

## **Contract Procedure Rules (CPRs)**

As adopted by:

Broadland District Council on 22 July 2021

South Norfolk Council on 26 July 2021

### **Statement of Intent**

**Subject to the overriding principles in section 2 below, there will be a focus on, wherever appropriate:**

- **enabling social value,**
- **encouraging participation by local businesses to support the local economy, and**
- **protecting the environment using environmental criteria in contracts.**

### **1. COMPLIANCE**

- 1.1 These Contract Procedure Rules (CPR) are the Council's contract standing orders under section 135 of the Local Government Act 1972. They must be followed every time the Council enters into a contract for works, supplies or services.
- 1.2 All public procurement and other applicable laws (including any European Union law directly or indirectly in force in England at the relevant time) must be followed. Such laws override any conflicting provision of the CPR.
- 1.3 These, the CPR must be read in conjunction with the Council's Constitution, including its Financial Procedure Rules, Procurement Quick Step Guide, (QSG) decision making processes and delegated authorities.
- 1.4 These CPR are the minimum standards which must be adhered to. Particular procurements may require a more thorough procedure than one defined by value alone, depending on the identifiable risks to the Council, or it may be beneficial to the Council to secure greater competition. If in any doubt as to the position on any procurement, consult the Procurement Team.
- 1.5 The CPR aim to promote the highest standards of probity, integrity and impartiality using the key procurement principles of transparency, equal treatment, non-discriminatory and proportionate manner. They thereby offer the best justification against allegations of purchases having been made fraudulently or incorrectly.
- 1.6 If it comes to notice of an Officer that there has been non-compliance with these CPR s/he shall without delay notify the Director of Resources who shall take such action as deemed necessary.

### **2. PROCUREMENT PRINCIPLES**

- 2.1 The aim of every procurement process should be to achieve Value for Money, compliance with all legal requirements, and support the Council's policies and objectives.
- 2.2 These CPR apply to the appointment of Consultants, sub-contractors and any other legal entity (when acting on behalf of the Council).

- 2.3 Approval for any advance payments to the supplier before receiving the relevant works, supplies or services, must be sought in writing from the Director of Resources before proceeding to ensure protection of the Council's interests.
- 2.4 Tenders and Quotations received by fax or email must be rejected if above £20,001 as detailed in 2.6.
- 2.5 Tenders and Quotations over the value of £20,001 must be returned electronically via the Council's e-tendering system and opened by the procurement team and/or nominated officer.
- 2.6 All contracts except where lowest price was predetermined to be the appropriate contract award criterion shall be awarded based on the offer that represents the Most Economically Advantageous offer to the Council.

### **3. EXCLUDED CONTRACTS**

The following contracts are not subject to these CPRs:

- 3.1 Contracts of employment;
- 3.2 Agreements regarding the acquisition, disposal or transfer of land only (i.e. without any connected development);
- 3.3 Contracts where the price of the goods or materials is wholly controlled by government order or otherwise and no reasonably satisfactory alternative is available;
- 3.4 For other reasons where there would be no genuine competition, or where the requirements of the competition have already been met e.g. frameworks;
- 3.5 The disposal of obsolete assets.

### **4. COMPLEX PROCUREMENTS**

Where the procurement involves any of the following criteria the Procurement Team and the Director must be consulted:

- 4.1 Where the Total Value exceeds the relevant Public Procurement Thresholds (see QSG).
- 4.2 Where the opportunity is likely, in view of its characteristics, to be of cross-border interest and therefore attract potential suppliers from outside the UK.
- 4.3 Where any staff of the Council or an existing supplier spend the majority of their time providing the services which are to be procured (investigation would be needed to identify any potential TUPE implications in advance and obtain/provide employee liability information).
- 4.4 The procurement involves leasing agreements.
- 4.5 Where it is proposed to use a supplier's own terms or any other form of contract which is not one of those normally used by the Council for other matters.
- 4.6 Procurement of application software with a Total Value above £75,000.

- 4.7 Agreements involving the development of land for public benefit.
- 4.8 Where it is proposed to extend or vary an existing contract.
- 4.9 Any collaborative procurements where the Council is working with other authorities to procure.
- 4.10 Where it is proposed to enter into a new contract with an existing supplier without competition (such as a new contract for a line of business software system).
- 4.11 Where the procurement is complex in any other way or involves unusual risks.

## 5. PRE-PROCUREMENT PROCEDURE

Before commencing a procurement process, it is essential that the Officer leading the procurement is fully aware of the QSG. Consideration shall be given to the Council's Procurement Strategy.

## 6. PRELIMINARY MARKET CONSULTATION

Before commencing a procurement process the Officer may conduct market consultations with a view to preparing the procurement and informing potential suppliers of the Council procurement plans and requirements. This should be proportionate to the value of the contract.

- 6.1 Before commencing preliminary market consultation advice must be sought from the Procurement Team ensuring that the market consultation, would not have the effect of distorting competition and would not result in a violation of the principles of non-discrimination and transparency.

