



**PUBLIC  
PROTECTION**  
a service of Cornwall Council

**Cornwall Council Public  
Protection Service (PP)  
Conflicts of Interest Policy  
and Procedure**

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# **1. CONFLICTS OF INTEREST POLICY STATEMENT**

## **1.1 INTRODUCTION**

1.1.1 Cornwall Council (“the Council”) is required to be transparent, open and accountable in all its activities. The public must be satisfied that every effort is being made to limit the opportunity for favouritism, collusion or priority treatment.

1.1.2 The Council has produced an Employee Code of Conduct to ensure that the rules and standards that the Council expects of its employees are clear. This policy is supplementary to the Code of Conduct to ensure service specific issues are addressed.

1.1.3 Various types of conflicts of interest exist, on a spectrum of severity. For simplicity and ease of practical understanding and application of this policy, the Council’s Public Protection Service (‘PP’) has grouped these into three general areas of conflict:

- i) Financial conflicts: direct or indirect e.g. hospitality and gifts;
- ii) Personal conflicts of interests; and
- iii) Conflicts between enforcement activities undertaken by PP and discretionary services also provided by PP.

1.1.4 The first two points in paragraph 1.1.3 are dealt with by the Council’s Employee Code of Conduct, which deals with the process for registering personal or financial interests, and for recording all gifts and/or hospitality offered to, as well as those accepted by, Council employees. The third example is dealt with in this policy.

1.1.5 Enforcement is defined in the [Services Enforcement Policy](#) as: *‘any action taken by officers of this Service aimed at ensuring that businesses or individuals comply with the law’*. Examples include

risk-based inspections, sampling, investigations of complaints, serving notices, prosecutions and simple cautions’.

1.1.6 Discretionary services are those services authorised by statute that a local authority is not required to provide but may do so voluntarily (*section 93(1) (a), Local Government Act 2003*). The Section 93 charging power states that a relevant authority may charge for a discretionary service if the recipient of the service has agreed to its provision (*section 93(1), LGA 2003*). Discretionary services include, but are not limited to, the following services:

- **Bespoke Business Advice.** For further information on these services please visit [www.cornwall.gov.uk/bespokebusinessadvice](http://www.cornwall.gov.uk/bespokebusinessadvice)
- **Primary Authority Partnerships.** For further information on these services please visit [www.cornwall.gov.uk/primaryauthority](http://www.cornwall.gov.uk/primaryauthority)
- **Planning Technical Advice.** For further information on these services please visit [https://www.cornwall-land-air-water.co.uk/service\\_areas.php?id=5](https://www.cornwall-land-air-water.co.uk/service_areas.php?id=5)
- **Licensing Direct.** For further information on these services please visit [www.cornwall.gov.uk/licensingdirect](http://www.cornwall.gov.uk/licensingdirect)
- **Food Safety Direct**
- **Made in Cornwall.** For further information on this Service please visit [www.cornwall.gov.uk/madeincornwall](http://www.cornwall.gov.uk/madeincornwall)
- **Buy with confidence.** For further information on this Service please visit [www.cornwall.gov.uk/buywithconfidence](http://www.cornwall.gov.uk/buywithconfidence)
- **Nippers’ Nutrition Programme**
- **Cornwall Healthier Eating and Food Safety Award (CHEFS)**
- **Noise Consultancy Services.**

- **Audits under EC Regulation 1151/2012** on quality schemes for agricultural products and foodstuffs.

1.1.7 Businesses should be aware that it may be possible to obtain the same services as those offered by Cornwall Council Public Protection Service elsewhere. We encourage businesses to make their own investigations with alternative providers as to whether the services are available elsewhere and to obtain the best value for those services. Please note that businesses are not obligated to take up the services offered by Cornwall Council Public Protection Service.

## **1.2 PURPOSE**

1.2.1 The purpose of this document is to ensure that all real or perceived conflicts of interest between enforcement activities and discretionary services are identified and declared, as appropriate, to enable managers of PP to consider and mitigate them, where possible, thus helping to protect the individual, business and the organisation.

## **1.3 SCOPE**

1.3.1 This policy applies to officers and workers employed or engaged by the Council who work for PP and who are engaged in enforcement activities as defined in the Services Enforcement Policy.

