# Cornwall Council

# Code of Conduct for Members and Co-opted Members of Local Councils

**General principles of public life**

The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members that is consistent with the following principles:

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned. The public nature of a Member's role means the distinction between acting in your official capacity and your private life may become blurred and a Member's honesty and integrity may therefore be questioned.

As a result, a Member must ensure that, as far as possible, there is clear separation between what they do in their private life and in their capacity as a Member. This is especially the case when a Member's activity in their private life relates to the functions of the Council and/or their corporate responsibilities as a Member such that a reasonable member of the public may perceive that the conduct comes within the scope of this Code of Conduct.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

**Leadership** – Members should promote and support these principles by leadership and, by example, and should act in a way that secures or preserves public confidence.

Cornwall Council also expects its Members to observe the following principles:

**Duty to uphold the law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Personal judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Whilst these overriding principles are not formally part of the Code of Conduct, they underpin the purpose and provisions of the Code of Conduct and are principles in accordance with which Members should conduct themselves.

## Introduction and Interpretation

1. This Code of Conduct has been adopted by Cornwall Council to support its duty to promote and maintain high standards of conduct by Members of the Council as required by the Localism Act 2011. The Standards Committee assumes ownership of the Code on behalf of the Council and also monitors the operation of the Code in conjunction with the Monitoring Officer.

2. In this Code:
"**disclosable pecuniary interest**" means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member's spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest as found on page 11 of this Code

"**dispensation**" means a dispensation granted by the Standards Committee of the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

"**interest**" means any disclosable pecuniary interest or any disclosable non-registerable interest where the context permits

"**meeting**" means any meeting of the Council, the Cabinet and any of the Council's or the Cabinet's committees, sub-committees, joint committees, joint sub-committees, area committees or working groups

"**Member**" includes an Elected Member and a Co-opted Member

"**non-registerable interest**" mean an interest as defined in Part 5B of this Code as found on page 13 of this Code

"**register**" means the register of disclosable pecuniary interests maintained by the Monitoring Officer of the Council

"**sensitive interest**" means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation

**"trade union"** means a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

3. This Code is arranged as follows:

| | |
|---|---|
| Part 1 | Application of the Code of Conduct |
| Part 2 | General obligations |
| Part 3 | Registering and declaring interests |
| Part 4 | Sensitive interests |
| Part 5A | Pecuniary interests |
| Part 5B | Non-registerable interests. |

## Part 1 – Application of the Code of Conduct

1.1 This Code applies to you as a Member of the Council.

1.2. This Code should be read together with the preceding general principles of public life.

1.3. It is your responsibility to comply with the provisions of this Code.

1.4 Subject to paragraphs 1.5 and 1.6 of this Code, you must comply with this Code whenever you:

(a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or

(b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council or use knowledge you could only have obtained in your role as a representative of the Council

and references to your official capacity are construed accordingly.

1.5 Where you act as a representative of the Council:

(a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or

(b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.

1.6 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the Monitoring Officer or one of his team.

## Part 2 – General obligations

2.1 You must treat others with respect.

2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.

2.3 You must not bully or harass any person.

2.4 You must not intimidate or attempt to intimidate others.

2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

2.6 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement and you are responsible for declaring all gifts and hospitality received over the value of £50 from a single source in one year, either in the form of a single gift or as a cumulative total. You also must register any gifts or gifts or hospitality over £50 within 28 days of receiving either the gift or hospitality.

2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.

2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so;
(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
(iv) the disclosure is –
  (a) reasonable and in the public interest; and
  (b) made in good faith; and
  (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the Monitoring Officer or his nominee.

2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.

2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

2.11 You must not use or attempt to use your position as a Member of the Council improperly to confer on or to secure for yourself or any

other person an advantage or disadvantage.

2.12 You must when using or authorising the use by others of the resources of the Council:

(i) have the prior formal permission of the Council;
(ii) act in accordance with the reasonable requirements of the Council;
(iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
(iv) have regard to any statutory or other requirements relating to local authority publicity.

