

STANDARDS COMMITTEE

Monday, 22nd February, 2021

2.00 pm

Online





AGENDA

STANDARDS COMMITTEE

Monday, 22nd February, 2021, at 2.00 pm
Online

Ask for: **Joel Cook**
Telephone: **03000 416892**

In response to COVID-19, the Government has legislated to permit remote attendance by elected members at formal meetings. This is conditional on other elected members and the public being able to hear those participating in the meeting. This meeting of the Scrutiny Committee will be streamed live and can be watched via the media link available on the KCC website.

Membership

Mr J A Kite, MBE (Chairman), Mr R H Bird (Vice-Chairman), Mrs A D Allen, MBE, Mr R C Love, OBE, Mr G Lymer, Mr C Simkins and Mr B J Sweetland

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Declarations of Interest
3. Minutes of the meeting held on 13 November 2019 @ 2:00 pm (Pages 1 - 2)
4. Monitoring Officer's Update
5. LGA Model Code of Conduct: Update (Pages 3 - 42)
6. Standards Committee Annual Review - Draft (Pages 43 - 50)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Friday, 12 February 2021

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Wednesday, 13 November 2019.

PRESENT: Mr J A Kite, MBE (Chairman), Mr R H Bird (Vice-Chairman), Mrs A D Allen, MBE, Mr R C Love, OBE, Mr J P McInroy and Mr C Simkins

IN ATTENDANCE: Ms D Fitch (Democratic Services Manager), Mrs J Hicks (Civic Engagement Officer), Mr T Godfrey (Scrutiny Research Officer) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS**9. Declarations of Interest**

(Item 2)

None.

10. Minutes of the meeting held on 31 July 2019

(Item 3)

The minutes of the meeting held on 31 July 2019 were taken as a correct record and signed by the Chairman.

11. Monitoring Officer's Update

(Item 4)

(1) Mr Watts, the Monitoring Officer, introduced his update on the Kent Code of Conduct for Members, which included an update on the review into Local Government Ethical Standards conducted by the Committee on Standards in Public Life (CSPL). An appendix was circulated which listed code of conduct complaints received since the last meeting and how these had been addressed.

(2) In relation to a recommendation from the CSPL review it was confirmed that there would be a consultation carried out by the Local Government Association on a proposed revised draft model code of conduct in 2020.

(3) The Committee discussed the importance of mutual respect amongst Members in meetings. It was agreed that there was a delicate balance between Members showing respect for colleagues and speaking passionately about issues.

(4) It was suggested that meeting etiquette and expected standards for Members at meetings should be included in the training provided for new Members. Mr Watts emphasised the importance of not overregulating political debates but confirmed the intention was to provide training for Members on equalities with an emphasis on how behaviour could be perceived by others.

(5) Mr Watts undertook to circulate the summary of the Internal Audit on County Council Values and Behaviours which had been submitted to Governance and Audit Committee on 24 April 2019.

(6) RESOLVED that –

- a) the Monitoring Officer produce a draft response to the proposed consultation on the draft model code of conduct and circulate it to Members of the Committee for comments and that it be delegated to the Monitoring Officer, in consultation with the Members of the Committee, to submit a response on behalf of the Committee and the agreed response be circulated to all Members; and
- b) the report on the action taken by the Monitoring Officer be noted.

12. Exclusion of Press and Public

(Item 5)

RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of part 1 of Schedule 12A of the Act.

EXEMPT ITEM

(open minute)

13. Monitoring Officers verbal update on Member Standards

(Item 6)

(1) Mr Watts outlined the facts of a Code of Conduct complaint.

(2) RESOLVED that, if the Monitoring Officer determines that the complaint should be investigated, the Chairman be consulted on convening a meeting of the Panel or the Committee in accordance with the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.

From: Tristan Godfrey, Scrutiny Research Officer
To: The Standards Committee, 22 February 2021
Subject: LGA Model Code of Conduct: Update
Classification: **Unrestricted**

Summary:

The purpose of this report is to provide Members of the Standard Committee with an update of the Local Government Association's Model Councillor Code of Conduct 2020.

Recommendation:

The Standards Committee is asked to discuss and comment on the report.

