



# LGA Model Member Code of Conduct: Consultation response analysis, November 2020

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. Responses to the consultation were gathered through an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

03 Dec 2020

## Summary

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research & Information team via an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

## Methodology

An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. A total of 1,463<sup>[1]</sup> [\[#\\_ftn1\]](#) responses were received from respondents including members, officers, councils, stakeholder organisations and individuals.

Alongside the survey, narrative responses were also collected through a dedicated inbox. Responses were accepted through this route until Friday 4 September and comprised 126 responses in total. The narrative contained in the email responses has been combined with the open text answers from the survey to provide an overall picture of the view of the sector on the draft code.

## Key results

- Almost all survey respondents (97 per cent) supported 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.
- Just over half of the survey respondents (55 per cent), thought that the code was sufficiently clear about which parts of the code are legal requirements, which are obligations, and which are guidance. A third (36 per cent) thought it was not clear while nine per cent did not know.
- Respondents were generally evenly split regarding their preference for the tense of the wording used in the code, however, there was slightly more support for the personal tense (“I will”) which was chosen by 45 per cent over the passive tense (“Councillors should”) (40 per cent).
- Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent.
- Four in five survey respondents (80 per cent) thought that the concept of ‘acting with civility’ is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while just seven per cent did not think it was clear.

- A combined total of 85 per cent of survey respondents thought the concept of ‘bringing the council into disrepute’ is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear.
- Most survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small extent.
- Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion of respondents (43 per cent) said no, than those who answered yes (41 per cent).
- Over four in five survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small degree and another eight per cent did not support it at all.
- Almost all survey respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all.
- Most survey respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality, although almost four in ten (39 per cent), felt that the amount should be reviewed annually with the code’s review. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.
- Respondents most commonly ranked explanatory guidance on the code as the most useful type of accompanying guidance, followed by supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice.

[1] [a href="#">#\_ftnref1] This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

## Introduction

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. Responses to the consultation were gathered through an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

## Methodology

An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. The link to the survey was publicised through a number of LGA channels. A total of 1,463 [a href="#">#\_ftn1] responses were received, respondents included members, officers, councils, stakeholder organisations and individuals.

Those who did not wish to complete the survey could provide a narrative response by email to a dedicated inbox and responses were accepted through this route until Friday 4 September and comprised 126 responses in total. A number of responses received by the inbox after 17 August contained responses to the survey and these were entered on to the survey system by the LGA and are counted in the total of 1,463. This gave an overall total of 1,589 responses as shown in Table 1.

[1] [a href="#">#\_ftnref1] This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

**Table 1: Number of consultation responses**

	Number
Survey responses*	1,463

	Number
Email responses	126
Total	1,589

\*This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

The overall number of responses received from the different types of respondents is shown in Table 2. A list of the other types of respondent is shown in Table A1 in Annex A.

**Table 2: Number of responses by respondent type**

	Councillor	Officer	Whole council	Other	Total
Community/Neighbourhood/Parish/Town	442	306	271	20	1,039
District/Borough	172	42	53	21	288
County	17	8	14	5	44
Metropolitan/Unitary/London Borough	90	20	32	22	164
Other	18	5	3	28	54
Total	739	381	373	96	1,589

Please note the following when reading the report:

- Where tables and figures report the base, the description refers to the group of people who were asked the question. The number provided refers to the number who answered each question. Please note that bases may vary throughout the survey.
- Throughout the report, percentages in figures and tables may add to more than 100 per cent due to rounding.

The following conventions are used in tables: ‘\*’ - less than 0.5 per cent; ‘0’ – no observations; ‘-’ – category not applicable/data not available.

## LGA Model Member Code of Conduct: consultation analysis

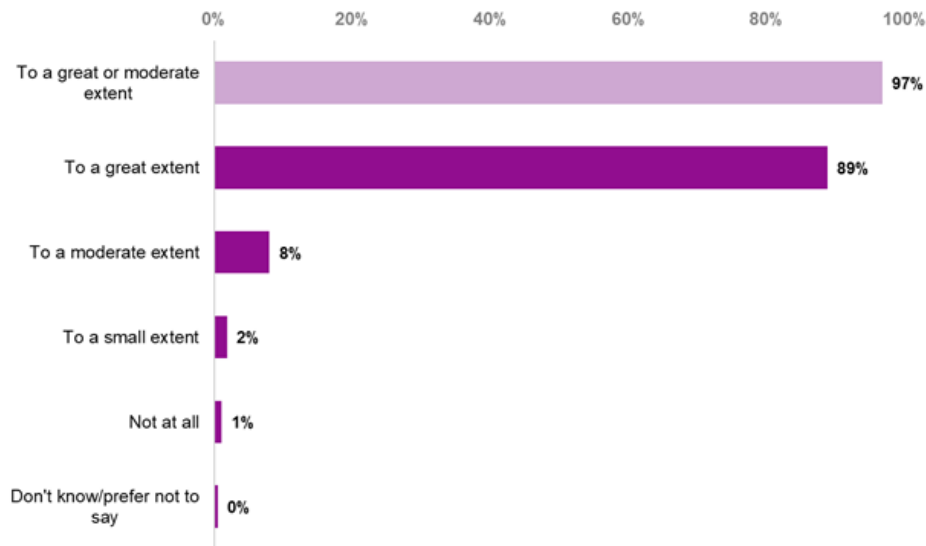
This section contains a full analysis of the combined responses to the consultation survey and narrative responses.

