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# Briefing Note

## Code of Conduct

### **1.0 Background**

1.1 The House of Lords Committee in Standards of Public Life has been reviewing the Code of Conduct that it recommends to all councils. CALC (the Cornwall Association of Local Councils) has been working with Cornwall Council to agree a version that is appropriate for use across the county and its 212 parish councils. The new version is now available for adoption and CALC strongly supports this single code for all elected members in Cornwall and is pleased to recommend the 2021 edition.

### **2.0 Purpose of the Code**

2.1 The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government

### **3.0 How is it different from the current code?**

3.1 The new code makes some topics more explicit and prescriptive. Sarah Mason from CALC writes:

#### S2.6 Gifts and Hospitality

The standard text has been changed to reflect the CoSIPL<sup>1</sup> recommendation. The Cornwall Council code now requires gifts and hospitality in excess of £50 to be declared.

*This council has previously agreed a figure of £50 that is already included in your Standing Orders.*

#### S2.16 Co operating with any investigation

The new code requires members to assist with any investigation into a complaint by the Monitoring Officer.

#### S2.17 Training

The CoSIPL report recommended a greater requirement for members to undertake regular [Code of Conduct] training. The new wording now requires training to be undertaken within six months and then where practical every 2 years or as required by the Monitoring Officer. As this is part of your Council's code of conduct it is important that training is offered to all new councillors not only after elections but also to those joining the council from time to time. Clerks are recommended to keep an attendance register to demonstrate that this element of the code has been met.

*Your clerk already maintains a record of all training that councillors undertake.*

As the legislation and role of elected members is slightly different between the two tiers of local government, it will always be difficult to have a single version which reflects both. The

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<sup>1</sup> Committee in Standards of Public Life

Code circulated to you contained a number of elements specific to the unitary authority and the actions of unitary councillors as individuals. After feedback from clerks, I have made number of minor amendments which I have highlighted in red on the enclosed word document. The amendments are

- i) To reinstate the 2.13 from the previous code which states that a councillor must not authorise the use of council's resources on their own – and links to model standing orders
- ii) To reinstate 3.9 of the previous code which requires a member to tell the Clerk as well as the Monitoring Officer when making changes to their Register of Interests
- iii) Deleted 2.15 of the 2021 Code as it refers to a Leader/Cabinet system with Overview and Scrutiny which does not apply to first tier local councils<sup>2</sup>.
- iv) Amended 2.15 of the 2021 Code to reflect the names of the relevant officers as appropriate for local councils

#### **4.0 More information**

4.1 The Quick Guide you were supplied with during your induction still applies and is a short summary of the broad principles of the Code. You can view a copy here: [www.menheniotparish.org.uk/mp\\_live/wp-content/uploads/2011/05/4-MPC-Code-of-Conduct.pdf](http://www.menheniotparish.org.uk/mp_live/wp-content/uploads/2011/05/4-MPC-Code-of-Conduct.pdf)

4.2 CALC and Cornwall Council have also updated their own guide to the revised Code. You can view and download a copy here: [www.menheniotparish.org.uk/mp\\_live/wp-content/uploads/2015/07/The-Code-of-Conduct-Guide-May-2021.pdf](http://www.menheniotparish.org.uk/mp_live/wp-content/uploads/2015/07/The-Code-of-Conduct-Guide-May-2021.pdf)

Author: John Hesketh Parish Clerk

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<sup>2</sup> Town and parish councils are described as 'first tier'