1. Introduction

- a) In mid-2020, the Local Government Association (LGA) conducted a consultation into a revision of its Model Code of Conduct for Members. Formally, this was carried out in response to the first recommendation of the Committee on Standards in Public Life's (CSPL) review into 'Local Government Ethical Standards' (published January 2019). More broadly, it forms part of an LGA workstream into 'Civility into Public Life'.
- b) Most of the recommendations in the CSPL report were for central government, whose formal response is awaited. Depending on the government response, the legislation underpinning the standards regime for local government may change and so necessitate further changes to the Model Code and the Kent Code of Conduct for Members.
- c) The legislation remains the same at present. The LGA Model Code is not mandatory and the flexibilities of the Localism Act 2011 remain. It is for the Council, with advice from the Standards Committee, to determine what changes to make.
- d) It needs to be kept in mind that this is a Kent Code and not simply a Kent County Council Code. The majority of Borough/District Councils in Kent have adopted the same code. This helps with consistency when there are many Members who are also Borough/District representatives and makes it clearer to the public to what standards their elected representatives are being held. While each authority is responsible for agreeing its own code, there will need to be wider engagement on any revisions through bodies like the Kent Secretaries and directly with other local authorities.

2. The Model Code

- a) The Model Code is presented in full as Appendix B. What can be seen immediately is that it is not structured like a Code of Conduct as would be found in a Council Constitution. Sections which are codified (the numbered

sections within the LGA document) are mixed in with aspirational and explanatory text. In addition, several elements that would be built into a Council's Code are placed in an Appendix in the Model Code.

- b) Appendix A set out a comparison of the substantive content of the LGA Model Code with the Kent Code.

3. Next Steps

- a) Building on the discussion at this meeting, work will begin to consider what changes it may be appropriate to make to the Kent Code in response to the publication of the LGA Model Code.
- b) Should any changes be considered necessary, the Kent Secretaries will be approached to assist the engagement process with other authorities.

4. Recommendation:

The Standards Committee is asked to discuss and comment on the report.

5. Appendices

- a) Comparison Table: LGA Model Code of Conduct and the Kent Code
- b) The LGA Model Code of Conduct for Members.
- c) The Kent Code for Members.

6. Background Documents

None.

7. Contact details

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Appendix A – Comparison Table: LGA Model Code of Conduct and the Kent Code

	LGA Model Code Section	LGA Model Code Content	Kent Code
a.	<p><i>“General Principles of councillor conduct.”</i> <i>“Appendix A – The Seven Principles of Public Life.”</i></p>	<p>The Seven Principles of Public Life (Nolan Principles) are set out as something everyone in public life should uphold.</p> <p>Building on these, nine general principles are set out in the Model Code specifically for the role of Councillor that supplement the Nolan Principles:</p> <p><i>“In accordance with the public trust placed in me, on all occasions:</i></p> <ul style="list-style-type: none"> <i>• I act with integrity and honesty</i> <i>• I act lawfully</i> <i>• I treat all persons fairly and with respect; and</i> <i>• I lead by example and act in a way that secures public confidence in the role of councillor.</i> <p><i>In undertaking my role:</i></p> <ul style="list-style-type: none"> <i>• I impartially exercise my responsibilities in the interests of the local community</i> <i>• I do not improperly seek to confer an advantage, or disadvantage, on any person</i> <i>• I avoid conflicts of interest</i> <i>• I exercise reasonable care and diligence; and</i> <i>• I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public</i> 	<p>The Seven Principles are set out within the Kent Code (sections 21.70 to 21.78 of the Constitution), with the explanation that the principles do not create statutory obligations for Members and do not form part of the Code. The proposed supplemental general principles did not exist at the time the Kent Code was agreed.</p>

		<i>interest.”</i>	
b.	<i>“Application of the Code of Conduct.”</i>	<p>The Model Code says:</p> <p><i>“This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:</i></p> <ul style="list-style-type: none"> • <i>you misuse your position as a councillor</i> • <i>your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.”</i> 	<p>The Kent Code adheres to the wording of the Localism Act 2011 as set out in section 21.49 of the Constitution:</p> <p><i>“You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.”</i></p>
c.	<i>“Application of the Code of Conduct.”</i>	<p>After the section above, the Model Code then goes on to clarify that <i>“the Code applies to all forms of communication and interaction”</i> and sets out a long list, including social media.</p>	<p>Section 21.49 (see above) is not expanded upon.</p>
d.	<i>“General Conduct. 1. Respect.”</i>	<p>Respect is the first of ten codified parts of the Model Code, with each suggested wording followed by some notes of explanation. The section on respect in the Model Code says:</p> <p><i>“As a councillor:</i></p> <p><i>1.1 I treat other councillors and members of the public with respect.</i></p> <p><i>1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.”</i></p>	<p>There is no exact parallel to this Model Code section in the Kent Code. It is partly covered elsewhere in the Constitution. For example, section 22.8 in the Convention on Member: Officer Relations, the importance of mutual respect is emphasised.</p>