### Application of the code

**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?**

Almost all survey respondents (97 per cent) supported the proposal to a great or a moderate extent, with only one per cent of respondents not stating they did not support the proposal at all. These findings are shown in Figure 1.

**Figure 1: 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?**



Base: all respondents (1457)

### **Figure 1 description [#]**

The comments received in relation to this area via the survey and email responses included support for the inclusion of social media, which a number of respondents saw as a problematic area in terms of distinguishing between councillors' personal and official posts.

A number mentioned the need for councillors to display certain behaviours, such as integrity, because of their role, while others highlighted the difficulties experienced by the public in identifying whether councillors were acting in an official or personal capacity. Some example comments under this area were:

"With particular reference to social media, Members would be keen to ensure that the application of the Code does not inadvertently constrain their freedom to use social media as individuals. Members were concerned that the public may, as now, confuse views given on private social media accounts with those given in their capacity as members of the Council. Whilst accepting that the Code applies to their conduct when using social media in their capacity as a Councillor, Members would look to the model Code to avoid ambiguity which might lead to complaints being made about social media activity within their private lives."

**District/Borough Council**

"It is really important that any Councillor, engaging with the public and the community and representing the views of the Council should actively demonstrate correct behaviour."

**Community/Neighbourhood/Parish/Town Council**

"Councillors need to be aware that any public comments or behaviour is likely to be taken as being whilst on public business unless there is clear evidence that the comment or occasion are within their private life."

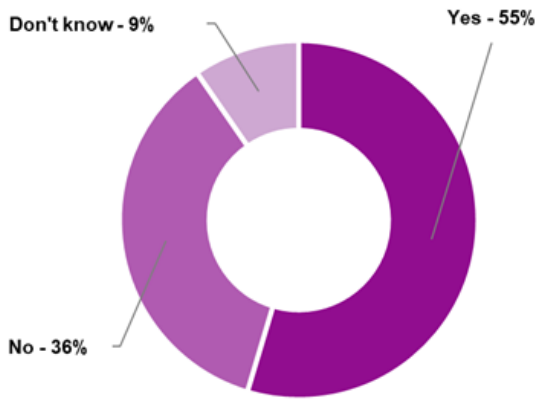
**Community/Neighbourhood/Parish/Town Council**

### **Clarity of the code**

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

Just over half of respondents (55 per cent), thought that the code was sufficiently clear about which parts are legal requirements, which are obligations, and which are guidance. Another 36 per cent thought it was not clear while nine per cent did not know. Figure 2 shows these findings.

**Figure 2: Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**



Base: all respondents (1453)

**Figure 2 description** [\[#\]](#)

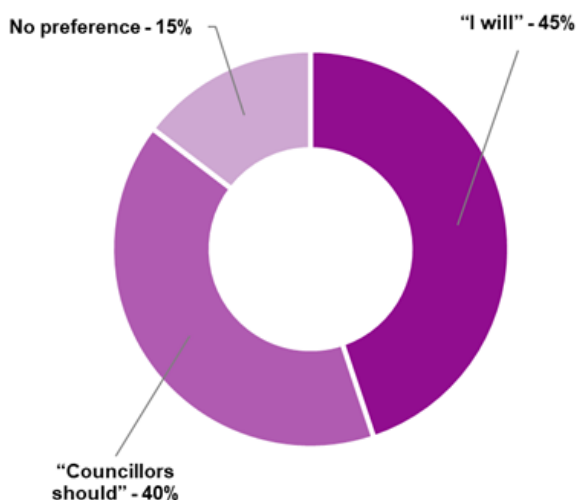
Comments were not invited in the survey for this question, however, a small number were received in the general comments section and via email responses. These were mainly elaborations on the chosen answer or suggested ways to make code clearer in this respect.

**Wording of the code**

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

Respondents were almost evenly split regarding their preference, however, a slightly higher proportion (45 per cent) expressed a preference for the personal tense ("I will") over the passive tense ("Councillors should") (40 per cent) and 15 per cent had no preference, as shown in Figure 3.

**Figure 3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**



**Figure 3 description** [\[#\]](#)

Base: all respondents (1456)

The survey did not invite comments for this question, however, a very small number were received in the general comments section and via email responses. These mostly provided the respondents reason for their chosen preference.

### Specific obligations of general conduct

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

Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent. The answers received to question 5 indicate that the reason was likely to be disagreement with the £25 threshold rather than the concept of registering gifts. A full breakdown of these findings is shown in Table 3.

**Table 3: To what extent do 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.	92	6	1	1	*
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.	95	4	1	1	*
3. Not bullying or harassing any person.	98	1	*	*	*
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	96	4	*	*	*
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.	93	5	1	*	1
6. Not preventing anyone getting information that they are entitled to by law.	95	4	*	*	*
7. Not bringing my role or council into disrepute.	94	4	1	*	*
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	99	1	*	*	*
9. Not misusing council resources.	96	3	*	*	*
10. Registering and declaring my interests.	95	4	*	*	*
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.	95	4	1	*	*
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	85	11	3	1	1

Base: all respondents (Obligation 1 - 1457; obligation 2 - 1458; obligation 3 - 1456; obligation 4 - 1457; obligation 5 - 1457; obligation 6 - 1458; obligation 7 - 1458; obligation 8 - 1456; obligation 9 - 1455; obligation 10 - 1456; obligation 11 - 1455; obligation 12 - 1454)

**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:**

Survey respondents were invited to suggest additional or alternative obligations, most of the comments received related to the 12 obligations. These included recommendations that the word 'respect' should be included in obligation 1; opinions on the appropriateness of £25 as a minimum value of gifts or hospitality to be declared; requests for a broadening of the areas covered by obligation 3; and concern that obligation 5 should not constrain whistleblowers. Some examples of the comments received in relation to the 12 obligations are shown below:

"The term 'respect' is preferable and clearer and should replace 'civility'. It has the benefit of established case law with R (Mullaney) v Adjudication Panel for England (2009) EWHC72 having established that: "The definition of respect... is straightforwardly stated as 'failure to treat others with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another'."

