

LALC Response to Code of Conduct Consultation August 2020

Q6. Are you;

- An officer

Q7. Please indicate your council type

- Other (please specify below):

County Association

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:

it is essential that Cllrs demonstrate a high level of behaviour at all times

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

- Yes

Q10. 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")

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 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 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
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,	To a great extent

<i>my position improperly to the advantage or disadvantage of myself or anyone else.</i>	
<i>9. Not misusing council resources.</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:

There should be a National Code which requires a signature to abide by the code, to be signed when completing the declaration of acceptance of office.
Compulsory training on the code is essential.

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 do you think the concept of 'acting with civility' is sufficiently clear?

- To a moderate 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:

Perhaps include an example

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

- To a moderate 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:

Strong sanctions should be introduced to give the code 'teeth'

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 moderate extent

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

Needs 'teeth' - given by meaningful sanctions

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:

N/A

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 do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- To a moderate extent

Q34. Q11a. If you would like to elaborate on your answer please do so here:

N/A

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:

Dispensations should be dealt with by the Principal Authority and not directly by P/TCs

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</i>	To a great extent

trade union)

Q37. Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:

N/A

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:

N/A

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>Improvement support materials, such as training and e-learning packages</i>	3
<i>Case studies and examples of good practice</i>	4
<i>Regularly updated examples of case law</i>	5

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

N/A

Q30. Q17. If you would like to make any further comments about the code please do so here:

it is essential to have a national code, with authority for Monitoring Officers to implement investigations with meaningful sanctions available
Principal Authority Standards committees should have P/TC representatives
Dispensations should be decided by PA's, NOT by Clerks or P/TC's

Suggestion regarding minor P/TC complaints; It would be worthwhile considering setting up P/TC standards panels comprising 3 members. Each district within a county would have its own panel thus easing the pressure on Monitoring Officers