e.	<i>“General Conduct. 1. Respect.”</i>	The explanatory notes in the Model Code explain that Members also have the right to expect respectful behaviour from the public and can disengage from interactions where this is the case, though this is not codified.	Not featured in the Kent Code.
f.	<i>“General Conduct... 2. Bullying, Harassment, and Discrimination.”</i>	The suggested wording in the Model Code is as follows: <i>“As a councillor: 2.1 I do not bully any person. 2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.”</i>	The first part of this suggested wording on bullying is included in the Kent Code (21.51(a) of the Constitution – “You must not... bully any person”). Harassment is not specifically mentioned, but bullying would be interpreted broadly enough in practice to include it given the legal uses of the word ‘harassment.’ The promotion of equalities section in the Model Code does not have an exact parallel in the Kent Code itself but the Constitution covers the point in the Convention on Member: Officer Relations at section 22.13 with reference to the Council’s Equality and Diversity Policy.
g.	<i>“General Conduct... 2. Bullying, Harassment, and Discrimination.”</i>	The Model Code refers to ACAS for definitions/examples. The explanatory text for this section in the Model Code refers specifically to the Protection from Harassment Act 1997 and the Equality Act 2010.	The Kent Code refers to ACAS as well but does not explicitly mention the two pieces of legislation.
h.	<i>“General Conduct... 3. Impartiality of officers of the council.”</i>	The suggested wording in the Model Code is as follows: <i>“As a councillor:</i>	The Kent Code has similar wording at 21.51 (c): <i>“You must not... do anything that</i>

		<p>3.1 <i>I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.</i>”</p>	<p>compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority.”</p>
i.	<p>“General Conduct... 4. Confidentiality and Access to Information.”</p>	<p>The suggested wording in the Model Code is as follows:</p> <p>“As a councillor:</p> <p>4.1 <i>I do not disclose information:</i></p> <p>a. <i>given to me in confidence by anyone</i></p> <p>b. <i>acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless</i></p> <p>i. <i>I have received the consent of a person authorised to give it;</i></p> <p>ii. <i>I am required by law to do so;</i></p> <p>iii. <i>the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person;</i></p> <p>or</p> <p>iv. <i>the disclosure is:</i></p> <p>1. <i>reasonable and in the public interest;</i></p> <p>and</p> <p>2. <i>made in good faith and in compliance with the reasonable requirements of the local authority; and</i></p> <p>3. <i>I have consulted the Monitoring Officer prior to its release.</i></p> <p>4.2 <i>I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my</i></p>	<p>The suggested wording in the Model Code largely replicates that of the Kent Code (section 21.51(d) of the Constitution, with the following exceptions:</p> <p>i. Where 4.1.b.i in the LGA Model Code requires the consent of the person, the Kent Code requires “the written consent.”</p> <p>ii. 4.1.b.iv.3 of the Model Code requires consultation with the Monitoring Officer prior to the release of information. This step is not in the Kent Code.</p> <p>iii. There is a general prohibition on a Member using their position for personal advantage in the Kent Code (21.51(g) of the Constitution) which covers what is written in 4.2 of the Model Code, but does not specify using knowledge gained as a Member for personal gain.</p>

		<p><i>friends, my family members, my employer or my business interests.</i></p> <p><i>4.3 I do not prevent anyone from getting information that they are entitled to by law.”</i></p>	
j.	<p><i>“General Conduct... 5. Disrepute.”</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>5.1 I do not bring my role or local authority into disrepute.”</i></p>	<p>This is covered with an equivalent section in the Kent Code, section 21.51(f):</p> <p><i>“You must not... conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.”</i></p>
k.	<p><i>“General Conduct... 6. Use of Position.”</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.”</i></p>	<p>This is covered with an equivalent section in the Kent Code, section 21.51(g):</p> <p><i>“You must not... use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.”</i></p>
l.	<p><i>“General Conduct... 7. Use of local authority resources and facilities.”</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>7.1 I do not misuse council resources.</i></p> <p><i>7.2 I will, when using the resources of the local or authorising their use by others:</i></p> <p><i>a. act in accordance with the local authority's requirements; and</i></p> <p><i>b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or</i></p>	<p>The closest equivalent to section 21.50(b) of the Kent Code which says:</p> <p><i>“You must, when using or authorising the use by others of the resources of the Authority: ... ensure that such resources are not used improperly for political purposes (including party political purposes).”</i></p>