1.3.2 This policy and procedure should be read in conjunction with the Cornwall Council Employee Code of Conduct.

## **1.4 DEFINITION OF CONFLICT OF INTEREST**

1.4.1 A conflict of interest arises where an officer or their household members, close friends and anyone with whom they have/had an association or have a private interest which might influence, or be

reasonably perceived to influence, their judgement in carrying out their duties, including making enforcement decisions.

1.4.2 It is important that officers are aware of the potential for conflicts of interests to be perceived by others. Therefore, any interests which could be perceived to give an appearance of bias, or where misuse of position could reasonably be inferred, must also be declared and managed in accordance with this policy.

1.4.3 PP conflicts of interest are grouped by, but not limited to, the three types of conflict as detailed above in paragraph 1.1.3. Conflict of interest is further defined in the Council's Employee Code of Conduct.

1.4.4 It is not possible to define or describe all circumstances in which a conflict of interest, actual or apparent, may arise. However, the following situations provide a non-exhaustive list of the conflicts of interest that all staff undertaking enforcement activities should seek to avoid.

1.4.5 PP officers engaged in enforcement activities shall:

- i) not engage in any activity directly or indirectly and/or own an interest in any entity that competes with the existing, planned and/or potential interests of PP;
- ii) save in accordance with the provisions of the Employee Code of Conduct, not own or have any ownership interests, either directly or indirectly in any entity that provides goods or services to PP;
- iii) save in accordance with the provisions of the Employee Code of Conduct, not solicit or obtain for themselves or relatives, friends or any other person, a material benefit of any kind from his association with PP;

- iv) save in accordance with the provisions of the Employee Code of Conduct, not accept gifts or benefits of any kind or fail to declare gifts or benefits of any kind where such gifts and/or benefits would or may conceivably appear to improperly influence the officer in the performance of his duties;
- v) not engage in any conduct, activity or take any other action not expressly referred to in this Conflict of Interest Policy, where the officer's interest may compete or appear to compete or conflict with the interests of PP;
- vi) not undertake both enforcement activities and discretionary services as defined by this policy at the same premises or for/against the same legal entity except to the extent allowed for in this policy.

1.4.6 In respect of enforcement activities, all conflicts must be assessed in accordance with this policy to determine whether an officer can proceed with them alongside discretionary services without affecting the integrity and reputation of PP, the Council, or the individual. Measures and/or conditions shall be implemented by PP Managers in conjunction with officers to minimise and manage any conflict as detailed in section 2 of this policy.

## **2. CONFLICT OF INTEREST PROCEDURE**

### **2.1 FINANCIAL CONFLICTS AND PERSONAL INTERESTS**

2.1.1 Conflicts of interest cannot be allowed to compromise the enforcement activities/decisions of PP. Such activities and decisions must be taken and/or carried out on an entirely objective basis and situations in which a PP officer's other interests and/or relationships could adversely influence their judgement or the manner in which they perform their functions and duties for PP must be avoided.

2.1.2 The circumstances and process for registering personal or financial interests, and for recording all gifts and/or hospitality offered to, as well as those accepted by, employees are detailed in the Council's Employee Code of Conduct.

## **2.2 CONFLICTS IN ENFORCEMENT ACTIVITIES**

2.2.1 It is possible that the risk of conflict of interest will be deemed to be 'significant' and, if so, the employee should not continue to perform both the "enforcement" and "discretionary service" activities of their role, with a particular business or organisation without first liaising with their manager and seeking to implement the procedures as set out in this policy document.

2.2.2 'A significant' risk of conflict of interest for the purposes of this policy is deemed to have arisen where the same PP officer/worker undertakes both enforcement activities and discretionary services in any 12 month period'.

2.2.3 In order to ascertain whether there is a significant risk of conflict, **before** providing discretionary services or undertaking any routine enforcement activities in relation to any business or organisation, the officer tasked with undertaking those services or activities should first run a check on the PP IDOX database. The officer shall perform that check to see whether that the same officer has undertaken/will undertake discretionary services or enforcement activities for the same business or organisation in either:

- a) the previous 12 months; or
- b) the next 12 months.



The officer should run a historic and future check on the PP IDOX database looking at the past and future 12 months, to see if they have undertaken or have been assigned to undertake discretionary services and enforcement activities for the same business or organisation in any 12 monthly period.