**District/Borough Council**

"It is difficult sometimes to put a value on Hospitality/Gifts if received and I think that £25.00 is too low I would suggest a higher figure of at least £50 and would be happier if it was £100."

**Community/Neighbourhood/Parish/Town Council Councillor**

"[The council] would also like sections on bullying and harassment to be strengthened with specific reference to employees. The definition of harassment needs to be wider than the Equality Act protected characteristics."

**Community/Neighbourhood/Parish/Town Council**

"We are concerned that part 5, in relation to Confidential Information, does not sufficiently cover those occasions Councillors may need to disclose confidential information. In particular, making disclosures where a councillor genuinely believes it is in the public interest to do so (in particular whistleblowing or safeguarding matters) and enabling councillors to disclose confidential information in order to seek professional advice should be allowed."

**District/Borough Council**

Only a relatively small number of respondents suggested additional obligations, as shown in Table 4. The most common suggestion was a requirement for councillors to attend training. This was followed by an obligation abide by all equality enactments and an obligation to work collaboratively.

**Table 4: Proposed alternative obligations**

	Per cent
Obligation to attend training	30
Obligation to abide by all equality enactments	16
Obligation to work collaboratively	10
Obligation to comply with the council's policies	8
Obligation not to vote where there is a predetermination	7
Obligation to comply with investigations	7
Obligation to have regard to any relevant guidance provided by officers	5
Obligation not to raise vexatious complaints	4
Other suggested obligations	12

Base: Respondents who suggested alternative obligation in response to Question 5 (134)

A number of the survey respondents used this question to make general comments about the code and the obligations, most commonly these related to the introduction of sanctions for breaches of the code and requests for further guidance, as shown in this example:

“There needs to be stronger penalties for those who do comply with the code. At the moment some councillors are behaving badly with no consequence. LGA should be pushing for this.”

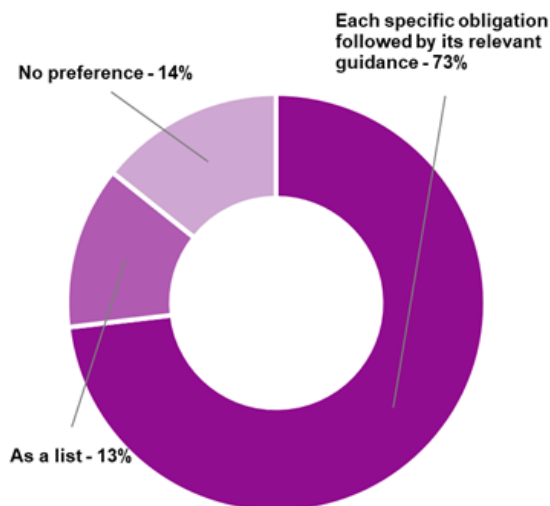
**Metropolitan/Unitary/London Borough Councillor**

Responses received by email which referred to the obligations echoed these findings.

**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?**

Just under three quarters of respondents (73 per cent) stated that they would prefer to see each specific obligation followed by its relevant guidance while 13 per cent would prefer to see them as a list and 14 per cent had no preference. Figure 4 shows these findings.

**Figure 4: 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?**



Base: all respondents (1456)

**Figure 4 description** [#]

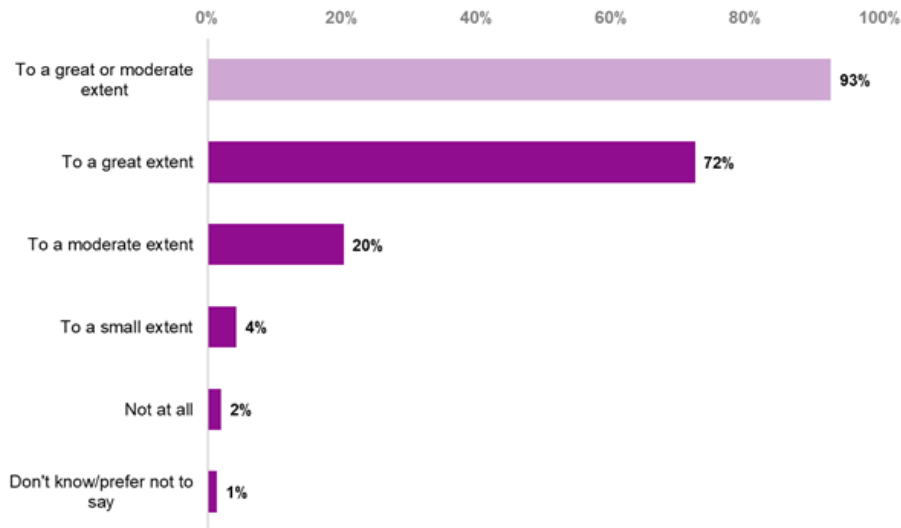
**Civility**

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

Four in five survey respondents (80 per cent) thought the concept of ‘acting with civility’ is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while seven per cent did not think it was clear. These findings are shown in Figure 5.