		<i>be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.”</i>	
m.	<i>“General Conduct... 8. Complying with the Code of Conduct.”</i>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>8.1 I undertake Code of Conduct training provided by my local authority.</i></p> <p><i>8.2 I cooperate with any Code of Conduct investigation and/or determination.</i></p> <p><i>8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.</i></p> <p><i>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.”</i></p>	<p>8.3 of the suggested wording is mirrored at 21.51(b):</p> <p><i>“You must not:... intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code.”</i></p> <p>There is no equivalent of model code sections 8.1, 8.2, and 8.3.</p>
n.	<i>“General Conduct... 9. Interests.”</i>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>9.1 I register and declare my interests.”</i></p> <p>This is supported by Appendix B of the Model Code that sets out the detailed provisions around registering and declaring interests.</p>	<p>This part of the Model Code and its Appendix B is essentially replicated in the Kent Code although written and set out differently (sections 21.52-69).</p> <p>One difference is that in defining non-registerable interests in Appendix B (p.12 of the Model Code), the Model Code refers to it applying to matters which affects the “financial interest or well-being” of the Member or close associate “to a greater extent than it affects the financial interests of the majority of inhabitants</p>

			of the ward affected by the decision.” The Kent Code only refers to matters affecting the “financial position” (section 21.46(a)).
o	“General Conduct... 10. Gifts and hospitality.”	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</i></p> <p><i>10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</i></p> <p><i>10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.”</i></p>	<p>Gifts and hospitality are covered in the Kent Code (section 21.62-65 of the Constitution). The differences with the Model Code are:</p> <ul style="list-style-type: none"> i. The financial threshold for registering a gift/hospitality is £100 in the Kent Code, whereas the Model Code sets it at £50. On the other hand, the Kent Code sets this figure as a cumulative one, so that 5 gifts of £20 value would need to be declared as the total value is £100. Under the Model Code, none would need to be declared. ii. There is no requirement in the Kent Code to refuse gifts/hospitality under the circumstances set out in 10.1 of the Model Code or declare these and other significant offers as under 10.3.
p.	“Appendix C – the Committee on Standards in Public Life.”	The Committee on Standards in Public Life report on Local Government Ethical Standards contained a set of recommendations about actions it believed needed to be taken, primarily by central government. The report also contained a set of Best Practice recommendations for local authorities, and	The Standards Committee has discussed these Best Practice recommendations. The Kent Code was written before the production of these recommendations.

		these are set out in Appendix C of the report. These are not mandatory, and they are not all directly related to the Code of Conduct. Two are not relevant to Kent County Council and relate to parish councils.	
q	Style of presentation	<p>The example codified elements of the Model Code are written in the first person, e.g. “I register and disclose my interests.”</p> <p>The explanatory text is written as if addressed directly to the Member, e.g. “You need to register your interests so that...”</p>	The Kent Code is written as if addressed to the Member, e.g. “You must comply with this Code....”

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Appendix C - Kent Code of Member Conduct¹

Preamble

- 21.30 The Code of Conduct that follows is adopted under Section 27(2) of the Localism Act 2011.
- 21.31 The Code is based on the Seven Principles of Public Life under Section 28(1) of the Localism Act 2011, which are set out below.
- 21.32 This Preamble and the Seven Principles of Public Life do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- 21.33 If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- 21.34 In accordance with Section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
- (a) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
 - (b) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.
 - (c) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.
 - (d) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.
 - (e) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.
 - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.

¹ Section references are as per the Constitution.

(g) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

21.35 Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

The Code

Interpretation

21.36 In this Code the following definitions shall apply:

21.37 “Associated Person” means (either in the singular or in the plural):

- (a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners, or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors, or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority, or
- (e) any body in respect of which you are in a position of general control or management:
 - i. exercising functions of a public nature, or
 - ii. directed to charitable purposes, or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

21.38 “Authority” means the Kent County Council.

21.39 “Authority Function” means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease, or

- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends,
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay,
- (d) an allowance, payment or indemnity given to members of the Authority,
- (e) any ceremonial honour given to members of the Authority,
- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

21.40 "Code" means this Code of Conduct.

