

Committee: Audit and Standards Committee
Title: Comparison Between Current and Previous Codes of Conduct

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Summary

1. The purpose of this report is to provide a comparison between the current and previous Codes of Conduct as requested at the previous Audit and Standards Committee meeting held on 27 June 2023.

Recommendations

2. The report is for information only.

Financial Implications

3. None.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:
 - None – all associated documentation is in the public domain and has been referenced in the main body of the report.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None.
Health and Safety	None
Human Rights/Legal	The Local Authority has a duty to maintain an up to date Code of Conduct and

Implications	procedure for managing code of conduct complaints for the Council and Parish / Town Councils in its District.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. [On 11 October 2022](#), Full Council adopted the Local Government Association's New Model Code of Conduct and associated guidance on the recommendation of the Standards Committee.
7. The primary driver behind adoption of the New Model Code, as [drafted by the LGA](#), was to bring greater clarity to the standards contained within the Code and to ensure wider compliance. For instance, the Code is now written in the first-person, to engender personal responsibility, and additional guidance has been included under each given standard to demonstrate practical examples of what would or would not constitute a breach of the Code.
8. The standards contained in both the previous and current Model Codes are materially the same, although differences in language and terminology can be seen in the comparative table attached at Appendix A.
9. The associated guidance coupled with the Code has also been re-worded. Again, materially, much of the guidance remains the same, as is the case in regards to disclosable pecuniary interests which are governed by [statute](#), but changes have been made to the definitions surrounding non-pecuniary interests, which are now known as 'Other registrable interests' and 'Non-registrable interests'.
10. The principal practical change relating to 'Other registrable interests' and 'Non-registrable interests' is that members can no longer declare a non-pecuniary interest in relation to an item and participate in the debate and vote without special dispensation from the Monitoring Officer, although they can make representations at the meeting if the public are allowed to speak. The adopted guidance states:

“Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), or a relative or close associate (Non-Registrable Interest), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.”

11. In short, the new Model Code asks Members to only make declarations when there is a clear conflict of interest, and to remove the opaque definition of a 'personal but non-prejudicial' interest. Under the new Code, if Members are moved to disclose a conflict of interest they must follow the process set-out in paragraph 10 of this report. Whilst the previous Code prevented members participating in items where they had a pecuniary or personal prejudicial interest, there was scope for participation whereby the interest was personal but not prejudicial. This recourse is no longer available to members in light of the updated Model Code.
12. The current Code of Conduct at Appendix B gives guidance as to what could be considered a pecuniary interest, a registrable interest and a non-registrable interest.
13. The old Code of Conduct is included for information at Appendix C.
14. It should be noted that the process by which Standards complaints are handled was not altered by the adoption of the new Code.
15. In addition, Members must be conscious that subsequent to the Council voting to adopt the new Code, considerable effort has gone in to encouraging the district's 53 Town and Parish Councils to also adopt the Model Code. There is logic in local authorities across the district operating under the same Code. To date, fourteen local councils have adopted the new Code.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
1 Little risk / the report is for information only.	1	1	1

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.