## 7. CONTRACTS PROCEDURES

The following table outlines the minimum selection procedure to be used where the procurement is within these CPR and is not complex (see Rule 4 above) and a suitable existing corporate contract or appropriate framework is not being used.

Estimating the Contract Value

The Estimated Total Value is the total estimated contract value, over the total contract period, and must include any potential usage by all procurement partners.

Minimum Contracts Procedures for Works, Supplies or Services:

Estimated Total Value (Inc all partners)	Selection procedure	Selection recommendations
Less than £20,000	Single quotation in writing including demonstration of value for money	Assistant Director or delegated to Officer
£20,001 to £75,000	At least three quotations in writing	Officer or Procurement Team

Estimated Total Value (Inc all partners)	Selection procedure	Selection recommendations
Above £75,001 but below the Public Contract Regulations 2015 Financial Threshold see QSG	Invitation to Tender issued to a minimum of three suppliers or an open tender.	Officer or Procurement Team
At or above the Public Contract Regulations 2015 Financial Threshold	Advice must be sought from the Procurement Team and/or Director	Consult with the Procurement Team and the Director

The Council should make the best use of its procurement power by aggregating purchases wherever possible. It is not acceptable to split Works, Services or Supplies in attempt to avoid these CPR or the Public Contract Regulations.

## **8. SINGLE QUOTATION PROCEDURE (Value less than £20,000)**

Single quotes can be obtained in a variety of ways which may include phone, internet, letter, face to face, however the information needs to be recorded. Where quotations are obtained via phone or face to face interaction, these should be confirmed in writing (e.g. send e-mail or through third party providing written quote).

All quotes are subject to the following processes;

- 8.1 Although a formal procurement process does not need to be followed, value for money needs to be demonstrated.
- 8.2 Officers should select a supplier by any reasonable means.
- 8.3 Request a final written quote from the supplier.
- 8.4 Reasons for the selection are to be recorded centrally.
- 8.5 Raise an appropriate Purchase Order to the supplier using the Council's financial software, prior to placing the order ensuring this refers to or incorporates the relevant contract document(s).

## **9. MULTIPLE QUOTATION PROCEDURE (Value £20,001 to £75,000)**

Having followed QSG:

- 9.1 Identify the appropriate contract to be used or contact the Procurement Team.
- 9.2 Develop and include in the relevant sections of the Council's invitation to bid documents, so that prospective suppliers (including at least one local supplier where practicable without improperly excluding other suppliers) can provide their quotations based on:

The evaluation criteria and

Specification of services/supplies/works required by the Council); and

Performance indicators (if appropriate).

The Procurement Team can assist with developing the relevant criteria/specification/performance indicators.

Open quotation opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Best practice would be to publish the opportunity for contracts over £20,000.

- 9.3 The period allowed for responses should be adequate, considering the complexity of the Council's requirements, to provide a reasonable opportunity for suppliers to prepare and submit a quotation. This will normally be at least 10 working days.
- 9.4 Invitation to bid documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 9.5 Any bids received after the appointed date/time will not be considered and advice must be obtained from the Procurement Team as to next steps.
- 9.6 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.
- 9.7 Bids must be evaluated against the specified evaluation criteria, liaising with the Procurement Team and the Finance Team to check the information provided by the suppliers and when appropriate investigate the financial status of the supplier(s).
- 9.8 If less than two bids are received, consult with the Procurement Team and follow their recommendations as to whether to arrange a new invitation to bid or obtain other evidence demonstrating that (because of the nature of the opportunity, an absence of suitable competitor suppliers or otherwise) the bid(s) received represent Value for Money.
- 9.9 Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

## **10. TENDER PROCEDURE (Value more than £75,001 but below the Public Contract Regulations 2015 Financial Threshold):**

Having followed the QSG

Identify the appropriate contract to be entered by using the QSG.

- 10.1 Officers should engage the assistance of the Procurement Team as soon as it is anticipated that a tender may be required.
- 10.2 The Procurement Team will assist Officers with the following steps, including design of scope, evaluation criteria, performance indicators (if appropriate) and mitigation of risks/costs.
- 10.3 Officers should then either:  
  
Select three or more specific potential suppliers to invite to tender (including at least one local supplier, where practicable without improperly excluding other suppliers), or

Open tender opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Best practice would be to publish the opportunity for contracts over £20,000.

- 10.4 Justification for inviting only selected potential suppliers must be approved by the Procurement Team and recorded with procurement documentation.
- 10.5 The period allowed for responses should be adequate, considering the complexity of the Council's requirements; to provide a reasonable opportunity for suppliers to prepare and submit a tender. This will normally be at least 20 working days.
- 10.6 Invitation to tender documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 10.7 Any bids received after the appointed date and time will not be considered and advice must be obtained from the Procurement team as to next steps.
- 10.8 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.
- 10.9 The Procurement Team will manage evaluation of tenders against the specified evaluation criteria and liaise with the Finance Team to check the information provided by the suppliers and if appropriate investigate the financial status of the supplier(s).
- 10.10 The Procurement Team will assist in seeking approval, awarding the contract and completion of the procurement process.
- 10.11 Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

## **11. TENDER PROCEDURE FOR ABOVE PUBLIC CONTRACT REGULATIONS 2015**

Advice must be sought from the Council's Procurement Team where the estimated value is likely to exceed the PCR 2015 Financial Thresholds.

