps the gift can be acknowledged. Minor gifts of food and drink can be accepted on behalf of the Council and shared out.

Food and Drink Eaten with Other People

This is more difficult since it is offered to an officer personally. At one extreme, it is plainly all right to accept a cup of tea on a site visit and at the other it is definitely not acceptable to allow someone to buy you an expensive lunch in a rather nice restaurant. Perhaps a sensible compromise is to accept a lunch if you would otherwise have to claim for it or it is the most convenient way of having lunch and if its value is comparable to what you could have claimed. It is also acceptable to

receive a lunch at an official opening or similar group function. This area is one where officers really have to use their own judgement. Remember, if in doubt, **REFUSE**.

Recording Hospitality

All gifts and hospitality should be recorded in the register maintained for that purpose. It is kept with the Council's Deputy Monitoring Officer at South Cambridgeshire Hall.

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The Council believes that its officers can, for the most part, be trusted not to accept gifts where there is a danger of an ulterior motive being suspected. It urges officers to err on the side of caution in this delicate area. If in doubt, **REFUSE** – it is better to offend a well-meaning giver than to jeopardise the Council's integrity. It also emphasises the importance that all gifts should be out in the open and Chief Officers should be aware of all gifts made or offered.

Gifts Received and Donated to the Chairman's Charity

Some members or officers receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charity Appeal.

Members and officers should indicate this intention to the provider and make this clear on their respective register of interests.

Officers' Interests in Contracts, Decisions, etc⁴

There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties.

The most important thing is that officers behave with integrity. To achieve this, conflicts of interests must be avoided and the Council must stop them arising.

Advice for Officers – Pecuniary Interests

Section 117 Local Government Act 1982 requires officers to give the Council written notice of any contract or proposed contract in which the officer has a pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

A pecuniary interest is where an officer or his / her spouse stands to make money from the contract (e.g., they own or are employed by the business that the contract will be with or shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings; please consult the Chief Executive if further clarification is required).

The examples given are not exhaustive. If you are in any doubt you can seek advice from the Chief Executive, who will maintain a record of all declarations under s117. The Register of declarations under s117 may be inspected by members and Chief Officers only.

⁴ For guidance on identification, declaration and registration of their interests, Members should refer to the Code of Conduct in Part 5 of this Constitution.

Advice for Officers – Non-Pecuniary Interests

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~~*If a reasonable man knew that I was involved in making this decision and had this interest in its outcome then would he think that any decision made would be at risk of being biased?*~~

~~Plainly you should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence.~~

~~Guidance is available from your Chief Officer or from the Chief Executive. Again you are urged to err on the side of caution in this matter.~~

Sponsorship – Advice for Officers and Councillors

~~Offers of sponsorship are likely to become more frequent, and, as a means of providing additional financial resource, sponsorship is to be welcomed. With this in mind, however, where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality shall apply.~~

~~Particular care must be taken when dealing with contractors or potential contractors or where there may be a perceived conflict of interest with the Council's business in order to avoid compromising the integrity of Council operations. The Council must not put itself in a position where it might be said that a a sponsorship partnership might have or may be thought to have:~~

- ~~• influenced the Council or its Officers in carrying out its statutory functions (eg planning/ licensing/ environmental health/ housing)~~
- ~~• was in order to gain favourable terms from the Council in any business or other agreement~~
- ~~• aligned the Council with any organisation which conducted itself in a manner which conflicted with the council's values.~~

~~The Council retains the right to decline sponsorship from any organisation or individual which the Council in its sole discretion considers inappropriate.~~

~~Where the Authority 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~~

Authority 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.