**Figure 5: To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?**





Base: all respondents (1447)

### **Figure 5 description [#]**

#### **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 most frequently suggested alternative phrase was respect, either on its own, coupled with civility, or coupled with other word. These findings encompass responses received both via the survey and by email. Some examples of the suggestions received are shown below:

“While we are very much in favour of a focus on civility in public life, we believe that the Code of Conduct should clearly and explicitly expect councillors to treat others with respect in all circumstances. In our opinion, the term respect is more widely understood and less open to interpretation. Treating others with respect implies recognition of the qualities and rights of others, while civility means politeness and courtesy. As elected representatives, councillors should value the contribution of those with whom they come into contact.”

#### **Community/Neighbourhood/Parish/Town Council**

“There is a need for both Civility and Respect, and these both need to be captured within the Code.”

#### **District/Borough Council**

“Whilst we agree that civility broadly captures the behaviours that we would expect councillors to demonstrate, we think that the concept of politeness and treating others with due respect should be reiterated - whilst similar, they remain distinct concepts and these definitions should be addressed in the Code.”

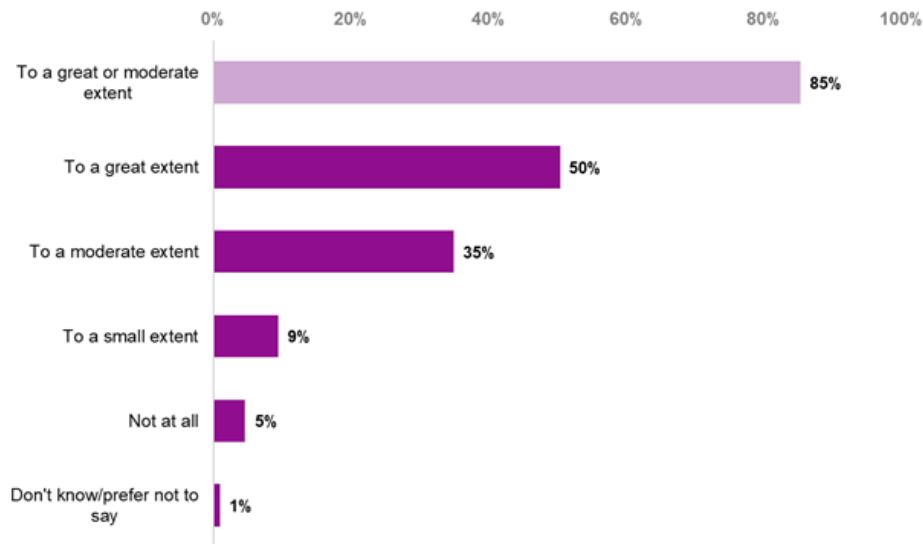
#### **Metropolitan/Unitary/London Borough Council**

#### **Bringing the council into disrepute**

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

A total of 85 per cent of survey respondents thought the concept of ‘bringing the council into disrepute’ is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear. Figure 6 shows these findings.

#### **Figure 6: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?**



Base: all respondents (1447)

### **Figure 6 description [#]**

#### **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:**

Most of the answers provided to this question were comments about the concept rather than suggested alternative phrases. These included requests for examples of behaviours that could bring the council into disrepute and calls to broaden the scope of the obligation. Some examples of these comments, including those received by email, are shown below:

“It may be helpful to add examples e.g. acting against the council's Standing Orders and Financial Regulations; against a council's adopted policies; acting without the authority of the council.”

**Community/Neighbourhood/Parish/Town Council Officer**

“The phrase ‘bringing the council into disrepute’ should be extended to include all criminal activity, bullying and harassment and breaches of the Code. Negative behaviours need to be incorporated. The text should make it clear that the list is not exhaustive”

**Community/Neighbourhood/Parish/Town Council**

“The guidance under this obligation focuses on issues of deceit or dishonesty, whereas reputational issues go wider than that. The implication may be that if behaviour is not dishonest or deceitful then it is not caught by this obligation.”

**Metropolitan/Unitary/London Borough Council**

Among the suggested alternative phrases, the most commonly provided included words around damaging the council's reputation, as shown in the example below:

“‘Causing damage to the Council's reputation’, or similar, may be more readily understandable.”

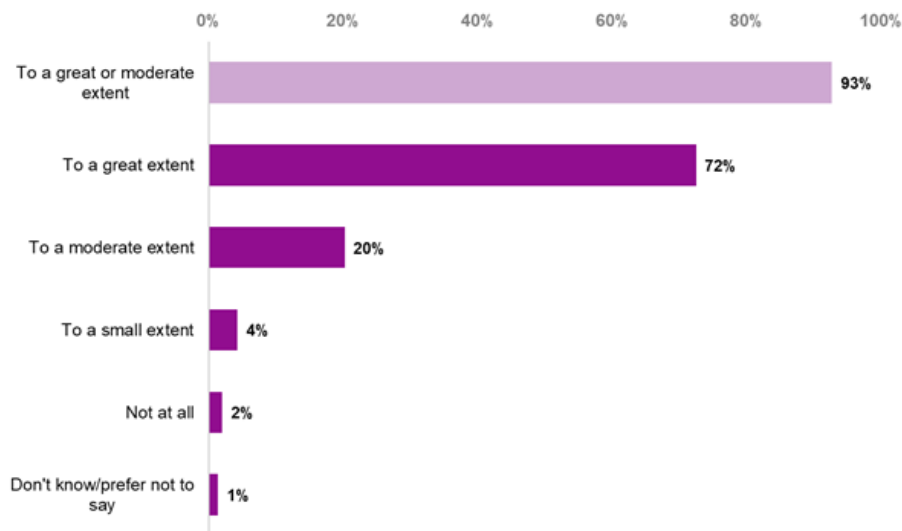
**Metropolitan/Unitary/London Borough Council**

#### **Bullying and harassment**

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

Over nine in ten survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small degree. Only two per cent did not support it at all and one per cent did not know. These findings are shown in Figure 7.

