

Code of Conduct and Conflict of Interest Policy for Members on West Cornwall Local Action Group (WCLAG)

INTRODUCTION

1. The Code of Conduct and Conflict of Interest Policy (the Code) provides, by way of guidance to members (voting and non voting) of this Local Action Group (LAG), Programme Delivery Team and Accountable Body staff, the standards of conduct required in carrying out their duties, and in their relationships with the LAG and the LAG's officers, agents and advisers and the Rural Payments Agency (RPA) in the delivery of the LEADER programme.
2. The Code is issued and has been agreed by the LAG. The Code applies to all members of the LAG and all members are required on accepting or continuing office to declare that they will be guided by the Code. The Code also applies to all Accountable Body and Programme Delivery Team Staff involved in delivery and advisers, whether or not they are voting representatives. The Code represents the standard against which the conduct of all involved in the delivery of the Programme (Members, Officers, Delivery and Accountable Body staff) will be judged, by the public, by their fellow LAG members and by the RPA. There are ten principles which all involved should work to (see Annex 1).
3. The Code also outlines the expected conduct between the LAGs and the RPA, as defined by the LEADER National Delivery Framework.

THE CODE

General Rules

4. Members hold office as outlined in the constitution, and must at all times act within that capacity. You should make sure that you are familiar with the rules of personal conduct as set out in the constitution, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If in any doubt, seek advice from your own legal adviser or from the Programme Delivery Team or Accountable Body representative. In the end, however, the decision and the responsibility are yours.
5. All Members, Officers and Accountable Body and Programme Delivery Team staff involved in the Programme must complete a Register of Interest Form, which will be held on file by the Accountable Body (see Annex 2 for template form). This file is open for inspection at any time by those involved in programme delivery, including the RPA or their representatives.

6. You must at all times:
- Treat people with respect
 - Ensure you do not do anything which causes the LAG to breach any of the equality enactments (as defined by the Equality Act 2010)
 - Intimidate or attempt to intimidate any person involved in the programme (as an applicant, member, staff member, representative)
 - Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the LAG.

Public Duty and Private Interest

7. Your overriding duty as a representative is set out in the constitution, Whilst you may be strongly influenced by the views of others, and of the sector or organisation that you represent in particular, it is your responsibility alone to decide what view to take on any question which members have to decide. If you have a private or personal interest in a question which members have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision. You should never do anything as a member which you could not justify to the public or your fellow LAG members. Your conduct, and what the public believes about your conduct, will affect the reputation of the LAG and the organisation or sector that you represent.
8. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
9. A conflict of interest can exist when either:
- There is a potential financial or measurable benefit either directly to the individual, or indirectly through a connected individual or organisation; or
 - A person's duty to the LAG may compete with a duty or loyalty they owe to another organisation or person.

Disclosure of Pecuniary and Other Interests

10. There are specific provisions in the constitution requiring you to disclose interests which you may have in any matter coming before the LAG or any management groups that it may arrange. Depending on the nature of the interest declared one of the following will happen in a meeting.
- You will leave the room for that item
 - You will remain but take no part in the discussion
 - You will remain but contribute only factual information and clarifications
 - You will contribute to the discussion but not take part in the decision, and therefore not be counted towards a quorum
 - You will remain as a full member of the meeting

11. The appropriate action will be decided by the LAG with guidance from the Accountable Body/Programme Team.
12. You must also declare all relevant pecuniary (financial) interests in the register kept for this purpose.
13. Interests which are non-pecuniary can be just as important and can be included in the register. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the interest of the LAG. Private and personal interests include those of your family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations such as the Freemasons, trade unions and other bodies active in the community.
14. Examples of relevant pecuniary and non-pecuniary interests can be found in Annex 3.
15. You must always declare a pecuniary interest at a LAG meeting or whilst conducting any other LAG business.
16. If you have a private or personal non-pecuniary interest whilst conducting LAG business, for example during a LAG meeting, you should always disclose it, unless it is insignificant, or one which you share with other representatives of the public generally as a ratepayer, a council tax payer or an inhabitant of the area.
17. Where you have declared a private or personal interest (pecuniary or non-pecuniary), the LAG with your input will decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below in points 19 and 20) you should only take such part in the proceedings allowed by the constitution, and should always expect to withdraw from the meeting whilst the matter is being considered.
18. In deciding whether such an interest is clear and substantial, you should ask yourself whether representatives of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
19. In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest: if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

20. Circumstances may arise where the work of the LAG is affected because a number of present members have personal interests (pecuniary or non-pecuniary) in some question. In such certain circumstances, the LAG will debate the position and will either defer the issue to a later meeting, or, where this is not possible or where it is likely that a similar position will arise, will decide by vote how to proceed. Guidance will be sought from the Accountable Body and if required the RPA before any such decision is taken.
21. Records on interests declared will be maintained by the Accountable Body.
22. The requirements around declaring and recording interests must be scrupulously observed at all times.

Members, Advisers and Officers/Staff

23. Members, advisers and officers/staff are there to serve the interests of the LAG and they are indispensable to one another. But their responsibilities are distinct. Whilst Members have the vote and Advisers/Staff do not, the guidance applies to both.
24. The job of the Officers/staff is to give advice to members and to the LAG as a whole, and to carry out the LAG's work under the direction and control of the LAG and Accountable Body, or any sub group arrangements that may be arranged.
25. If you are called upon to take part in appointing an officer/agent, the only question you should consider is which candidate would best serve the whole LAG. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.

Use of Confidential and Private Information

26. As a representative of the LAG you necessarily acquire much information that has not yet been made public, is of commercial value and thus is confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the LAG or anyone else.
27. Information of a confidential nature must not be disclosed to anyone unless
- You have the consent of the person authorised to give it
 - You are required by law to do so

Gifts and Hospitality

28. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the

LAG, or may be applying to the LAG for funding, support or some other kind of decision.

29. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that no extravagance is involved. Likewise, it may be reasonable for a member to represent the LAG at a social function or event organised by outside persons or bodies. All gifts and hospitality should be notified in the agreed format (see Annex 4 for relevant form), in order that a register can be maintained.
30. You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in the LAG.

Dealings with the LAG

31. You may have dealings with the LAG on a personal level, for instance as an applicant for a grant or support. You should never seek or accept preferential treatment in those dealings because of your position on the LAG. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment: for instance, by failing to carry out a contractual duty to the LAG, or by using your position to discuss an application personally with officers/agents when other representatives of the public would not have the opportunity to do so. Likewise, you should never use your position on the LAG to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

Appointments to Other Bodies

32. Should you be appointed or nominated by the LAG to serve on another body or organisation you should always observe this Code in carrying out your duties on that body in the same way that you would with your own LAG.

Working with the RPA

24. The behaviour of the members, advisors, officers and accountable body of the LAG should meet at all times in their relationship with the RPA the requirements outlined in the LEADER National Delivery Framework. These are summarised below:
- ◆ The RPA and the LAG should work productively and effectively together.
 - ◆ Challenges and disputes between both parties should be professional, respectful and avoiding grievance and handled privately between the two parties, i.e. should not be aired with applicants and grant recipients and other potentially interested parties.
 - ◆ The RPA and the LAG should co-operate and respond positively to the challenges in the delivery of the programme.

- ◆ Information should be shared by both parties to improve delivery, including providing clear rationales for any decisions and clear messages outwards conveying this.
- ◆ The LAG is expected to have a flexible approach and be open to new ways of thinking to help Defra/RPA find solutions to delivery/policy and operational problems.

Review

25. This Code of Conduct and Conflict of Interest Policy and individual Register of Interest Forms should be kept under constant review, but should be formally reviewed on an annual basis, as part of the Annual General Meeting.

Date agreed: 20th July 2015

Signed by Chair of the LAG

Signed by the Accountable Body

Date reviewed:

Individual Declaration

I agree to abide by this Code of Conduct as adopted by the LAG on the date shown above

Signed.....

Date.....

Name (in Caps).....

Organisation.....



Annex 1 - The Ten General Principles

The general principles governing your conduct:

Selflessness

- 1.** You should serve only the wider interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

- 2.** You should not place yourself in a situation where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

- 3.** You should make decisions on merit, including when making appointments, awarding project contracts, or recommending individuals for such project rewards or benefits.

Accountability

- 4.** You should be accountable to the public for your actions and the manner in which you carry out such responsibilities, and should co-operate fully and honestly with any scrutiny appropriate.

Openness

- 5.** You should be as open as possible about your actions and those of WCLAG, and should be prepared to give reasons for those actions.

Personal Judgement

- 6.** You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Respect for Others

- 7.** You 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. You should respect the impartiality and integrity of the WCLAG's and Accountable Body officers and staff.

Duty to Uphold the Law

- 8.** You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in WCLAG.

Stewardship

- 9.** You should do whatever you are able to do to ensure that WCLAG use their resources prudently and in accordance with the law.

Leadership

- 10.** You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

ANNEX 2

INDIVIDUAL REGISTER OF INTEREST FORM

West Cornwall Local Action Group

Register of Interests

In order to prevent any problems relating to conflicts of interest in decisions made by the Local Action Group, all members should record any organisations, businesses, committees or other groups in which they have an involvement.

Please indicate in the table below any organisations/businesses/ committees or other groups in which you have an interest. If you are unsure whether a relationship or involvement with an individual or group constitutes an interest then it is better to declare it. A register will be maintained which will be open for inspection and updated from time to time.

If you consider that you have no such interests, for the sake of clarity please write NONE in one of the boxes.

Name of Organisation, Business, Committee or other group	Nature of interest (partner, committee member, director, chairman etc.)

Signed:

Date:

**Please return to: Anthea Trevillion, West Cornwall LAG Secretariat
c/o Programme and Fund Services, Cornwall Development Company, Bickford House,
South Wheal Crofty, Station Road, Pool, Redruth, TR15 3QG
Telephone: 01209 611101 Fax: 01209 610040
E-mail: anthea.trevillion@cornwalldevelopmentcompany.co.uk**

ANNEX 3 - Examples of Interest (Pecuniary and non-Pecuniary)

You have an interest in any project or business to be considered by the LAG where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated;
 - (ii) any employment or business carried on by you;
 - (iii) any person or body who employs or has appointed you;
 - (iv) any person or body, other than the LAG has made a payment to you in respect of your election or co-option or any expenses incurred by you in carrying out your duties;
 - (v) any person or body who has a place of business or land in the LAG's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vi) any contract for goods, services or works made between the LAG and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £250;
 - (viii) any land in the LAG's area in which you have a beneficial interest;
- (b) a decision in relation to that project or business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your the LAG's area.

In sub-paragraph (b) above, a relevant person is—

- a member of your family or any person with whom you have a close association; or
- any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- any body of a type described in sub-paragraph (a)(i) or (ii).

**ANNEX 4 –HOSPITALITY AND GIFTS RECEIVED FORM
LEADER PROGRAMME: HOSPITALITY AND GIFTS RECEIVED**

Name:

Organisation:

LAG a member of:

Suppliers Name:

Date Received:

Nature of Hospitality or Gift

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.....
.....

Estimated Value:

Signed:

Date:

Logged and recorded

Programme Manager:

.....

Date:

Please forward completed form to the Programme Manager for inclusion into Register.

If you have any queries on this form please contact the Programme Manager on 01209 611101

