

Response Summary:

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF here: [LGA Consultation on Draft Model Member Code of Conduct.pdf](#)

Q31. Your name

Beth Brown

Q42. If you would like to receive a copy of your completed response please provide your email address below (a copy of the survey form is available on the previous page)

Email address

beth.brown@nottinghamcity.gov.uk

Q6. Are you...

- Answering on behalf of a whole council (Please provide council name below):
Nottingham City Council

Q7. Please indicate your council type

- Metropolitan/Unitary/London Borough

Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

Q9. 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

Q32. 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.

Q39. Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

- No

Q10. Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- Passive tense ("Councillors should")

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.

Q12. Q4. To what extent to 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	

<i>compromise, the impartiality of anyone who works for, or on behalf of, the council.</i>	To a great extent
<i>5. 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.</i>	To a great extent
<i>6. Not preventing anyone getting information that they are entitled to by law.</i>	To a great extent
<i>7. Not bringing my role or council into disrepute.</i>	To a great extent
<i>8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.</i>	To a great extent
<i>10. Registering and declaring my interests.</i>	To a great extent
<i>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.</i>	To a great extent
<i>12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.</i>	To a great extent

Q13. 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:

N/A

Q14.

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?

- Each specific obligation followed by its relevant guidance

Q15. Q7. To what extent to you think the concept of ‘acting with civility’ is sufficiently clear?

- To a small extent

Q16. 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.

Q40. Q8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?

- To a great extent

Q41. 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.

Q17. 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

Q18. Q9a. If there are other definitions you would like to recommend, please provide them here.

No further comments.

Q19. Q10. Is there sufficient reference to the use of social media?

- No

Q20. Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

- Integrated into the code

Q33. 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.

Q22. Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- To a great extent

Q34. 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. The code should set out guidance on preferment and whether this is caught by the extended definitions.

Q23. 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

Q36. 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. The code should place greater emphasis on the importance of declaring non pecuniary interests as this would support greater transparency and impartial decision making.

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.

Q25. Q13. To what extent do you support the inclusion of these additional categories for registration?

<i>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</i>	To a great extent
<i>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</i>	To a great extent
<i>Any organisation, association, society or party directed to charitable purposes</i>	To a great extent
<i>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)</i>	To a great extent

Q37. 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.

Q26. 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

Q38. Q14a. If you would like to elaborate on your answer please do so here:

This maintains public trust and increases transparency.

Q27. Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

- Yes

Q28. 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.

<i>Explanatory guidance on the code</i>	1
<i>Supplementary guidance that focuses on specific areas, e.g., social media</i>	2
<i>Regularly updated examples of case law</i>	3
<i>Case studies and examples of good practice</i>	4
<i>Improvement support materials, such as training and e-learning packages</i>	5

Q29. Q16a. If you would like to suggest any other accompanying guidance please do so here:

Additional guidance around council owned companies.

Additional guidance on discrimination.

Guidance on the definition of a 'gift'.

Q30. 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'. Consideration should be given to reinstating enforceable sanctions that have more weight than those in the current regime and in the current proposals.

Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)