**Figure 7: To what extent do you support the definition of bullying and harassment used in the code in a local government context?**



Base: all respondents (148)

**Figure 7 description** [\[#\]](#)

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

A number of survey and email respondents asked for the definition to be broadened and for examples to be provided. There was concern among some of these respondents that the reference to the Equalities Act 2010 could lead to misinterpretation of the code and that it should be clear that the guidance goes beyond the groups specified by the Act. There were also suggestions for areas to be included in the definition such as intimidation, discrimination or abuse of power. Some examples of these comments, are shown below:

“The reference to the Equality Act 2010 is helpful however here should be a clarification that bullying and harassment applies to everyone.”

**Metropolitan/Unitary/London Borough**

“Bullying may be characterised as intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that humiliate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen anywhere and not always be obvious or noticed by others.”

**Metropolitan/Unitary/London Borough Councillor**

“The definition ought to be expanded to include discriminatory behaviour.”

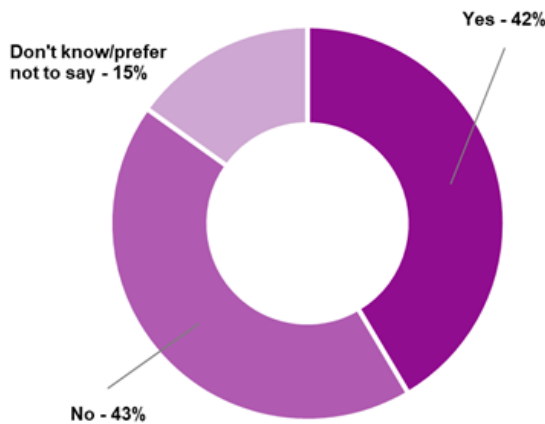
**District/Borough Council**

**Social Media**

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

Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion (43 per cent) answered no, than those who answered yes (42 per cent). A further 15 per cent did not know or preferred not to answer the question. These findings are shown in Figure 8.

**Figure 8: Is there sufficient reference to the use of social media?**



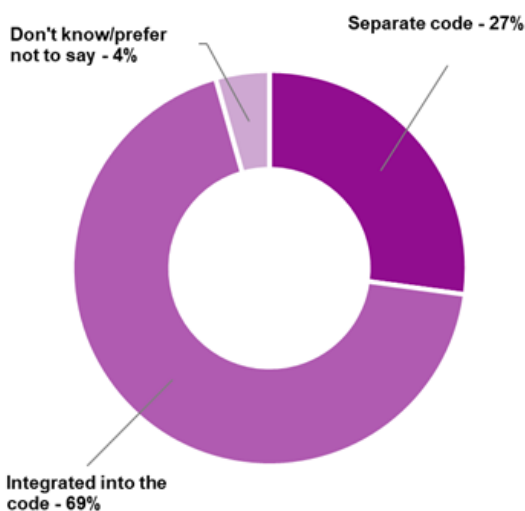
Base: all respondents (1454)

**Figure 8 description** [\[#\]](#)

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

Just over two-thirds of respondents (69 per cent) felt that guidance in relation to social media should be integrated into the code while just over a quarter (27 per cent) said that it should be covered in a separate code. The remaining four per cent did not know or preferred not to answer the question. These findings are shown in Figure 9.

**Figure 9: Should social media be covered in a separate code or integrated into the overall code of conduct?**



Base: all respondents (1454)

**Figure 9 description** [\[#\]](#)

**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:**

Comments received from both the survey and email responses included the need for more guidance and clarity around when the code applies to social media, and issues around online abuse. Some examples of the comments received are shown here:

“It may be useful to have a “best practice” code for use of social media to ensure that any council considering or using any form of social media is fully aware of the requirement to uphold to similar standards to the media/press in terms of libel and slander, in addition to how best to respond and operate different social media platforms.”

**Community/Neighbourhood/Parish/Town Council**

“It would be useful to put in guidance of dos and don'ts to assist councillors and emphasize the need for them to separate their personal social media accounts from their councillor ones and not use their personal accounts in a way that gives the impression they are acting in their councillor role.”

**District/Borough Council**

“Guidance as to the differentiation of social media platforms for personal and professional use. How to make the difference clear and protect privacy. Guidance on dealing with harassment from the public and protection available issued to elected members, officers and political parties on how to support or protect elected representatives.”

**Metropolitan/Unitary/London Borough Councillor**

“There is an increasing need for clearer guidance for Councillors about appropriate conduct on social media both to ensure a high standard of conduct by Councillors, to enable Councillors to challenge the inappropriate behaviour of others on social media and to provide protection to Councillors from social media ‘trolling’. This needs to be integrated in the code, but the level of detail required would more appropriately be provided in a supplement to the code – not a separate social media code.”