The Procurement Team will manage the procurement process to ensure compliance of the PCR 2015.

The evaluation criteria and weightings must be prepared to enable the Most Economically Advantageous Tender or bid (MEAT), to be identified, ensuring that all such criteria are appropriate for and proportionate to the relevant contract.

A report for Corporate Management Team Leadership Team must be prepared for all procurements over the PCR before the contract award to include and not limited to:

- Nominated contract manager.
- Risk assessments and risk register.
- Contingency measures (including early termination and exit strategy).
- Annual review of insurance policy.
- Contractual performance.

- Innovations.
- Social Value delivery.
- Complaints and compliments.
- Data Protection issues (if appropriate).

## **12. TENDER EVALUATION**

Tenders must be evaluated in accordance with the evaluation criteria as set out in the invitation to tender documents.

The arithmetic in tenders must be checked by the appropriate officer as defined in the procurement documentation. If arithmetical errors are found they should be notified to the supplier, who should be requested to confirm or withdraw their tender.

When evaluating tenders including Frameworks, appropriate due diligence must be undertaken to assure the Council of the financial stability of contractors and sub-contractors.

## **13. DECLARATION OF INTEREST**

If it comes to the knowledge of a Member or Officer (or other appropriate person) of the Council that a contract in which they have a pecuniary interest has been, or is to be, entered by the Council then they must immediately give written notice to the Monitoring Officer. This needs to be recorded on the annual return.

The Monitoring Officer shall maintain records of all declaration of interests notified by Members and Officers (or other appropriate person).

## **14. POST TENDER NEGOTIATION**

Post tender negotiation is to be the exception and such negotiations shall be conducted strictly in accordance with the following:

- They shall take place at predetermined times and places.
- The Procurement team, Monitoring Officer and the Section 151 Officer or their Deputies, must be notified of the time and venue of all negotiations.
- More than one officer of the Council shall always be present, including either the Monitoring Officer or the Section 151 Officer or their Deputies, or their senior representative.
- The signed record of all meetings shall be kept on file.
- In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

## **15. CONTRACT AWARD**

15.1 The approval level for accepting tenders and quotations is shown in the table below.

Note: The process to follow for contract award is based on the cost to the individual council (not the total cost for all partners, therefore the contract award process may be different for each council).

<b>Cost to Council</b>	<b>BDC Approval</b>	<b>SNC Approval</b>
Up to £20,000	Assistant Director	Assistant Director
£20,001 to £50,000	Director	Assistant Director
£50,001 to £100,000	CMLT	Director
Above £100,001	Cabinet	Cabinet

- 15.3 Officers in conjunction with the Procurement Team must notify all suppliers simultaneously and as soon as possible of the intention to award the contract to the successful supplier and stipulating the standstill period (if any) applied in the notification. If an unsuccessful supplier challenges the decision, the Officer shall not award the contract and shall immediately seek the advice of the Procurement Team.
- 15.4 Where a contract has been tendered below the PCR 2015 and above £20,000 the Council shall publish a contract award notice on Contract Finder.
- 15.5 Where a contract has been tendered pursuant to the PCR 2015 the Council shall publish a contract award notice as detailed by the PCR 2015.

## **16. CONTRACT TERMS**

Contractual arrangements should be made on:

- the Council's standard general terms, or
- standard form contracts, or
- industry standard model contract terms, or
- if using a Framework, the Framework Terms.

Contracting on the supplier's terms should be avoided.

Exceptions to this rule must be approved in advance by the Director of Resources.

- 16.1 Every formal contract in writing within the meaning of CPR shall specify or contain (as a minimum) wherever possible:
- (a) the services, supplies or works to be provided.
  - (b) the price to be paid, with a statement of discounts or other deductions.
  - (c) the time or times within which the contract is to be performed.
  - (d) that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the invitation to tender prior to contract award have been satisfied.
  - (e) in appropriate cases (to be determined by the Director of Resources) provide for the payment of liquidated damages by the supplier where they fail to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract.
  - (f) a clause empowering the Council to cancel the contract and recover from the supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf shall, in relation to the obtaining or execution of the



contract or any other contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972, Bribery Act 2010, Data Protection Act 2018 and Modern Slavery Act 2015.

(g) a clause requiring the supplier to provide information to the Council for the Council to fulfil its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

(h) appropriate Employers Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance (but not less than £5,000,000).

(i) appropriate Public Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance (but not less than £5,000,000).