21.41 "Co-opted Member" means a person who is not an elected member of the Authority but who is a member of:

- (a) any Committee or Sub-Committee of the Authority, or
- (b) and represents the Authority on, any joint Committee or joint Sub-Committee of the Authority, and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

21.42 "Disclosable Pecuniary Interest" means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out below and where either it is:

- (a) your interest, or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

21.43 "Interests" means Disclosable Pecuniary Interests and Other Significant Interests.

21.44 "Meeting" means any meeting of:

- (a) the Authority,
- (b) the Executive of the Authority,

(c) any of the Authority's or its Executive's Committees, Sub-Committees, joint Committees and/or joint Sub-Committees.

21.45 "Member" means a person who is a member of the Authority and includes a Co-opted Member.

21.46 "Other Significant Interest" means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

(a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:

- i. other Council Tax payers, ratepayers or inhabitants of the electoral division affected by the decision, or
- ii. (in other cases) other Council Tax payers, ratepayers or inhabitants of the Authority's area, or

(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person,

(c) and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

21.47 "Register of Members' Interests" means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under Section 29 of the Localism Act 2011.

21.48 "Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

21.49 You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.

General Obligations

21.50 You must, when using or authorising the use by others of the resources of the Authority:

- (a) act in accordance with the Authority's reasonable requirements; and
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes).

21.51 You must not:

- (a) bully any person;
- (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. you have the written consent of a person authorised to give it, or
 - ii. you are required by law to do so, or
 - iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
 - iv. the disclosure is:
 - a. reasonable and in the public interest, and
 - b. made in good faith and in compliance with the reasonable requirements of the Authority,
- (e) prevent another person from gaining access to information to which that person is entitled by law,
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute,
- (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

Disclosable
Pecuniary
Interests

21.52 You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

21.53 In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any

interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

21.54 Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

21.55 Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

21.56 Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

(a) disclose the Interest, and

(b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to 21.59-61, below); and unless you have been granted a dispensation or are acting under 21.58:

i. not participate in any discussion of, or vote taken on, the matter at the Meeting, and

ii. withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered, and

iii. not seek improperly to influence a decision about that business.

21.57 Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an Executive decision), you must:

Members'
Interests: Other

(a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent, and

(b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you, and

(c) not seek improperly to influence a decision about the matter.

21.58 Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

(a) not participate in any discussion of, or vote taken on, the matter at the Meeting, and

(b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

21.59 Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

21.60 You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 21.59 is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

21.61 The rules relating to disclosure of Interests in paragraphs 21.56 and 21.57 will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

Members: Gifts
and Hospitality

21.62 You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.

21.63 Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality,

the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in 21.55-8 above will apply.

- 21.64 You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- 21.65 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

Dispensations

- 21.66 The Standards Committee, or any Sub-Committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in 21.55-8 above).
- 21.67 A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its Sub-Committee, or the Monitoring Officer (where authorised) considers that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
 - (b) without the dispensation, the representation of different Political Groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area, or
 - (d) without the dispensation each member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Authority's Executive, or
 - (e) it is otherwise appropriate to grant a dispensation.
- 21.68 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

21.69 21.55-8 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under 21.66-68.

The Seven Principles of Public Life

Seven Principles
of Public Life

21.70 In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

21.71 Selflessness. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

21.72 Integrity. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

21.73 Objectivity. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

21.74 Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

21.75 Openness. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

21.76 Honesty. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

21.77 Leadership. Holders of public office should promote and support these principles by Leadership and example.

21.78 Note on the above: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations.

Disclosable Pecuniary Interests (as prescribed by regulations)

Disclosable
Pecuniary
interests:
Definitions

21.79 The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

21.80 “the Act” means the Localism Act 2011.

21.81 “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

21.82 “director” includes a member of the Committee of management of an industrial and provident society.

21.83 “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

21.84 “M” means a member of the relevant authority.

21.85 “member” includes a co-opted member.

21.86 “relevant authority” means the authority of which M is a member.

21.87 “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1), or Section 31(7), as the case may be, of the Act.

