

### Draft Code of Conduct – Consolidated Feedback

No.	Name	Feedback
1	Parish Councillor A	For transparency, it would help to define who the monitoring officer is and how they are contactable.
2	Parish Councillor B	I have read through the code of conduct and totally agree with every word.
3	Humber, Ford and Stoke Prior Group Parish Council	<p>I am writing as Clerk to Humber, Ford &amp; Stoke Prior Group Parish Council in response to the consultation on the draft revised Code of Conduct.</p> <p>I am concerned that for something which is a central and important part of all local councils' governance, the consultation period is too short to allow many parish councils an adequate opportunity to be involved in commenting on or contributing to what will – in due course – be recommended as the new Code they themselves should adopt. Our Council and some others only meet bi-monthly, so would need to call an Extraordinary Meeting to consider the draft, and in any case, it is a short consultation period for something so important.</p> <p>I understood that Herefordshire Council's view was that they recommended that parish councils adopt the same Code as for Herefordshire Council itself, as this clearly is the simplest and most efficient thing. However, the process of producing the revised draft Code – as far as I am aware – seems not to have included parish councils, and the short consultation period seems to indicate that this is being seen as something which really about Herefordshire Council and not us. The revised draft Code is very different from what we have had – and may be much better, being shorter and simpler – but there may also be matters which could improve it further, such as including references to some more practical “what to do and what not to do” advice, which could be contained in guidelines or annexes. Certainly I would consider that, although the draft Code is simpler and easier to understand, it does not do the job of explaining what – in practice – councillors should and should not do.</p> <p>I understand that this point has already been raised with the Governance department through Anthony Bush, who have responded that the deadline for the consultation cannot be extended because of the timetable for adopting it. This seems entirely to miss the whole point of a consultation, which surely is to get the views of those who have a stake in the matter, and not simply to tick a box in a process so that that process can be completed within an arbitrary timescale. Parish Councils have an important stake in the new draft Code, and this consultation does not give adequate time for them to be involved. Unless this is allowed, you will probably end up with many parish councils which feel – quite rightly – little sense of ownership of the revised Code, and may make their own amendments and additions, which will weaken the coherence of council governance across the county.</p>

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4	North Bromyard Group Parish Council	Following the recent meeting of the Parish Council, I have been asked to confirm that councillors unanimously agreed to support the draft code of conduct as distributed on 21st March 2017.
5	Ross-on-Wye Town Council	<p>I can confirm that following the meeting of the Council's Policy and Management Committee it has been agreed to support the proposed changes to the Code.</p> <p>Please would you confirm after 19<sup>th</sup> May whether your Members adopted the new Code so that I can put to my Council that we adopt the same one?</p>
6	Marden Parish Council	Marden Parish Council has instructed me to respond that it considers that the requirement relating to gifts should go up to £50 not down to £10.
7	Weston under Penyard parish council	<p>Weston under Penyard parish council considered the revised code and the following comments are:</p> <ul style="list-style-type: none"> <li>• It is poorly written and a pale imitation of the version produced by Herefordshire Council in 2012.</li> <li>• In particular the "schedule 2 interests" are described in a very confusing manner and the text could be considerably improved.</li> </ul> <p>The council is unlikely to adopt the proposed new code of conduct as it stands even if Herefordshire Council does adopt it.</p>
8	Cusop Parish Council	<p>Cusop Parish Council considered this at its last meeting and decided that it had no comment to make at this stage other than to draw attention to an apparent discrepancy in the handling of "other declarable interests".</p> <p>The last paragraph of the main text states that there is an other decalarable interest "If a matter to be considered affects to a greater extent than others in a member's ward". In the following table, under the heading 'Do I have to declare this interest', it is indicated that other declarable interests are treated in the same way as Schedule 1 interests, ie "If the matter under discussion is related to the interest".</p> <p>A "related" matter is a significantly tighter measure than an "affected" one - as the attached 2013 article from Local Government Lawyer makes clear. If this article is correct and still up to date, the distinction has a particular impact on planning applications, so restricting other declarable interests only to</p>

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		<p>"related" matters would lead to a much narrower range of planning applications being declarable. It is not clear if this is what the code intends.</p> <p>There is also the question of whether Schedule 2 interests are intended to be restricted to "related" matters as well or extended to "affected" matters.</p>
9	Longtown Group Parish Council	Longtown Group Parish Council has looked at the revised draft code of conduct and have asked me to advise you that they are happy with the amendments.
10	Ledbury Town Council	Ledbury Town Council resolved to not make any comment on the revised Code of Conduct at this time as Members are aware that NALC and CALC's across the country are in discussion with the Government re strengthening the Code. They felt it may be prudent to wait until such time as the outcome of these discussions are known.
11	Herefordshire Councillor A	<p>Schedule 2 Interests:</p> <p>The actual meaning and more importantly, the intent of Schedule 2, is unclear and badly written. If members are expected to sign-up to a revised Code, then all legal requirements and instructions, as laid down within the schedules, must be clear and totally unambiguous.</p> <p>Examples should be given to ensure Members are left in no doubt regarding any interests etc. that they should declare. The examples given within the columns at the end of the draft document, are confusing and unhelpful.</p> <p>The document should not contain words or phrases written in 'council speak' and only plain English should be used. The final point in the right-hand column of Schedule 2 is particularly confusing:</p> <p>i.e. 'Any body which is not open to the public without formal membership'</p> <p>This sentence has no clear meaning and could refer to any number of outside interests that could be enjoyed by a Member, but would not affect and would not influence that Member's duties as an elected Councillor. This could result in a Member declaring membership of a body that was outside the scope and spirit of the Schedule, which could result in possible embarrassment, or even later harassment by others, to that Member.</p>