(j) appropriate Professional Indemnity Insurance minimum of £1,000,000 or lower or higher depending on the risks and based on Officer's risk assessment in consultation with Finance.

## **17. EXECUTION OF CONTRACTS**

Any contracts valued at above £100,000 shall be formal, made in writing and executed as a deed by the affixing of the Council's common seal or signed by the Director of Resources or other person duly authorised in this regard (as considered appropriate).

All other contracts i.e. less than £100,000) may be signed by the relevant Director or other person duly authorised in this regard (as considered appropriate).

## **18. CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS**

Assistant Directors shall be responsible for the Contracts Register and Forward Procurement Plans and all prospective contracts entered into by the Council in excess of £5,000 unless the contract is less than three months duration.

Information required for maintaining the Contracts Register and Forward Procurement Plans will be provided in a timely manner to meet quarterly publication requirements.

## **19. FRAMEWORK AGREEMENTS AND DYNAMIC PURCHASING SYSTEMS**

Framework Agreements and Dynamic Purchasing Systems (DPS) will contain instructions for use within its terms, and potentially include a requirement for a further competitive process between those suppliers who are parties to the Framework Agreements and DPS.

In these cases, a Framework Agreement and DPS shall be tendered in accordance with these CPR and the Public Contract Regulations.

Where the Council has entered into a Framework Agreement and/or through procurement or is able to place orders from existing Framework Agreements and/or procured by central government agencies, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a separate procurement.

Procurement Team advice should be sought in advance before awarding a contract to a supplier using a Framework Agreement or DPS not procured directly by the Council.

## **20. COLLABORATIVE PROCUREMENT**

These CPR shall apply to any procurement where tenders are invited by the Council on behalf of any partnership, consortium, association or similar body of which the Council is a member, unless such tenders are invited in accordance with the method prescribed by such consortium, association or body and where necessary with the requirements of the PCR 2015.

## **21. CONTRACT EXTENSIONS**

No contract may be extended except in accordance with its terms (subject to financial resources and satisfactory value for money assessment) and comply with the PCR 2015.

Prior to any contract extensions advice should sought from the Procurement Team as required.

## **22. WAIVERS OF CONTRACT PROCEDURE RULES**

Waivers of any of these CPR shall only be given in exceptional circumstances provided the value does not exceed the PCR financial thresholds. Waivers may not be made retrospectively.

- 22.1 An Officer empowered to let a contract may seek a waiver from a Director and Section 151 Officer or their deputies and if above £100,000 Cabinet. All waivers shall be recorded on the Waiver Form and saved centrally.

## **23. BONDS, GUARANTEES AND INSURANCE**

The Officer shall consider in all contracts the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract. The Officer shall consult with Finance when determining the appropriate levels of insurance.

- 23.1 For all contracts over £100,000 (and any other circumstances deemed appropriate by the Officer and the Director of Resources), some form of security may be required from the potential supplier as part of the pre-procurement process.

## **24. OPERATIONAL EMERGENCY**

In the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Council procedures, the appropriate Officer(s) in consultation with the Managing Director (or a nominated officer), or not less than two Cabinet Members may, notwithstanding anything contained in the Council's CPR or Financial Procedure Rules, authorise the Officer to enter into a contract on behalf of the Council.

In a continuing emergency any action taken, or contract entered into shall be reported to a special Cabinet meeting as soon as possible which shall take such action as necessary to deal with the situation.

Prior to reference to Cabinet, such process of emergency measures shall be subject to a total limit of expenditure up to PCR 2015 Financial Thresholds.

Any adoption of these powers must be reported to the next Cabinet.

## **25. DISPOSAL OF ASSETS**

Disposal and/or reallocation of assets needs to be managed with the same diligence as the acquisition process. Before any disposal and/or reallocation of assets reference must be made to the Council's Disposal Strategy and/or Constitution. The Council has a duty of care regarding the disposal of equipment where environmental issues are appropriate.

- 25.1 Records must be retained for the disposal of assets in a similar way as for procurement decisions.
- 25.2 Any items of stock (other than land) deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £20,000, be sold or disposed of only on the authorisation of the Director. Where the expected loss on disposal exceeds £20,000 the approval of the appropriate Director (s) must be obtained.
- 25.3 The method of disposing of surplus or obsolete stocks / stores or assets other than land must be determined as follows:

Total Value	Method
Up to £20,000	By whatever means the relevant Director shall decide consistent with the asset disposal rules
£20,000 and above	Tender sought by public advertisement, by public auction or such other means as the Section 151 Officer shall approve after consultation with the Monitoring Officer

- 25.4 Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council. All options must be explored, and a record kept of the decisions made. It is the responsibility of each Director to establish that legal title rests with the Council prior to the disposal of any item. Disposal of land will in all cases require advice and guidance from the appropriate body as set out in the Council's Financial Regulations.

## **26. CONTRACT MANAGEMENT**

Efficiencies secured under competitive processes will only be realised with effective contractual management.

