

## **Suggested survey answers**

### **About you:**

**Your name:** Claire Ward, Herefordshire Council

### **Are you...**

- ☐ A councillor
- ☐ An officer
- ☐ Answering on behalf of a whole council (Please provide council name below)

☒ Other (please specify below) answering on behalf of the council's audit and governance committee – responsible for the code of conduct

### **Please indicate your council type**

- ☐ Community/Neighbourhood/Parish/Town
- ☐ District/Borough
- ☐ County
- ☒ Metropolitan/Unitary/London Borough
- ☐ Other (please specify below)

### **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.

**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:**

**Making public comment should be defined – is this acting in a personal capacity but having public comments on consultations, social media comments etc**

**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”)
- ☒ Passive tense (“Councillors should”)
- ☐ 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?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.	X				
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.	X				
3. Not bullying or harassing any person.	X				
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	X				
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.	X				
6. Not preventing anyone getting information that they are entitled to by law.	X				
7. Not bringing my role or council into disrepute.	X				
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	X				

9. Not misusing council resources.	X				
10. Registering and declaring my interests.	X				
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.	X				
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	X				

**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:**

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**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?**

- ☐ As a list
- ☒ Each specific obligation followed by its relevant guidance
- ☐ 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:**

**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:**

Only limited to dishonest/ deceitful behaviour not reckless or otherwise incompatible behaviour in private capacity.

**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.**

**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:**

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## 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:**

**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:

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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?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
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	X				
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	X				
Any organisation, association, society or party directed to charitable purposes	X				
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)	X				

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

1. Of any organisation, association, society or party which is not open to the public without formal membership

**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:

Gifts refused or accepted should be recorded in register of interests

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

- ☐ Yes
- ☐ Yes, but the amount should be reviewed annually with the code's review
- ☒ No, it should be lower (please specify amount) £20
- ☐ No, it should be higher (please specify amount) \_\_
- ☐ 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.**

4. Regularly updated examples of case law
1. Explanatory guidance on the code
5. Case studies and examples of good practice
2. Supplementary guidance that focuses on specific areas, e.g., social media
3. 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:**

Model procedure for dealing with complaints

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

Sanctions are still without real penalty. If removal from committees is to be recommended this needs to address how the standards procedure can cut across the role of Group leaders.

Saying a member can speak where a member of the public can, can be confusing as members of the public can ask a question at many meetings. Linking to the public right is artificial. Councilors are provided with certain opportunities, responsibilities and privileges and should not be treated like a member of the public when they have an "other interest". Financial "other interests" should be treated the same as table one and two.

"Other interest" should be more clearly defined as the third type of interest to follow your model a table three (with no requirement to register). The Herefordshire Council code of conduct has been split out this way with an accompanying table to make it more understandable as to when councilors should be declaring an interest and the actions they should be taking.

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](#)