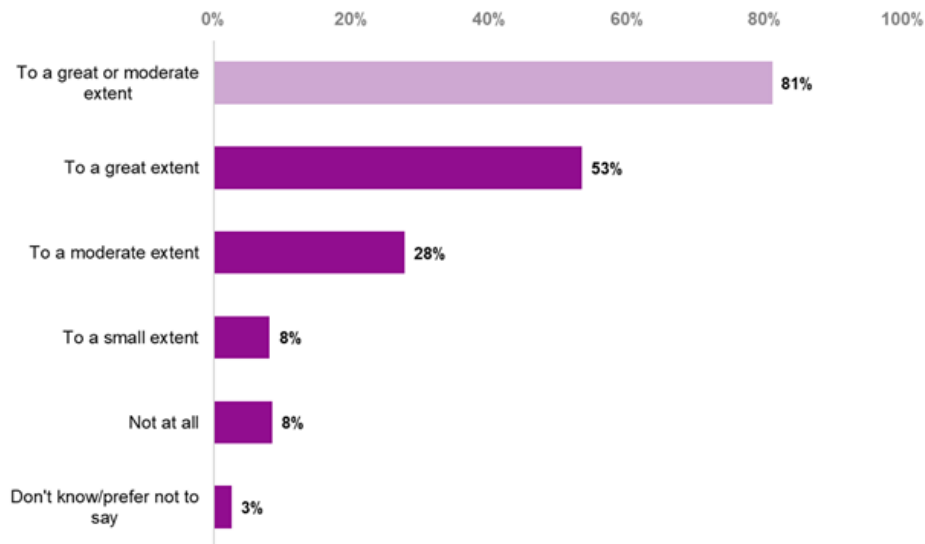
**District/Borough Council**

**Registration and declaration of interests**

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

Most survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small extent but another eight per cent did not support it at all. These findings are shown in Figure 10.

**Figure 10: To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?**



Base: all respondents (1450)

### **Figure 10 description [#]**

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

The responses received included comments around the need for clear guidance, along with both support for and concerns about extending the scope beyond the current requirement. Examples of some of the answers provided are shown here:

“Whilst we agree with the principle it is very important that there is clarity about who this will be extended to. Terms such as “family” are too ambiguous. How is family being defined? Does this mean immediate family or extended family? Families where there is no legal relationship?”

The same comment applies to associates, this needs to be clarity over what an associate is, and the nexus between the Member and the person concerned for them to be an Associate

The inclusion of the financial interest or well-being of a relative or close associate could lead to confusion. Explanations are required as to what is meant by ‘financial interest’, ‘well-being’ and ‘close associate’.”

#### **County Council**

“It is important for Council to have an open and transparent decision-making process. This includes being aware of any Councillors or those close to them who may have interest or benefit from Council decisions.

Modern families can often be complex and limiting interests to a Councillor and a partner is no longer suitable. Declaring Interests should be extended to cover any issues involving children/grandchildren (over the age of 18) of both or either the Councillor and partner, as well as siblings of both or either the Councillor or partner.

This added transparency will provide further clarity to Councillors on what needs to be declared. It will also provide additional reassurance to the general public about the robustness of the decision making process.”

#### **Community/Neighbourhood/Parish/Town Council**

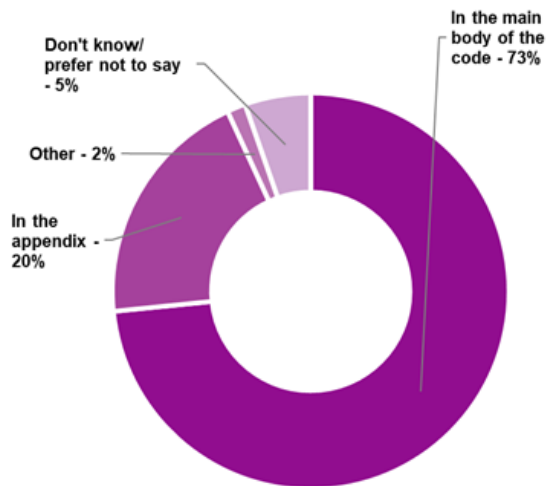
“It is unlikely that Members would be aware of all the interests of their relatives and close associates. How far do they have to question them to understand what they have to declare? This interest should be limited by adding – “and you are aware that the other person has the interest.”.”

#### **District/Borough Council**

**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?**

Almost three-quarters of respondents (73 per cent) felt that the requirement to declare interests should be in the main body of the code while a fifth (20 per cent) said that it should be in the appendix, as with the current draft. A further two per cent chose the 'other' option and provided a suggestion, most of these were for it to be covered in both places. A full list of all the specified 'other' answers is shown in Table A2 in Annex A. The remaining five per cent did not know or preferred not to answer the question. Figure 11 shows these findings.

**Figure 11: Should social media be covered in a separate code or integrated into the overall code of conduct?**



Base: all respondents (1451)

**Figure 11 description** [\[#\]](#)

**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 most frequently raised topic in the responses was the need for clear guidance, there were also some suggestions in relation to respondents' preferred option for the location of the declaration in the code. Some examples of the comments received are shown here:

"Clearly this is an important provision. We think the code itself (and not just the guidance) needs to be clearer about what an interest is and when they have to be declared."

**County Council**

"This is one of the areas that often causes the most confusion so should be clearly defined and easily accessible."

**Community/Neighbourhood/Parish/Town Councillor**

"Due to its importance it should be included within the main body of the Code. It can be very difficult to flick back and forth in documents, and therefore in all instances it would prove clearer for the principal to be followed by the guidance. This approach would assist members of the public reading the document."