- 26.1 Named Officer(s) will be responsible for the day to day operational management of all contracts.
- 26.2 Requirements for contract management are to include and not limited to: (as a minimum);

- 26.3 An annual review (in consultation with the Finance Team) of the financial status of any key suppliers in contract with the Council.
- 26.4 Annual check for validity of any required certifications and evidence of current insurance cover.
- 26.5 Regular review meetings at agreed intervals to discuss:
- 1) Contractual performance (key performance measures).
  - 2) Social value delivery.
  - 3) Innovations or other potential savings in areas relating to the contract or opportunities to improve the range of services provided.
  - 4) Risk identification, evaluation and management on subjects relating to the contract.
  - 5) Customer complaints and compliments.
  - 6) Any data protection issues.

Intervals for these review meetings will vary depending on the complexity of the contract/commodity and the total value. Generally, the review meetings for any contract with a high-risk element or above the Public Contract Regulations financial threshold should be held at least six monthly and can be more frequent where performance or risk management are identified as an issue.

- 26.7 For key strategic contracts a report must go annually to the relevant Cabinet Member regarding:

Achievement of contractual objectives within the period

Current contractual direction (continue, review, exit, retender).

## **27. RETENTION OF DOCUMENTS**

It is a legal requirement for commercial records to be retained for inspection by various Government authorities including HMRC.

- 27.1 The retention period commences once the Tender, Purchase Order or Contract is closed: all "open" documents are retained indefinitely.
- 27.2 The records to be retained, the retention period and which section retains them are detailed below:

Document	Retained by	Retention Period
Tenders/Quotations	e-procurement system/centrally	7 Years
Purchase Orders	Finance System/Section	7 Years
Contracts	Officer/Deed Room	7 Years
Suppliers Invoices	Finance System/Section	7 Years

The records should be kept in a format that facilitates accessibility for future use.

## **28. REVIEW AND AMENDMENT OF THE CONTRACT PROCEDURE RULES**

These CPRs shall be reviewed and updated at least every 2 years.

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## Appendix 1 – Link to Councils' Disciplinary Policy

This policy applies to all employees of Broadland and South Norfolk Councils who operate under the power of a S113 agreement which enables staff to be employed across functions of both Councils and work in fully integrated teams.

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Author: HR		
UNISON Sign Off	March 2021	J Jackson
Management Sign Off	March 2021	E Hodds

## Introduction

- 1.1 The public expects the highest standards of conduct from those working on its behalf whether they be employees of the Councils agency workers or contractors, and public confidence in the integrity of the Councils must not be damaged.
- 1.2 All employees must conduct themselves in a way that ensures high standards of service and protects the good reputation of the Councils.
- 1.3 This code sets out principles which will help maintain and improve standards and protect both the employees and the employer from misunderstanding or criticism. To maintain public confidence, it refers both to work and private activities in so far as the Councils' reputation could be adversely affected and/or such activities could affect an employee's ability to undertake their Council work.
- 1.4 The Code applies to all employees, and also to all Council paid employment. Employees who are members of a professional body will be bound both by their professional codes of conduct and the Councils'. If any employee experiences any conflict between the Councils' and their profession's codes of conduct, they are to make their Director aware immediately.
- 1.5 In accordance with the Councils' disciplinary procedure, any breach of this Code may give rise to disciplinary action. A breach which is so serious as to undermine public confidence in the Councils could be held to be gross misconduct (see appendix 1).

## 2. Standards of Personal Behaviour

- 2.1 Employees are expected to use their knowledge and expertise 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.
- 2.2 Although the Nolan Committee on Standards in Public Life established its seven principles primarily with elected members in mind, they apply equally to employees in the public service. All employees are therefore expected to conduct themselves in accordance with those principles, which are:

**Selflessness:** Holders of public office should take decisions solely in terms of the public interest.

**Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends. They must declare and resolve any interests and relationships

**Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

**Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership:** Holders of public office should promote and support these principles by leadership and example. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.3 The Councils are committed to promoting equal opportunities, so employees must treat all members of the local community, suppliers, customers and other employees fairly, and promote a positive working environment where we follow our agreed Values including trust and integrity as part of the way we operate.
- 2.4. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive, within the policies of the Councils, to ensure value for money for the local community and to avoid legal challenge to the Councils.
- 2.5 All employees must be clear about their contractual obligations to the Councils and must not take outside activities, which conflicts with the Councils' interests, or which is of such a nature as to raise concerns that the employee's work for the Councils, or its reputation, may be adversely affected. With regard to unpaid or voluntary activities/work, all employees must accordingly obtain their Assistant Director's permission before undertaking any such outside activities which could be considered a conflict with the Councils' interests, or which is of such a nature as to raise concerns that the employee's work for the Councils', or its reputation may be adversely affected. In the event that an employee is unsure of whether there is any potential conflict they should always gain guidance from their line manager or Assistant Director. Once agreed details of the activity and the permission will be recorded on the employee's personal file.
- 2.6 Furthermore, all employees will be required to obtain permission from their Assistant Director in advance of any paid work being sought externally. For very senior posts, authority or permission may be required from both authorities Full Councils rather than the Director. Employees will not be permitted to sell goods or services to the Councils.
- 2.7 Employees must take reasonable care for their health and safety and this duty extends to other people who may be affected by their actions or omissions.