2.2.4 As a result of the check, where there is a significant risk of conflict of interest, the officer should notify their PP manager straightaway, who should put in place the following procedure:

- a) The rearrangement of duties to a different officer, where resources permit; or
- b) Where the business or organisation specifically requests that despite the significant risk they wish for the same officer to undertake both the enforcement activity and discretionary service the business should be advised that in accordance with this policy different officer(s) undertake discretionary services to enforcement activities. If the business or organisation still wishes to proceed with the same officer for both, the PP manager and officer should require them to sign and date the declaration at Appendix 1.

2.2.5 PP reserves the right, where resources do not permit the rearrangement of duties, to allocate the work to the same officer undertaking both enforcement activities and discretionary services. In all instances the business will be notified.

2.2.6 Where the risk of conflicts is not significant no action is necessary under this policy except where a financial or personal conflict of interest arises which must be managed in accordance with section 2.1 of this policy and the actions stated below in 2.3.3 and 2.4.1 must still be maintained.

## **2.3 MANAGEMENT OF CONFLICT OF INTEREST**

2.3.1 PP managers are responsible for the management of conflict of interests within their teams covered by this policy.

2.3.2 For the avoidance of doubt, officers are personally responsible for all decisions in relation to receipt of gifts and for avoiding the risk of damage to public and business confidence in PP.

2.3.3 Officers should also ensure that full written records are kept of both enforcement activities and discretionary services, including reasons for decisions made and advice given.

2.3.4 Checks should be made and a record kept at 1-1 meetings with officers to ensure officers are operating in accordance with this policy.

## **2.4. MONITORING OF CONFLICT OF INTEREST**

2.4.1 An annual audit of management of conflicts of interest in accordance with this policy will be undertaken.

## **2.5. DATA SHARING, FREEDOM OF INFORMATION AND DATA PROTECTION**

2.5.1 Data obtained as part of an officer's engagement with a business in respect of either enforcement or discretionary services will be shared by officers within the Council.

2.5.2 PP does not guarantee the confidentiality of information it holds as it may receive requests under the Freedom of Information Act 2000 ("FOIA"), the Environmental Information Regulations 2004 or any other applicable legislation or codes that govern access to information and PP may be under an obligation to provide such information on request, except for any information which is exempt from disclosure in accordance with the provisions of the FOIA. Such information may include matters relating to, or arising out of the

provision of both enforcement activities and discretionary services.

2.5.3 PP will not keep information longer than is necessary and whilst in our possession will safeguard personal information according to the requirements of the Data Protection Act 1998 or any equivalent legislation.

2.5.4 Managers should maintain records and retain them for 7 years evidencing how they have shown compliance with this policy.

## **2.6. BREACHES OF THE POLICY**

2.6.1 Any instance of a breach of this policy which comes to the Head of Service's attention may be investigated and appropriate action taken. This may include action under the Council's disciplinary procedures.

2.6.2 Additionally, employees must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others.

## **3. COMPLAINTS**

3.1 If a business has any complaints in respect of the fairness of application of this policy in the first instance the Customer shall contact Allan Hampshire (Head of Public Protection) on telephone: 01872 224409 or email: [allan.hampshire@cornwall.gov.uk](mailto:allan.hampshire@cornwall.gov.uk)

3.2 In the event that any dispute is not resolved, the Customer shall then refer to Cornwall Council's Complaints Procedure available on Cornwall Council's website and/or from the Customer's local Council Office.

#### **4. REVIEW**

- 4.1 This Policy will be subject to regular review and will also be reviewed on an annual basis or where monitoring or auditing suggests that a review may be required.

#### **5. FURTHER ADVICE**

- 5.1 If an employee is in any doubt as to the interpretation of this Policy advice must be sought from their line manager.

## **Appendix 1 Cornwall Council Public Protection Service Conflict of Interests Business Declaration**

By signing below, I acknowledge that Cornwall Council's Public Protection Service ("PP") has acted in accordance with their Conflicts of Interest Policy: [**insert link**] and has advised that different officer(s) undertake discretionary services to enforcement activities.

I confirm that whilst I fully understand and acknowledge the advice provided by PP, the organisation stated below requests the same officer undertake discretionary services and enforcement activities.

I request that the following officer: [*insert name*] undertakes [*insert details of services including when or over what period they will be performed*].

I confirm that I am duly authorised to sign this declaration on behalf of [*insert business details and address*].

SIGNATURE:..... NAME:.....

BUSINESS:.....POSITION:.....

DATE:.....