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		<p>Under the sub-heading: <i>Other Declarable Interests</i>, the sentence stating, ‘if a matter to be considered affects to a greater extent than others in a members ward’ is meaningless as written!</p> <p>Finally, it’s quite clear that insufficient care has been taken in the preparation of this document, which appears to have simply been cut and pasted from the previous Code.</p> <p>If a revised Code of Conduct is considered to be so vitally important, then before it’s introduced it must be totally re-worked and re-written as an entirely new document, before Members are required to sign-up to it.</p>

12	Herefordshire Councillor B	<p><b>1. <u>The timing of such a revision mid-term is inappropriate.</u></b></p> <p>Councillors signed up to the current code of conduct upon being elected to that office back in 2015 (or subsequently if at a by-election). Without any statutory requirement, there is nothing requiring councillors to sign up to an amended code mid-term which therefore makes the current proposition somewhat meaningless and confusing. Whilst some may volunteer to adhere to the new code, others may not and are under no obligation to do so. Confusingly, it could be applied to any newly elected councillors at any by-election after any new code is adopted making them formally subject to a different code of conduct. All this will undoubtedly cause confusion and make matters worse.</p> <p><b>I would recommend that the proposals be withdrawn and re-considered in 18 months’ time with a view to any new code being adopted in time for the May 2019 election.</b></p> <p><b>2. <u>Declaration of hospitality or gift worth £10, reduced from £25.</u></b></p> <p>The requirement is to declare whether or not the offer is accepted. This was increased to £25 a few years ago and in line with other councils (e.g. Worcestershire CC) and with MPs apparently able to receive up to £50 hospitality or gifts before making declarations. I would not wish to see it increased beyond £25, but wonder what has occurred to bring the suggestion forward to reduce it against the ‘flow’. Any hospitality offer which is refused is normally within the £25 band relating to events where I may be invited as Chairman, but, for whatever reason, I do not accept. It would become a nonsense if I have to declare all such minor items which may be just over £10 in value, but which are declined, especially if offered to me in my official position rather than as an individual councillor.</p> <p>However, if it is to be amended to the lower figure, then I suggest that any offer made to and declined by</p>
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		<p>the Chairman or Vice-Chairman in that official capacity should be excluded. (The same argument may well apply to the Mayors in the City and market towns)</p> <p>In the absence of any rationale to the contrary, I am not convinced as to why £25 is too high. I should also point out that this point is identified in B3 of Schedule 1 and therefore it is unnecessary to repeat it (whatever sum is identified) in Schedule 2.</p> <p><b>I see no reason to vary the current requirement and would suggest that it remain at £25.</b></p> <p><b>3. Requirements in addition to the Nolan Principles listed in Schedule 1</b></p> <p>I am concerned that the proposals suggest extending the requirements outside the widely accepted Nolan principles and impose additional unnecessary requirements.</p> <p>I am supportive of the original principles and thereby accept the interests identified in Schedule 1, but do not see that they need further definition or addition. The proposals in Schedule 2 are unnecessary and potentially confusing. By way of example, it refers to membership of any body which is not available to members of the general public. By inference, this means disclosure of membership to any body to which the public <u>may</u> be admitted does NOT have to be declared. Likewise, I am somewhat at a loss to appreciate why organisations which are reliant on public donation, voluntary or non-charitable appear to be non-declarable. Moreover, to identify what is 'included' might infer that items not mentioned are excluded: again this is wrong. The suggestion to add issues outside Schedule 1 appears to be without merit or good reason. It should also be noted that appropriate controls are already in place in Schedule 1 which covers the relevant Nolan points, namely:</p> <p><i>E.1 Be as open as possible about their decisions and actions and should give reason for their decisions and actions</i></p> <p><i>E.2 Complete and maintain an up to date register of interests</i></p> <p><i>E.3 Do draw attention to any code of conduct interest when performing their duties as a Member</i></p> <p><i>F.2 Declare any private interests that relate to their duties as a Member and resolve any such conflict in a way that protects the public interest</i></p> <p><i>B.3 Should declare gifts and hospitality that they are offered whether accepted or not where the value exceeds £.....</i> (see comments made in (2) above)</p> <p><b>I suggest that Schedule 2 is not appropriate or necessary and should be deleted.</b></p>
13	Herefordshire Councillor C	All relate to Schedule 2 'Other Interests' (at the bottom of the penultimate page)

		<p>Its not clear if these other interests should be disclosed under Schedule 2 or just if a particular matter arises to which they are pertinent. It would be helpful to clarify this.</p> <p>It says close association when I think it means close associate. Its not clear whether this associate could be a friend or a business partner or either. It would be helpful to clarify.</p> <p>The question of whether schedule 2 relates to a partner, even if not a civil partner, is not clear. It would be sensible to add in, 'Partner (whether in a civil partnership or living together as a partner)'</p>
15	Herefordshire Councillor D	My only comment is that reducing the limit for gifts and hospitality to £10 is too low. If I go to the LGA in London, I will be very lucky to find a lunch and drink for less than £10 so in my view, the limit should be kept at £25. If a reduction is really deemed necessary, no less than £15. At £10, it will require a full time member of staff to file all the declarations!
15	Herefordshire Councillor E	No further comment
16	Herefordshire Councillor F	No comments from me
17	Herefordshire Councillor G	Looks fine to me.