### **3. Standards of Services to the Public**

- 3.1 Employees must always remember their responsibilities to the community and ensure courteous, knowledgeable, timely and impartial service delivery to all groups and individuals within that community.
- 3.2 Employees should ensure they are familiar with all relevant Council policies and procedures which apply to their role, and act in line with these. This includes the Rules of Financial Governance and Contract Standing Orders.
- 3.3 The Councils endeavour to deliver public services to a high standard. Employees are therefore expected, without fear of recrimination, to report any deficiency in the provision of services to the public for which they are directly responsible or for those outside their remit where they know there has been a deficiency, in accordance with the Councils' Whistleblowing Policy.
- 3.4 The Councils' Whistleblowing Policy provides staff with guidance and support as to how concerns can be raised within the organisation (usually through their line



manager or the Monitoring Officer and provides the opportunity to raise concerns outside of the Councils where necessary. The policy is aimed to ensure no staff suffer victimisation or harassment as a result of raising their concerns.

- 3.5 In addition, the Councils have a Counter-Fraud and Corruption Policy and recognises its employees as an important element in its fight against fraud and corruption. Employees are therefore positively encouraged to raise any concerns that they may have. These may relate to the internal activities of the Councils, or to its dealings with suppliers or customers.

#### **4. Standards of Dress and Appearance**

- 4.1 The Councils aim to present a welcoming and professional image to residents, members and all other contacts. Employees should dress in a smart and presentable manner promoting an appropriate appearance. In high profile situations (e.g. court appearances, media interviews) it is expected that formal business wear is worn.
- 4.2 The Councils recognise that for reasons of religious, ethnic or cultural expressions that it is permissible to wear certain items of clothing or jewellery.
- 4.3 With the prior agreement of the Management Team (CMLT) it will also be permissible to wear other items of clothing for nationally recognised charity events or social events.
- 4.4 Personal protective equipment (PPE) will be provided where this has been identified as being necessary through general risk assessment or COSHH assessment. Where PPE is provided, the employee and their manager must ensure that it is worn and used in accordance with safety procedures and training. High visibility clothing should be cleaned as often as is necessary to ensure that it retains its high visibility properties and that it presents the appropriate appearance.
- Not wearing provided PPE can put yourself and/or your colleagues and the public at risk therefore could be considered Gross Misconduct under the Councils Disciplinary Policy
- 4.5 Where a uniform is issued this should always be worn for work in its entirety. In service areas where a specific colour or style of clothes is specified, employees should adhere to the service areas arrangements.
- 4.6 All items issued (i.e. uniform, PPE and badges) must be returned to the line manager when employment ends.
- 4.7 Identification badges must be worn at all times whilst at work. Regardless of where a meeting is held, including from home a professional image must be maintained at all times.

#### **5. Disclosure of Information**

- 5.1 The law requires that certain types of information must be made available to councillors, auditors, government departments and the public. This is largely governed by the Local Government (Access to Information) Act 1985 and subsequent Regulations such as the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Councils, however, may decide to make available other types of information.
- 5.2 Employees must be aware of the restrictions imposed upon them by relevant data protection legislation, such as the General Data Protection Regulations (GDPR) and the Data Protection Act 1998. Each employee must process personal data in accordance with relevant legislation and in line with the Councils'

own policies relating to data policies, such as the Data Protection Policies. Each employee is responsible for the security of personal data that they may use in the course of their job. Such data must not be disclosed to any unauthorised person or organisation, even inadvertently, and includes both electronic and hard copy information. Management must therefore keep employees informed as to which information is open and which is not, and ensure employees are adequately trained in understanding the restrictions of relevant data protection legislation. In cases of doubt, employees must consult the Data Protection Officer before disclosing data.

- 5.3 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. This is especially relevant to employees who are privy to confidential information on tenders or costs for either internal or external contractors.
- 5.4 Any particular information received by an employee from a councillor which is personal to that councillor and is not the property of the Councils must not be divulged by the employee without the prior approval of that councillor, except where disclosure is required or sanctioned by the law. If an employee has concerns about the propriety of withholding any such information received, they can discuss the matter in confidence with the Monitoring Officer.
- 5.5 On occasions an elected member could make an enquiry about a specific item of Council business. Elected members are entitled to information which is necessary to enable them to carry out their duties as Councillors, but a member may not be entitled to confidential information. This principle is commonly referred to as the “need to know” principle and will be determined in the first instance by the particular Director or Managing Director whose department holds the document or information in question. Employees are expected to disclose information already in the public domain. There is more guidance on this in the Protocol for Member/Staff Relations.
- 5.6 Only the Managing Director, the Strategic Marketing and Communications Manager, the PR Manager, the Senior Communications Officer and the Marketing and Communications Officer are authorised to initiate or respond to enquiries from the media and all such enquiries must be referred to one of them. UNISON representatives can provide comment in their union capacity rather than as an employee.
- 5.7 Employees must also be very careful about their work or domestic use of websites and social media which could damage their own or the Councils’ reputations, and they must comply with the Councils’ current policies on the use of information technology which may be reviewed from time to time. For the avoidance of doubt if a post on social media brings the Councils into disrepute this could be considered Gross Misconduct - under the Councils Disciplinary Policy