**District/Borough Council**

"The requirement to declare interests is so important it must be embedded in the main body of the Code."

**Community/Neighbourhood/Parish/Town Council****Q13. To what extent do you support the inclusion of these additional categories for registration?**

Most survey respondents supported each of the additional categories to a great or moderate extent. There was slightly less support for the inclusion of 'Any organisation, association, society or party directed to charitable purposes' than the other categories. This may have been due to concerns that it could be interpreted to cover memberships or affiliations which had no bearing on the member's role as a councillor. An example of a comment relating to this is shown below:

"Careful thought should be given to which charitable organisations should be declared - e.g. any charity that operates in the relevant locality should be declared. Raising money for the Red Cross or Poppy appeal need not be declared."

**Community/Neighbourhood/Parish/Town Council**

A full breakdown of these findings is shown in Table 5:

**Table 5: 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	75	17	3	3	2
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	75	18	4	4	2
Any organisation, association, society or party directed to charitable purposes	61	23	9	5	2
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)	80	13	3	2	2

Base: all respondents (Row 1 - 1449; row 2 - 1450; row 3 - 1449; row 4 - 1449)

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

Suggestions for additional or alternative categories for registration included membership of closed societies such as the Freemasons, local charities/interest groups and business interests. A number of respondents requested further guidance and clarification and there was also support for the additional categories, as shown in these examples:

"Membership of any 'closed membership' organisations such as Freemasons."

**District/Borough Council**

"Political parties, local charities, local issue pressure groups, and club or society or organisation that is local to the council and is likely to either receive funds or has a vested interest in any of the work of the council, other local authority or government body."

**Community/Neighbourhood/Parish/Town Councillor**



“As many members wear many hats, I would value more extensive guidance for parish councillors on membership of named external bodies, using examples, such as the chamber of trade or community groups/organisations.”

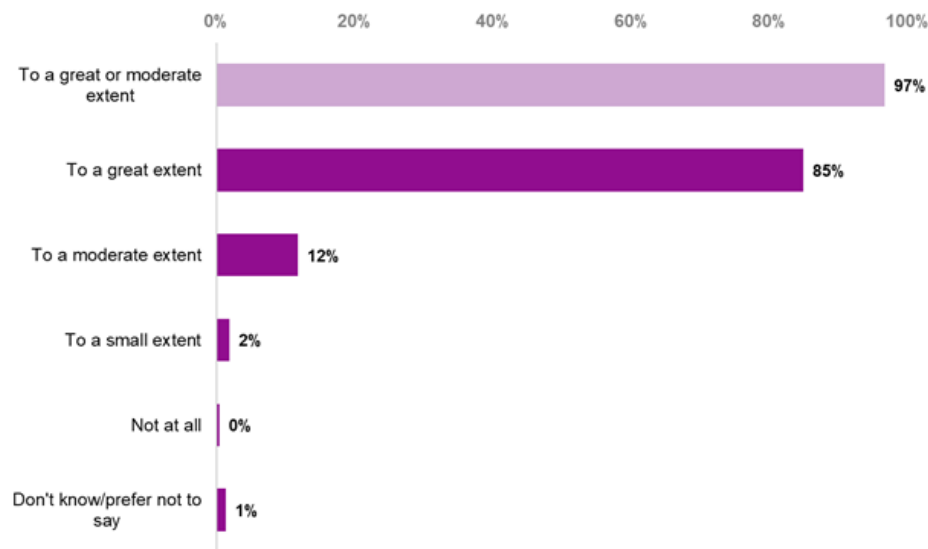
### Community/Neighbourhood/Parish/Town Council Officer

#### Gifts and hospitality

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

Almost all respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all. These findings are shown in Figure 12.

**Figure 12: To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**



Base: all respondents (1453)

#### [Figure 12 description](#) [#]

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

Responses received from survey respondents and by email included requests for further guidance and clarification, views that councillors should not accept any gifts, and support for the obligation. Some examples of the comments received are shown here:

“What is meant by ‘significant’ gifts is not clear. Significance could depend on the donor, the type of gift and the context in which it is offered, not just on value. A number of low value gifts could cumulatively hit the threshold for declaration.”

#### Metropolitan/Unitary/London Borough Council

“It would provide greater clarity for all parties if the default position was to reject all offers of gifts and hospitality unless in a civic role or only when the Councillor is acting as the appointed representative of the Council.”

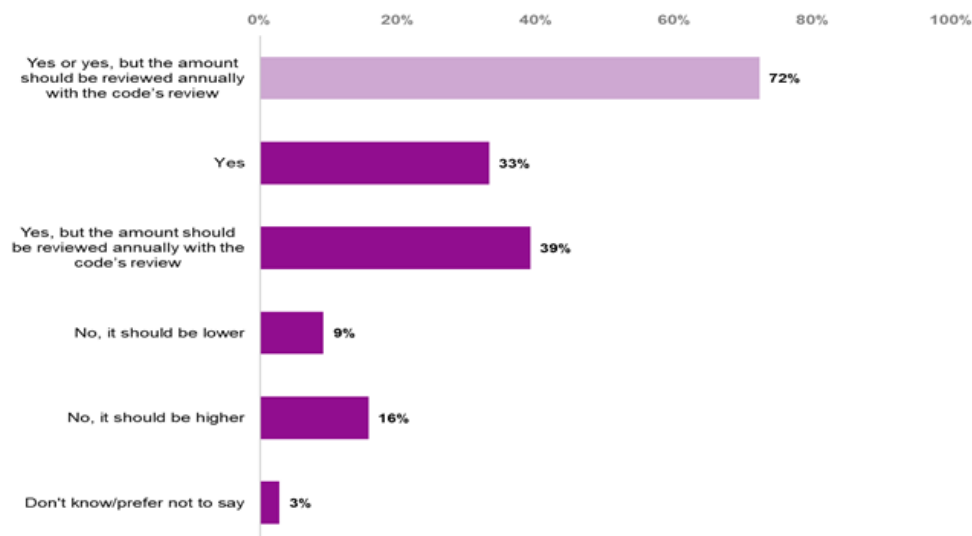
#### District/Borough Council

“We strongly support the obligation not to accept significant gifts in the terms detailed in the relevant paragraphs.”

