

## SUGGESTED RESPONSES TO LGA CONSULTATION ONLINE SURVEY

**Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**

To a great extent.

**Q1a. If you would like to elaborate on your answer please do so here:**

**Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**

No. The Committee may like to suggest what might be helpful in providing this clarity?

**Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**

Committee will need to state preference – suggestion would be that the personal tense shows commitment in line with the Nolan principles.

### **Specific obligations**

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important. Choices for response in each case are “To a great extent” “To a moderate extent”, “To a small extent”, “Not at all”, “Don’t know / Prefer not to say”

**Q4. To what extent do you support the 12 specific obligations:**

1. Treating other councillors and members of the public with civility

To a great extent

2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play

To a great extent

3. Not bullying or harassing any person

To a great extent

4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of the council

To a great extent

5. Not disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so
To a great extent
6. Not preventing anyone getting information that they are entitled to by law
To a great extent
7. Not bringing my role or council into disrepute
To a great extent
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else
To a great extent
9. Not misusing council resources
To a great extent
10. Registering and declaring my interests
To a great extent
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage
To a great extent
12. Registering with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt
To a great extent
<b>Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:</b>
<p>Would suggest that Obligation 1 be reworded to read "Treating other councillors and the public with civility and respect"</p> <p>Would also suggest that Obligation 2 be reworded to read "Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respect"</p> <p>Consideration should be given to increasing the limit for the registration of gifts / hospitality to £50.</p>
<b>Q6. Would you prefer to see the obligations as a long list followed by the guidance,</b>

<b>or as it is set out in the current draft, with the guidance after each obligation?</b>
Each specific obligation followed by its relevant guidance
<b>Q7. To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?</b>
To a moderate extent.
<b>Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:</b>
Whilst the guidance is helpful, civility is, ultimately a subjective judgment and therefore any alleged breach is open to different interpretations. As stated in the response to Q5, it would be suggested that the requirement be broadened to refer to civility and respect, acknowledging that both are, a matter of interpretation and judgment on the individual facts of any case.
<b>Q8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?</b>
To a moderate extent
<b>Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:</b>
<b>Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context</b>
To a great extent
<b>Q9a. If there are other definitions you would like to recommend, please provide them here.</b>
<b>Q10. Is there sufficient reference to the use of social media?</b>
Committee view required
<b>Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?</b>
Integrated into Code, so that it is all in one place and easily accessible.
<b>Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:</b>

**Registration and declarations of interests**

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

<b>Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?</b>
To a great extent
<b>Q11a. If you would like to elaborate on your answer please do so here:</b>
<b>Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?</b>
In the main body of the Code
<b>Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:</b>
<b>Q13. To what extent do you support the inclusion of these additional categories for registrations?</b>
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council
To a great extent
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management.
To a great extent
Any organisation, association, society or party directed to charitable purposes.
To a great extent
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).
To a great extent
<b>Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:</b>

This is not an additional category, but it is suggested that some clarification required. It is really just a presentational issue. As presented, the bodies described in (a) (b) and (c) appear to be under the “umbrella” heading “Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council”. This may lead to confusion as, at a glance, it would appear that Members have only to register those bodies upon which they serve as a result of an appointment by the Council whereas clearly it is intended to cover membership of those named organisations / bodies whether they are appointed as a result of nomination by the council or otherwise.

It would be suggested that, the heading be amended to read “Positions of Control or Management” and the current “heading” is included within the table.

**Q14. To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**

To a great extent

**Q14a. If you would like to elaborate on your answer please do so here:**

**Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**

£50 should be considered as an appropriate threshold.

**Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.**

Regularly updated examples of case law

Explanatory guidance on the code

Case studies and examples of good practice

Supplementary guidance that focuses on specific areas e.g. social media

Improvement support materials, such as training and e-learning packages

All equally useful

**Q16a. If you would like to suggest any other accompanying guidance please do so here:**

**Q17. If you would like to make any further comments about the code please do so here:**