## **6. Party Political Impartiality**

- 6.1 Employees serve the Council as a whole. They must follow every lawful decision and policy of the Council and must not allow their personal or political opinions to interfere with their work. They must therefore serve and respect the rights of all Councillors equally, irrespective of the member's political affiliation.
- 6.2 Employees must declare to the Managing Director or Monitoring Officer, membership of any organisation which is not open to the public without formal membership, has a commitment of allegiance and which has secrecy about its rules, membership or conduct. This information will be recorded in a Register of Interests held by the Managing Director.

### **Politically restricted posts**

- 6.3 Some employees will be in “politically restricted posts”. The restrictions limit their political activity outside of their employment at the Council. These employees must be mindful of the strictures of the Local Government and Housing Act 1989, Local Government Officers (Political Restriction) Regulations 1990 and Local Government (Politically Restricted Posts) (No 2) Regulations 1990. These employees will have a separate clause in their employment contract or will receive a letter stating their post has become politically restricted.
- 6.4 Directors and Assistant Directors may, on occasions, be requested to attend political group meetings to give information. Their conduct at such meetings must not compromise their political neutrality. An employee always has the right, without fear of recrimination, to decline to address a political group. There is more guidance on the relationship between councillors and employees in the Protocol for Member/Staff Relations.

## **7 Relationships**

### **Relationships with Councillors**

- 7.1 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors should be avoided. In general, employees and Councillors should always consider the way others may view the potential conflicts arising from social connections, especially concerning confidentiality and bias. Employees and Members must comply with the Protocol on Member / Employee Relations.

### **Relationships with contractors**

- 7.2 Orders and contracts must be awarded on merit, by fair competition in accordance with Contract Standing Orders. Employees must disclose, to the Monitoring Officer, all relationships with current or potential contractors.
- 7.3 Employees involved in the tendering process and dealing with contractors must be clearly aware of the need to separate client and contractor roles within the Councils. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 7.4 If there is the slightest possibility of a conflict between an employee's duties to the Councils and their relationship with the contractor, lessee, or benefit claimant etc., then the employee must report that relationship to the appropriate Director. In cases where the employee concerned is a Director, then the Managing Director or Monitoring Officer must be informed, and arrangements made for the separation of duties.

### **Relationships with potential employees**

- 7.5 Employees involved in the appointment of staff must 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. Employees making appointments must be aware of equal opportunities legislation.
- 7.6 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 are familiar with them outside work. Where this is not possible a declaration to HR should be made. Neither must they be involved in decisions relating to discipline, promotion or pay adjustments for any employee with whom they are related or otherwise closely involved.

### **Other relationships**

- 7.7 No special favour may be shown to friends, partners, relatives, current or former employees or to job applicants. Employees must therefore disclose to their Assistant Director all relevant relationships, whether of a business or private

nature, which might have the potential to bring about a conflict with the Councils' interests. Such relationships will include those with lessees, benefit claimants and grant applicants for example. If employees have doubts over the relevance of a particular relationship, they are advised to disclose it anyway. This information will be recorded in a Register of Interests held by the Managing Director.

- 7.8 Employees should promote a positive working environment by not discussing their colleagues or personal matters relating to them in a negative way. Where there is a concern, this should be dealt with through the Councils' formal policies and procedures.

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

- 8.1 S117(2) of the Local Government act 1972 states that an employee shall not accept any fee or reward whatsoever other than their proper remuneration. The Bribery Act 2010 makes it an offence for employees to receive a bribe to perform their duties improperly, or to attempt to bribe another person to perform their duties improperly.
- 8.2 Employees must be aware that corruption is a serious criminal offence. The law states that if an allegation is made it is for the employee to demonstrate that any gifts have not been corruptly obtained. Corruption is defined by both CIPFA and the Audit Commission as 'the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person'.

### **Gifts, tips and privileges**

#### *Gifts Below £25 – Corporate Gifts*

- 8.3 Employees are permitted to accept gifts from suppliers and contractors of a value of below £25 if they can be used in the course of their Council duties - such as pens, diaries, calendars etc.