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

Over seven in ten respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality although some of these (39 per cent) felt that the amount should be reviewed annually. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher. Figure 13 shows these findings.

#### Figure 13: The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?



Base: all respondents (1445)

#### Figure 13 description [\[#\]](#)

Respondents who answered that the threshold amount should be higher or lower than £25 were asked to specify what they thought would be an appropriate amount. Among those who felt it should be lower, half (51 per cent) felt that all gifts should be declared and therefore the amount should be zero while 22 per cent thought that it should be lowered to £10. Among the respondents who thought the threshold should be higher 64 per cent suggested it should be raised to £50 and 23 per cent felt it should be £100. These findings are shown in Table 6.

**Table 6: Amounts specified by respondents who did not agree with the proposed £25 threshold for registering gifts and hospitality (£)**

No, it should be lower	Per cent
0	51
0.01	2
1	10
5	11
10	22
15	3

No, it should be lower	Per cent
20	2

No, it should be higher	Per cent
30	2
35	2
40	3
50	64
75	4
100	23
200	*
250	1

Base: Respondents who answered 'No' to the £25 threshold (Lower - 116; Higher - 210)

### Accompanying and guidance

**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.**

Explanatory guidance on the code was most commonly ranked as 1 - the most useful type of guidance. There was a fairly even split between the rest of the categories in terms of what came next but taking the proportion ranked as 2 into account shows that supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice were ranked as the next two most useful types of guidance. A breakdown of these findings is shown in Table 7.

**Table 7: Types of guidance ranked by usefulness**

	1	2	3	4	5
Regularly updated examples of case law	14	12	16	20	38
Explanatory guidance on the code	48	18	16	13	6
Case studies and examples of good practice	14	26	24	24	11
Supplementary guidance that focuses on specific areas, e.g., social media	14	31	24	21	10
Improvement support materials, such as training and e-learning packages	11	13	19	22	35

Base: all respondents (1397)

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

Most of the responses elaborated on respondents' reasons for their choices, particularly in relation to supplementary guidance focused on specific areas, case studies and examples, and improvement support materials. The suggestions received included calls for training and requests for guidance covering specific areas,

such as handling complaints or application of the code for Parish/Town councils. Examples of the responses received are shown here:

“Training and development e-learning should partner the launch of this code of conduct.”

**District/Borough Council Councillor**

“A model process for dealing with complaints under the Code. The greater the clarity and consistency for customers both of the standards and the complaints process the better.”

**District/Borough Council Officer**

“Guidance should reflect the different tiers of local government that would be expected to apply the Code, particularly town and parish councils that do not have the resource and officer base to draw upon to support them in its application and interpretation..”

**Community/Neighbourhood/Parish/Town Council**

## Other comments

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

At the end of the survey, respondents were given the opportunity to make further comments about the code, the main themes that emerged were related to difficulties enforcing the code due to the lack of appropriate sanctions and issues with the internal resolution procedure. Some examples of comments received are shown here:

“There must be the ability to remove a councillor from office for serious or repeated breaches of the code. The code is too weak in this area. Current breaches are in effect a slap on the wrists and not a serious deterrent. If necessary the code and this area should be enshrined in law to make it effective. We are after all public servants and it is not acceptable to be unable to remove a councillor from office.”

**Community/Neighbourhood/Parish/Town Council Councillor**

“There is a general consensus that the current sanctions available to local authorities are insufficient. We understand that this would require new legislation, however we would like to stress the importance of meaningful sanctions in order to bring back trust and instil confidence in the standards regime by giving local authorities the power to effectively address issues of misconduct.”

**District/Borough Council**

## Annex A

### Answers provided to open text questions

#### Table A1: Other respondent types

Are you...
Individual/Member of the public x 15
On behalf of a committee x 14
On behalf of an organisation x 12
Individual in LG related role x 11
Independent person x 9
On behalf of a group x 3

<b>Please indicate your council type</b>
More than one type of council x 21
Council related organisation x 13
Other type of authority x 5
Non council
Professional Association
Professional body

<b>Table A2: 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? - Other</b>
Both x 10
No preference x 5
A discreet section within the code rather than appendix
As a preface
In a separate document

## Annex B

### Survey Questionnaire

The LGA Consultation on Draft Model Member Code of Conduct questionnaire is now closed, find a PDF copy of the questionnaire below.

#### LGA Consultation on Draft Model Member Code of Conduct questionnaire

[\[https://www.local.gov.uk/sites/default/files/documents/Annex%20B%20Model%20Member%20Code%20.pdf\]](https://www.local.gov.uk/sites/default/files/documents/Annex%20B%20Model%20Member%20Code%20.pdf)

(PDF)