

Summary of differences between the current Ryedale District Council Code and the new LGA Model Code

The new LGA Model Code (the new code) broadly covers the same issues as the current Code of Conduct of the Council (the current code) i.e.

- Principles of public life
- When the code applies
- Outcomes/behaviour expected of councillors
- Interests
- Gifts and hospitality

If the Council was to adopt the new code, members would probably see little real difference in practice in the standards of conduct required and in the circumstances where they have to register and declare interests. But there are some differences in language and approach, some additional requirements and some clearer wording in certain areas. These differences are summarised as follows:-

Terminology

1. The new code uses the term “councillors” not “members” on the basis that this is better understood by the public. It should be noted however that some councils who have adopted the new code have retained the term “member” as they feel this more accurately covers co-opted independent members to whom the code also applies.

Principles of public life

2. The new code retains the Nolan Principles (which are in the current code) but adds an additional set of “Principles”. The new principles set out how the generic Nolan Principles (which apply to all aspects of public life) specifically translate into the role of a local authority councillor. They are helpful, but do not change or add to the core requirements of councillor conduct, which are set out elsewhere in the code.

When the code applies

3. The new Code makes it much clearer when the Code applies i.e. which activities of a councillor are covered by its provisions. It clarifies that the Code applies to any form of communication (including social media) and also that it applies if a councillor misuses their role or if someone might reasonably think they were acting as a councillor – this is designed to cover the situation where members use their position improperly.

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4. The LGA Guidance which has been issued to supplement the new code, helpfully expands on when the code applies to social media activity – the use of the designation “councillor” is not definitive. Whether the activity is covered by the code will depend on what is being said and its link to the council.

Outcomes/behaviours

5. The current code sets out a series of “outcomes” which the Principles seek to achieve and to which members should adhere, for example:-
 - Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents
 - Always treating people with respect, including the organisations and public I engage with and those I work alongside
6. The current code does not describe the behaviours that are required to produce the outcomes. The new code approaches this in a different way and **does** set out detailed requirements for the behaviour of councillors. It is drafted in a very direct way, for example:-
 - I treat other councillors and members of the public with respect
 - I do not misuse council resources
7. Although the two codes are expressed differently, many of the essential requirements of behaviour are common to both and cover the same broad areas of responsibility. However, comparing the codes, there are a number of areas which do not directly read across. The new code contains the following provisions which are not explicitly found in the current code:-
 - I do not bully any person
 - I do not harass any person
 - I promote equalities and do not discriminate unlawfully against any person
 - I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf, of the local authority
 - I do not bring my role or local authority into disrepute
 - I undertake Code of Conduct training and co-operate with Code of Conduct investigations or determinations
 - I do not intimidate anyone involved with Code of Conduct investigations/proceedings
 - I comply with any Code of Conduct sanctions
8. Although these provisions are not found in the current code in these specific terms, they are all rooted in the principles and outcomes which are part of that code.

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Interests

9. The current code has two types of interest which require registration and/or declaration:-
 - Disclosable Pecuniary Interests
 - Disclosable Other Personal Interests
10. The new code has three types of interest:-
 - Disclosable Pecuniary Interests
 - Other Registerable Interests
 - Non-registerable Interests
11. Although the two codes approach the topic in different ways and use different definitions, the overall impact of the changes in the new code are likely to be minimal in terms of which interests members need to register and/or declare.
12. **Disclosable Pecuniary Interests** are exactly the same as in the current code – these are specified in legislation and cannot be changed. The other types of interests largely mirror the different kinds of interests in the current code, but they are set out differently.
13. **Other Registerable Interests** are defined in Table 2 of the new code. They cover such situations as membership of an outside body and are very close to the current requirements of Part B para 1 of the current Code. The only differences are that the new Code
 - Adds the requirement to register unpaid directorships and
 - Omits the requirement of the current code to register easements/rights over land.
14. **Non-registerable Interests** in the new code cover a range of situations where members must declare an interest and, depending on the circumstances, must then go on to withdraw from the meeting. Although these are set out differently from the current code, and there are subtle distinctions in the wording, the overall result is quite similar.
15. It is possible that there could be a few more declarations of personal interests by members under the new code than under the current one because of the new definitions. The new code requires a declaration of interest where a matter on an agenda affects:-
 - a member's financial position or wellbeing or
 - the financial position or wellbeing of a relative or close associate of the member

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whereas the current code only requires these particular interests to be declared if they affect the financial position or wellbeing of the person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the division or ward affected by the decision.

16. A similar test is used under the new code, but the purpose of the test here is to see whether a personal interest turns into a prejudicial one (not to decide if there is an interest to start with).
17. There are various other differences of definition and approach but, overall, the purpose and thrust of the two codes in relation to interests are very similar. The wording of the new code is much clearer than the current code in relation to interests.

Gifts and Hospitality

18. Both codes require the registration of gifts and hospitality in excess of £50. The new code has additional provisions as follows (summarised):-
 - I do not accept gifts and hospitality which could give rise to personal gain or a reasonable suspicion of influence
 - I register with the MO any significant gift or hospitality that I have been offered but have refused.