#### *Gifts Below £25 – Personal Gifts, Tips and Privileges*

- 8.4 Employees should try to avoid accepting personal gifts, tips or special privileges for themselves or their families from contractors, customers, Councillors or outside suppliers – e.g. chocolates/sweets, flowers, etc. However, there may be occasions when these cannot be refused without causing offence. In this instance the employee should declare the matter to their Manager as soon as possible who will decide what to do with the gift. The Manager may decide to allow the staff member to keep the gift, or if it is perishable they could be used in civic hospitality or distributed among the staff. If they are not perishables they could be raffled by the Councils for a recognised charity.

#### *Gifts Above £25*

- 8.5 Employees should try to avoid accepting gifts which are of value. If gifts offered are of value and cannot be refused without causing offence, the recipients must hand them over to their Assistant Director, after noting them in a Register of Gifts, Hospitality and Sponsorship held by the Managing Director. If they are perishables they will be used in civic hospitality or distributed among the staff. If they are not perishables they will be raffled by the Councils for a recognised charity.

### **Hospitality**

- 8.6 Employees and their families must only accept offers of hospitality if there is a genuine need to impart information or represent the Councils in the community. Invitations to attend purely social or sporting functions on advantageous terms must only be accepted when these are part of the life of the community, or where the Councils should be seen to be represented. All such invitations must be reported to the Assistant Director who can sanction attendance and, irrespective

of whether the invitation is accepted or not, it must be recorded in a Register of Gifts, Hospitality and Sponsorship.

- 8.7 When receiving authorised hospitality, employees shall give only relevant and factual information and must be particularly sensitive as to the timing of the event in relation to decisions which the Councils may be taking which could affect those providing the hospitality.
- 8.8 Where visits to inspect equipment etc. are required, employees should ensure that the Councils meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. This rule should be applied unless there is a specific decision of the Councils to the contrary.
- 8.9 When hospitality has to be declined, the person who made the offer should be courteously, but firmly, informed of the procedures and standards operating within the Councils.

### **Sponsorship**

- 8.10 Where an outside organisation offers to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply. In the first instance the employee must inform their Director who will give guidance as to whether the Councils will accept the offer. However particular care must be taken when dealing with contractors, potential contractors and commercial tenants. Only in very exceptional circumstances should sponsorship be accepted when only one company or organisation has had the opportunity to offer it. Whether the sponsor approaches the employee or the employee approaches potential sponsors, employees must adhere to the Councils' protocol on sponsorship. Irrespective of whether the offer of sponsorship is accepted or not, it must be recorded in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.11 Where the Councils wish to sponsor an event or service or charitable activity, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Director and the fact being noted in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.12 Unless part of their formal duties employees should never seek sponsorship for charitable ventures from suppliers, customers or service users, but sponsorship from these sources up to the value of £25 may be accepted provided it is not solicited and it must be recorded in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.13 Where the Councils give support in the community, through sponsorship, grant aid, financial or other means, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

## **APPENDIX 1**

### **Link to Councils Full Disciplinary Policy**

#### **Extract of Gross Misconduct Section from the Councils Disciplinary Policy**

This list is neither exclusive nor exhaustive, but it provides some examples of gross misconduct and is lifted from the Disciplinary Policy.

Some actions and behaviour would destroy the relationship of trust and confidence that the Councils need to have in an employee, and someone may face dismissal for gross misconduct if they:

- Acts of violence, e.g. threatened or actual physical assault on any individual, fighting or riotous behaviour at work
- Theft or misappropriation of cash or property belonging to the Councils or any individual whilst at work. A similar offence committed outside the course of employment may also be so regarded
- Fraud or intention to defraud, e.g. deliberate falsification of work records, time-sheets (including flex sheets if used), travelling and subsistence claim forms and other documents connected with claiming salaries, wages and expenses from, or making payments to the Councils
- Extreme negligence resulting, for example, in danger to life and limb
- Serious disregard of the Councils' health and safety rules; this includes engaging in behaviours which may endanger themselves, work colleagues or other people
- Serious disregard of the Councils' safeguarding policy
- Serious disregard of the Councils' Data Protection Policies
- Malicious damage to the property of the Councils' or of any individual during the course of employment
- Serious professional negligence, misconduct, omission or, in certain situations, failure in performance to a reasonable and acceptable standard
- Serious breach of the Social Media Policy
- Deliberate misuse of Information Technology in contravention of instructions to users (refer to Computer Network, Internet Access and E-Mail Policy)
- Deliberate or malicious misuse of the Councils' information assets in all formats including both electronic and paper. The Councils may also have a contractual or legal obligation to report misuse to third parties
- Serious cases of being under the influence of drink or (un) prescribed drugs at work (refer to Drug and Alcohol Misuse Policy).
- Failing a drug or alcohol test at work (refer to Alcohol, Drugs and Substance Misuse Policy).
- Serious sexual offences or serious sexual misconduct at work, including cases of harassment (refer to Equal Opportunities Policy)
- In exceptional circumstances, actions taken outside of employment will be investigated. The main consideration will be whether the conduct makes future employment unacceptable or unsuitable e.g. sexual misconduct, violent behaviour conviction when role allows the post holder to come into contact with vulnerable people.
- Bullying and harassment