21.88 “relevant person” means M or any other person referred to in Section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

21.89 “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

21.90 Table: Additional Definitions.

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed, and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority, and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: 1) that body (to M's knowledge) has a place of business or land in the area of the relevant authority, and 2) either a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or b. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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From: **Ben Watts, General Counsel**
To: **Standards Committee**
Subject: **Standards Committee Annual Review - Draft**
Classification: **Unrestricted**

1. Introduction

A draft annual review is appended to this report. Due to the events of last year and the postponed consultation on the LGA Model Code of Conduct, this review covers 2019-20 and the first nine months of 2020-21.

2. Recommendation

That the Committee:

- a. agree the annual review; and
- b. ask the Monitoring Officer to circulate it to all Members of the Council.

Background Documents:

None

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From: **Jeremy Kite, Chair of the Standards Committee**
Ben Watts, General Counsel

Subject: **Standards Committee Annual Review - Draft**

Classification: **Unrestricted**

1. Chairman's Foreword

- a. This inaugural review covers an extended period including the 2019-20 municipal year as well as the majority of 2020-21. As well as reviewing the last complete year, the timing of this review allows the Committee to reflect upon the operation of our standards system for Members and draw to the attention of all KCC Members any themes that have emerged and matters Members may wish to bear in mind for the future as we look towards local elections and the formation of a new council.
- b. At the beginning of the period covered by this review, no one could have foreseen that we would be where we are now, with the Council being on the front-line of responding to the COVID-19 pandemic and managing the practicalities of the end of the transition period in our new relationship with the EU.
- c. To keep Members, Officers, and the public safe, Council meetings have moved online, and this transition has been made incredibly smoothly. This has involved working and interacting with the public in a different way as we all continue in our roles representing our constituents and seeking to make Kent an ever-improving place to work and live.
- d. A breakdown of the number of complaints can be seen in the main body of the report (4b below). This shows that there has been an increase, with the number received in the first nine months of the current municipal year being almost double that received in the whole of the preceding year. This period almost exactly coincides with the first national lockdown and the wholesale move to online meetings. This is partly explained by the challenge of adjusting to a new way of working and the challenging nature of the issues facing us all. From the evidence available, I do not see a substantial deterioration in the overall behaviour of Members.
- e. Even given the strange times in which we find ourselves, the number of complaints received still accounts for a tiny fraction of the total number of interactions, numbering in the tens of thousands, that Members have collectively with the public. Most of my colleagues continue to work hard, often putting in long hours without any fuss or fanfare. Where complaints are received, it is rarely the case that the nature of the complaint is of such a nature that a formal inquiry is required and none in the period covered by this review.

- f. This does not mean that Members should be complacent. The public have a right to expect their local representatives to act professionally in the course of their duties. This includes during formal meetings online, when sitting in the comfort of our own home and without the physical presence of others can make us all forget where we are from time to time. Public life is increasingly carried out in a virtual space – not just online meetings, but the ubiquitous use of social media as well. Both can bring a permanency to a temporary lapse and make it harder to correct the impression given. There have been some complaints that came close to being a formal breach of the Kent Code of Conduct for Members. Many could have been avoided if the first thought of the Member were to act to de-escalate the situation.
- g. Complaints have been received about less than one in four Members over the period of this review, with six of the total number being a wider complaint about a larger group of Members. Of the nineteen about a particular Member, almost all were single instances of complaints. Looking to the future, I hope that as the composition of the Council becomes ever more representative of the population it serves (with only 1 in 4 Members being female for example), even this relatively small number of complaints will reduce further.
- h. Each event which has led to a complaint resulted in an average of one and half complaints (21 events over 31 complaints). A single event can sometimes see several complaints, and this is not always clear from looking at the total number. Education appeals and planning applications are two areas of Member activity that can lead to increased complaints. It is reasonable to conclude that this is due to the nature of these processes where outcomes are unequivocal and may leave an applicant or appellant feeling aggrieved. However, there have been some other events or meetings that have attracted small clusters of complaints. The number of complaints does not mean that a breach of the Code is more likely to have occurred but does emphasise the big difference to the overall numbers that small changes in behaviour can make.
- i. As we move towards a new Council this year, I would simply ask that all Members remind themselves of the requirements of the Code of Conduct and more broadly to remember that we are elected to represent the people of Kent and need to be mindful of how we behave as elected representatives.
- j. I would like to end by thanking all the Members of the Standards Committee for their work and advice both at and between formal meetings. Overseeing the conduct of our fellow Members is no easy task, but their sense of collective responsibility and professionalism means I have been proud to work alongside them.
- k. On behalf of the Committee, I would also like to thank Mr Michael George, our Independent Person. His role has been to provide independent input into the standards process and provide views on complaints. Although this is a statutory role as required by the Localism Act 2011, I would like to think that Kent would create this position if it did not exist. It is a difficult but a valuable and much appreciated role.

