

Supplement 1 to the agenda for

Audit and governance committee

Tuesday 10 May 2022

11.00 am

**The Conference Room, Herefordshire Council Offices, Plough
Lane, Hereford, HR4 0LE**

8. CODE OF CONDUCT

As referenced in paragraph 16 of the main report (agenda pack page 43),
Appendix 4 - Principle differences between the Council's Code of Conduct,
the LGA Model Code of Conduct and the New Model Code – is attached.

Pages

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APPENDIX 4

Principle Differences between the Council's Code of Conduct, the LGA Model Code of Conduct and the New Model Code.

Definitions

- The HC Code – the council's current code of conduct adopted in May 2018.
- The LGA Model Code – the Code of conduct recommended by the LGA (Appendix 2).
- The New Model Code – the LGA Model Code with Herefordshire Council local amendments.

Principles Differences

1. The Herefordshire Council New Model Code attached at Appendix 3 of this report is the product of a review by the Monitoring Officer of the LGA Model Code of Conduct following consultation with the Independent Persons, Ward councillors, Parish and Town Councils. The recommendation of the Monitoring Officer is to adopt the LGA Model Code with some local changes (the New Model Code), as set out below:
 - a) The LGA Model Code had a joint statement at the beginning of the document and Appendix C, a statement from the Committee on Standards in Public Life, both of which have been deleted from the New Model Code.
 - b) All 7 Nolan Principles still apply – these are now set out in Appendix A in the LGA Model Code.
 - c) The example codified elements of the Model Code are written in the first person, e.g. "I register and disclose my interests." The explanatory text is written as if addressed directly to the Member, e.g. "You need to register your interests so that..."
 - d) Standards of Conduct - currently set out in paragraph 5.2.7 of the council's Code of Conduct are now described in the LGA Model Code in paragraphs 1 to 10. There is no exact parallel to the paragraphs in this LGA Model Code compared to the current HC Code, save that the majority of the council's principles are included in the LGA principles.
 - e) The LGA Model Code applies to a member or co-opted member of a local authority when acting in their official capacity. This is now set out in more detail compared to the HC Code.
 - f) The LGA Model Code now expressly applies to all forms of communication and interaction, including: face to face meetings, online or telephone meetings, written communication, verbal communication and non-verbal communication, electronic and social media communications and posts, statements and comments. This is not specified in the HC Code.
 - g) The LGA Model Code keeps the obligation to treat others with respect and sets out in detail the obligations not to bully, harass or discriminate against a person. These are set out in paragraphs 1 and 2 of the LGA Model Code.
 - h) The LGA Model Code at paragraph 8, introduces an obligation to undertake code of conduct training, which the council has already recognised as being mandatory, although this obligation is not contained within the council's current code of conduct.

i) Code of Conduct Interests

This standard of conduct is now set out at paragraph 9 of the LGA Model Code.

The position regarding Disclosable Pecuniary Interests remains as this is contained within the Localism Act 2011 and must be registered (Table 1 Interests). The other interests are now known as 'Other Registrable Interests' (Table 2 Interests) and 'Non Registrable Interests'. The LGA Model Code set out the definitions of these and how a member establishes when they may have one of these interests and what that member should do if they have one.

The HC Code sets out requirements in Schedule 1 and Schedule 2 Interests and 'Other declarable interests' at paragraph 5.2.13, 5.2.14 and 5.2.15. These are now incorporated into the LGA Model Code at Appendix A. They are now known as 'Table 1' Interests and 'Table 2' Interests.

j) Gifts and Hospitality – Change of disclosable value from £20 to £50

At paragraph 5.2.14 of the HC Code, there is a requirement to register with the Monitoring Officer any gifts or hospitality with an estimated value of at least £20.00.

The LGA Model Code, at paragraph 10, specifies the amount to register with the Monitoring Officer at a minimum of £50.00.

So, the minimum amount of gifts or hospitality that will be required to be registered will be £50.00 instead of £20.00

k) Local Amendments

In addition the following 'local' amendment has been made to the LGA Model Code:

1) 'Other Registrable Interest' – 'Table 2' Interests

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

i) exercising functions of a public nature

ii) directed to charitable purposes or

iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

(iv) is not open to the public without formal membership.

This amendment deals with the membership of closed bodies, which the council approved in its current code of conduct at paragraph 5.2.4; the outcome of recent consultation is to retain the provision set out in 'red' above.

2) Code of Conduct Interest – Summary Table

This is currently set out at 5.2.17 of the HC Code.

It shows, in summary format, what a member should do if they have a Code of Conduct interest.

This Summary Table is retained and included as an appendix to the New Model Code.

END.