

IP Comments on LGA Survey re model code of conduct

<p>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?</p>	<p>To a great extent</p>	<p>Fully support (as does the HC code). The perception of the public carries more weight than the perception of the councillor in “giving the impression”. Should the draft indicate this?</p>
<p>Q2 Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?</p>	<p>Yes</p>	<p>Broadly, yes</p>
<p>Q3 Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?</p>	<p>Passive</p>	<p>I prefer active to passive. However, I would prefer consistency. Draft starts with 2nd person and moves to 1st person. I think it would read better if it stuck with 2nd person. And, please, not “commit”!. Better to say “you will...”</p>
<p>Q4 To what extent do you support the 12 specific obligations</p>	<p>I am surprised the question was asked at all. I believe they are all self evident and should all be adhered to “to a greater extent”</p>	<p>Again, broadly fine. However, “accountability”, “openness” and “honesty” (from Nolan) are covered hardly at all, and mainly under the heading of confidentiality. Better if this area started with “you shall ... (be accountable, open and honest, however described) followed by “you shall not disclose....”.</p>
<p>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</p>	<p>Specific obligations alongside guidance</p>	<p>Perhaps better to use the two-column approach (like the HC code), with principal obligation on left, and guidance on right.</p>
<p>Q7 To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?</p>	<p>Moderate extent</p>	<p>Not sure if this quite works. The rubric, in essence, differentiates between courtesy for the individual, and respect for the role</p>

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	Q7a The word “civility” is a difficult one and I am not sure everyone understands it clearly	or function, which, I think is good. However, may be better to use “courtesy and respect”, rather than “civility”
Q8 To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?	Moderate extent Q8A Another difficult concept. It is a subjective term and not necessarily understood by all	Not just deceitful or dishonest behaviour that can bring disrepute: any breach of the Nolan principles could. What is proposed is a very narrow view.
Q9 To what extent do you support the definition of bullying and harassment used in the code in a local government context?	Moderate extent	The distinction between bullying and harassing is a fine one, and not, I think, helped by limiting harassment here only to behaviour relating to a protected characteristic. May be better to have a combined definition of bullying or harassing behaviour, followed by the specific reference to the Equality Act. Oh and given its etymology, why “denigrate”? Better “disparage”.
Q10 Is there sufficient reference to the use of social media?	Yes	Yes.
Q10a Should social media be covered in a separate code or integrated into the overall code of conduct?	Integrated	“All forms of member communication and interaction” covers everything, including anything new that may arise.
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	Fully support, as does HC in 5.2.16 of the code. I think there is a strong connection here with my response to Q8. Given the current law, would be good to encourage voluntary disclosure of anything which, if not disclosed, could bring an allegation of non-compliance with Nolan. Better, though

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		would be for the law to be widened to deal with this.
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?	Main body of the code	Broad obligation in the code. Specific legal obligations in the appendix.
Q13 To what extent do you support the inclusion of these additional categories for registration?	All “to a great extent”	Broadly support, in line with my thoughts on Q11
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	Support. However, the wording could be clearer. Para 11 says “..not accepting significant gifts....” from particular people, and para 12 seeks registration of gifts above £25 – which some might say was a significant gift, May need more indication of what is significant. And how would this relate to parish councils, if HC were to offer the code to them?
Q15 The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?	Yes, but should be reviewed annually	Support. However, the wording could be clearer. Para 11 says “..not accepting significant gifts....” from particular people, and para 12 seeks registration of gifts above £25 – which some might say was a significant gift, May need more indication of what is significant. And how would this relate to parish councils, if HC were to offer the code to them?
Q16 The LGA will be producing accompanying guidance to the code. Which of the following types of guidance	1 Explanatory guidance on the code 2 Case studies of good practice	I would put improvement materials, case studies and focus on specific areas higher. Don’t know if there is much case law – is

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<p>would you find most useful? Please rank 1-5, with 1 being the most useful.</p>	<p>3 Supplementary guidance on specific areas eg social media 4 Improvement support materials</p>	<p>there any at higher court levels? One of the biggest benefits of the old regime – Standards for England – was the opportunity for LAs, and for IPs across LAs, to learn from each other. It would be most helpful to think about how that could be done.</p>
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