2. Role of the Standards Committee

- a. The Standards Committee exists to promote and maintain high standards of conduct by Members and Co-opted members of the County Council. The full Terms of Reference is set out in Sections 17.5-17.8 of the Council's Constitution.

3. Work of the Committee

- a. Across 2019-20 and 2020-21 the Standards Committee has carried out the following:
 - Reviewed and discussed the Cox report into "The bullying and Harassment of House of Commons Staff", "Local Authority Governance" by the National Audit Office.
 - Considered in detail the findings of the Committee on Standards in Public Life report into "Local Government Ethical Standards." The report contained a set of recommendations (mainly directed at central government) and a set of best practice suggestions for all authorities to consider.
 - Responding to the Local Government Authority's consultation on their draft model code of conduct. Revising the model code of conduct was one of the recommendations of the Committee on Standards in Public Life.
 - Received regular reports on the complaints made about Members.
- b. The LGA has now published its Model Councillor Code of Conduct and this is being reviewed by the Standards Committee. Although the legislative framework of the standards regime remains the same as it was when the current Kent Code was written in 2011, the experience of the last decade and the LGA's Model Code may mean that the Standards Committee will be recommending changes to the scheme in due course. The Standards Committee will ensure that all Members are involved in this discussion if any changes are proposed. It is also a Kent Code, so there are wider conversations to be had as well.
- c. It is also possible that the legislation will change. Most of the recommendations of the Committee on Standards in Public Life report were directed at central government, with several recommendations about amending the current legislation. The government has yet to respond formally to these recommendations. If the law changes, it is more than likely that the Kent Code will need to do so as well.

4. Complaints Received

- a. The appendix to this review contains all the formal complaints raised since the start of 2019/20.
- b. The number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Table: Complaints Received

	1 April 2019 to 31 March 2020	1 April 2020 to 31 Dec 2020
Total no. of complaints received	11	20
Source of complaints	Councillors - 0 Members of the public - 10 Parish/Town Council Employee - 0 KCC Officer - 1 Anonymous - 0	Councillors - 1 Members of the public - 16 Parish/Town Council Employee - 3 KCC Officer – 0 Anonymous - 0
Complaints against, including withdrawn and rejected	Members – 11 Co-opted Members - 0	Members – 20 Co-opted Members – 0
Independent Person	The Independent Person was consulted in respect of 3 complaints.	The Independent Person was consulted in respect of 5 complaints.
Outcomes	Withdrawn/rejected – 1 No Further Action – 0 Local Resolution – 0 Local Investigation – 10 Standards Committee Hearing Panel - 0	Withdrawn/rejected – 1 No Further Action – 0 Local Resolution – 0 Local Investigation – 19 Standards Committee Hearing Panel - 0

5. Register of Members Interests

- a. The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.
- b. During 2019/20 and 2020/21 Members were reminded that there is provision for information considered to be sensitive not to be published on their register of interest form. Sensitive information is that which, if disclosed, could lead to the Member, or a person connected to the Member, being subject to violence or intimidation. If a Member considers that the information relating to any personal interest is sensitive, and the Monitoring Officer agrees, the register available for inspection will not include the details of that interest other than stating that the Member has an interest and that the details are withheld.

Members were reminded that if they consider an interest to be sensitive, they should still declare the matter and request that it be treated as sensitive information. The fact that a Member considers the information to be sensitive is not a reason for failing to declare the interest.

- c. A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £100 or more. Members are reminded every 6 months of the need to declare gifts and hospitality of such a value.
- d. There is an ongoing requirement to keep the information on the register of interest form up to date. Members must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

6. Applications for Dispensation

- a. In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2019/20 and 2020/21 there were no applications for dispensations.
- b. All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

7. Training and Development

- a. On 22 October 2020, County Council formally agreed to establish the Member Development Sub-Committee under the Selection and Member Services Committee. This replaced the informal Member Development Steering Group. As a formal sub-committee, it will ensure that Member training matters, included those around standards, have a high profile and the appropriate training be put in place for all Members elected in May.
- b. Outside of the schedule of formal training, Members can contact Democratic Services or the Members Hub if they feel that some bespoke training would be beneficial.

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