2.13 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.

2.14 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Proper Officer, RFO or Monitoring Officer.

2.16 You must comply with the requirements of the Monitoring Officer in assisting with any assessment or investigation relating to an alleged breach of the Code of Conduct and comply with any sanction that is imposed upon you for breaching the Code of Conduct.

2.17 You must complete Code of Conduct training within 6 months of taking office and then must attend refresher training every 2 years if practicable or as required by the Monitoring Officer. This training can be held virtually.

**Part 3 – Registering and declaring interests and withdrawal from meetings**

3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.

3.2 Within 28 days of becoming a Member you must notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have and your membership of any trade union(s) at the time of giving the notification.

3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.2 of this Code to the extent that your disclosable pecuniary interests and your trade union membership(s) are not already entered on the register at the time the notification is given.

3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.

3.5 If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

(i) not participate, or participate further, in any discussions of the matter at the meeting;

(ii) not participate in any vote, or further vote, taken on the matter at the meeting; and

(iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.

3.5A Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop, address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).

3.6 If a disclosable pecuniary interest or any membership of a trade union to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.

3.7 Where you are able to discharge a function of the Council acting alone and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership(s) in a matter being dealt with, or to be dealt with, by you in the course of discharging that function you must:

(i) not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you); and

(ii) if the interest is a disclosable pecuniary interest or membership of a trade union, notify the Monitoring Officer of that interest within 28 days of becoming aware of the interest if the interest is not entered in the register and has

not already been notified to the Monitoring Officer.

3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest or trade union membership, or change to any disclosable pecuniary interest or trade union membership already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.

3.9 All notifications of disclosable pecuniary interests and trade union membership to the Monitoring Officer, excepting those made verbally at meetings, must be made in writing.

3.10 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

**Part 4 – Sensitive interests**

4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests shall not be included in any published version of the register.

4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

## Part 5A – Disclosable Pecuniary Interests

In this Part of the Code the expressions in the middle column have the meanings attributed to them in the right hand column

| | | |
|---|---|---|
| (a)(i) | "body in which the relevant person has a beneficial interest" | means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest |
| (a)(ii) | "director" | includes a member of the committee of management of an industrial and provident society |
| (a)(iii) | "land" | includes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income |
| (a)(iv) | "relevant authority" | means the authority of which you are a member |
| (a)(v) | "relevant person" | means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners |
| (a)(vi) | "securities" | means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society |

The following table sets out the disclosable pecuniary interests that have been prescribed by the Secretary of State for the purposes of the Code of Conduct and the Localism Act, 2011.

| Interest | | Description |
|---|---|---|
| (b)(i) | Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain |
| (b)(ii) | Sponsorship | Any payment or provision of any other |

| | | |
|---|---|---|
| | | financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards the election expenses of you. This includes any payment or financial benefit from a trade union(as defined above) |
| (b)(iii) | Contracts | Any contract which is made between the relevant person (or a body which in which the relevant person has a beneficial interest) and the relevant authority under which goods and services are to be provided or works are to be executed and which has not been fully discharged |
| (b)(iv) | Land | Any beneficial interest in land which is within the area of the relevant authority |
| (b)(v) | Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer |
| (b)(vi) | Corporate tenancies | Any tenancy where, to your knowledge, the landlord is the relevant authority and the tenant is a body in which the relevant person has a beneficial interest |
| (b)(vii) | Securities | Any beneficial interest in securities of any body where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body, or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class |

## Part 5B – Non-registerable interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

(i) might reasonably be regarded as affecting the financial position or wellbeing of you; a member of your family or any person with whom you have a close association; or anybody or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in your electoral division or area; and

(ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest;

save that business relating to the following functions will not give rise to non-registerable interests:

(iii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iv) statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;

(v) an allowance, payment or indemnity given to Members;

(vi) any ceremonial honour given to Members; and

(vii) setting of the council tax

and for the avoidance of doubt the above exceptions to the definition of non-registerable interests do not negate the requirements arising from having a disclosable pecuniary interest.