

LGA – Consultation on Model Code of Conduct

Draft response of the Standards Committee

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**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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

More clarity is required as to when the code applies. As drafted there is no distinction between a councillor's private and public life. More specific guidance and examples would be helpful for members of the public and elected members. Clarification is required on the phrase "at all times". If there is a presumption that councillors are acting in this capacity, this is presumably a rebuttable presumption that would place the onus on the councillor to prove that they were not acting in that capacity? Further clarification is required around the meaning of "or if there are potential implications for the council's reputation". Is this the same as bringing the Council into disrepute? It is welcomed that the application of the code refers to the use of social media but more specific guidance is required on this point (see below). Under 'specific obligations of general conduct' the wording in relation to capacity is slightly different to that under 'application of the code' which is confusing, a common approach is needed.

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

- Yes
- No**
- Don't know

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

- Personal tense ("I will")

o Passive tense (“Councillors should”)

o **No preference**

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.

Q4. To what extent to you support the 12 specific obligations?

- a. Treating other councillors and members of the public with civility.
- **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- b. 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**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- c. Not bullying or harassing any person.
- **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- d. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.
- **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say

e. Not disclosing information given to me in confidence or 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**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

f. Not preventing anyone getting information that they are entitled to by law.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

g. Not bringing my role or council into disrepute.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

h. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

- o As a list
- o **Each specific obligation followed by its relevant guidance**
- o No preference

Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?

- To a great extent
- To a moderate extent
- To a small extent**
- Not at all
- Don't know/prefer not to say

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:

The use of the word 'respect' is more appropriate than the word civility. The term 'respect' is more widely understood than the term 'civility'. Expecting councillors to treat each other, citizens, groups, organisations and officers with respect is an appropriate bar and exceeds the requirement for civility. It is possible to express and hold differing views respectfully. It is possible to be disrespectful in a civil manner. Civility is a concept that is difficult to quantify or measure and is more open to interpretation. It is suggested that it would be appropriate for there to be scope for the Monitoring Officer to apply a public interest test when investigating allegations.

Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?

- To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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:

This is a well-established concept and does not need amending.

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

- To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q9a. If there are other definitions you would like to recommend, please provide them here.

No further comments.

Q10. Is there sufficient reference to the use of social media?

- Yes
- No**
- Don't know/prefer not to say

Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

- Separate code
- Integrated into the code**
- Don't know/prefer not to say

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:

The code needs to be strengthened and extended in relation to social media. Social media is an inherent, pervasive and important part of modern life. It is used to communicate quickly with large numbers of people and has a significant impact on citizens and communities. There should be an explicit requirement for communication and conduct on social media to meet the same standards as communication in other arenas/forums.

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.

Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q11a. If you would like to elaborate on your answer please do so here:

The extension of the requirement to go beyond the current requirement is supported in the interests of transparency. This section needs expanding and should be part of the main body of the code. Clarification is required as to which interests the extension relates to and the definitions of 'relative' and 'close associate' and 'financial and interest and well-being' need to be clarified to remove ambiguity.

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?

In the main body of the code

- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

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:

The definition of 'financial and interest and well-being' needs clarifying. The definition of 'relative or close associate' and the interaction between that relationship and the requirement to declare interests that are not Disclosable Pecuniary Interests needs defining and expanding so it is clear for members of the public and for councillors.

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in Table 2 of the Appendix and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. To what extent do you support the inclusion of these additional categories for registration?

- a. 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

- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

- b. 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**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- c. Any organisation, association, society or party directed to charitable purposes
- To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- d. 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**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say

Q13a. If you would like to propose additional or alternative **categories** for registration, please provide them here:

Further clarity around declarations of interest for council owned companies would be welcomed.

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

- To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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

This maintains public trust and increases transparency.

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

o Yes

o Yes, but the amount should be reviewed annually with the code's review

o No, it should be lower (please specify amount) _____

o No, it should be higher (please specify amount) _____

o Don't know/prefer not to say

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.

3 Regularly updated examples of case law

1 Explanatory guidance on the code

4 Case studies and examples of good practice

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

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

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

Additional guidance around council owned companies.

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

The new model code is broadly welcomed, however, it does not go far enough in relation to sanctions. The sanctions that can be imposed are minimal in nature and whilst they are appropriate for the most part, they are insufficient for more serious breaches that have the effect of damaging public confidence. The bar on chairing advisory or special committees for up to two months is the only addition and does not assist councils who do not have advisory or special committees. There should be a requirement that councillors are required to cooperate with any standards investigation and comply with any sanction imposed. Given the nature of the sanctions that can be imposed it is proportionate that the Monitoring Officer retains the right to make the final decision. It is unclear what is meant by 'to appeal allegations and decisions and allow for an escalating scale of intervention'.