

Appendix 3 : Draft response to the LGA Consultation Questionnaire

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?

Response: To a great extent, since it helps to clarify official capacity.

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

Response: No, it is not clear

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

Response: Passive tense

Q4: To what extent do you support the 12 specific obligations?

Response: To a great extent

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:

Response: There should be an additional obligation providing that a Councillor should not take part in any relevant Council decision-making process when he/she has made comments indicating pre-determination of the matter which would constitute unlawful bias.

The Code could usefully incorporate this common law principle.

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?

Response: as per current draft.

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

Response: To a moderate extent

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:

Response: The term “respect” may be more understandable. However whichever term is used, there is a problem establishing the threshold at which a breach of the Code takes place, which should not be too low.

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

Response: To a moderate extent. Again, there is a problem establishing the threshold at which a breach of the Code takes place which should not be too low.

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:

Response: No

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

Response: To a great extent

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

Response: Further detail would be helpful, in particular referring to councillors’ rights of freedom of expression.

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

Appendix 3 : Draft response to the LGA Consultation Questionnaire

Response: Integrated into the overall Code so there is a single document to refer to.

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:

Response: The Code should include the basic principles, but there should be flexibility for Councils to fill out the details in a protocol.

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

Response: To a great extent.

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

Response: The Council's existing Code incorporates such provisions in terms of the declaration (but not registration) of interests.

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?

Response: It should be moved into the main body of the Code as it is an integral part of it.

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

Response: To a great extent. The Council's existing Code incorporates such provisions.

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

Appendix 3 : Draft response to the LGA Consultation Questionnaire

Response: No

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

Response: To a great extent

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

Response: Suggest £50 as per the Council's existing Code

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.

Response: All categories of guidance would be useful and helpful

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

Response: It would be useful if the LGA developed an informal process for resolving disputes, particularly between councillors. The Internal Resolution Procedure on Page 7 is not detailed enough.