

STANDARDS COMMITTEE

Monday, 9th May, 2022

2.00 pm

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

STANDARDS COMMITTEE

Monday, 9th May, 2022, at 2.00 pm
Council Chamber, Sessions House, County Hall,
Maidstone

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

Membership

Mr J A Kite, MBE (Chair), Mrs S V Hohler, Rich Lehmann, Mr R C Love, OBE,
Mr C Simkins, Dr L Sullivan and Mr B J Sweetland

Please note: that the unrestricted part of this meeting may be filmed by any member of the public or press present.

UNRESTRICTED ITEMS

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

1. Substitutes
2. Election of Vice-Chair
3. Declarations of Interest
4. Minutes of the meeting held on 25 May 2021 (Pages 1 - 2)
5. Appointment of Hearing Panel
6. Standards, Training and Culture (Pages 3 - 6)
7. Government Response to the Committee on Standards in Public Life (Pages 7 - 22)
8. Amendment to the Kent Code (Pages 23 - 38)
9. Monitoring Officer Update

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

Thursday, 28 April 2022

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Mote Hall Leisure Centre, Maidstone, Kent, ME15 7RN on Thursday, 27 May 2021.

PRESENT: Mrs S V Hohler, Mr J A Kite, MBE, Mr R C Love, OBE, Mr C Simkins and Mr B J Sweetland

IN ATTENDANCE: J Cook (Democratic Services Manager)

UNRESTRICTED ITEMS

1. Election of Chair

(Item 3)

1. It was duly proposed and seconded that Mr Jeremy Kite be elected as Chair of the Committee.

RESOLVED that Mr Kite be elected as Chair.

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From: Ben Watts, General Counsel
To: The Standards Committee, 9 May 2022
Subject: Standards, Training, and Culture
Classification: **Unrestricted**

1. Introduction

- a. Other reports on this agenda cover possible amendments to the current Kent Code of Conduct for Members and the Government response to the full set of recommendations proposed by the Committee on Standards in Public Life (CSPL). Together these provide us with a good understanding of the formal framework of the local government standards regime – now and in terms of any forthcoming legislative changes.
- b. As discussed at previous meetings of this Committee, the Standards regime of a local authority like Kent County Council is more than the formal framework. The CSPL report into Local Government Ethical Standards makes many references to the importance of leadership and culture. The 2018 report by Dame Laura Cox into The Bullying and Harassment of House of Commons Staff eschewed an extensive set of recommendations - instead reflecting on the need to change a deep-rooted culture.
- c. In addition, most elected representatives belong to a political party. Both the CSPL report and the government response to it recognise the important role of political parties and groups. Indeed, the government response frames its response to some of the recommendations in the context of this role. For example, in responding to the recommendation about the power of suspending a Councillor, the government response includes the following:
 - “On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.”¹

2. Training and the Updated Code

- a. As set out elsewhere in this agenda, the Kent Secretaries’ draft of potential updates to the Code does not include a recommendation for mandatory standards training. Instead, the approach taken is to clearly state that not having received training cannot be used as a defence.

¹ P.8,

- b. Several Committees' Terms of Reference mandate training for Members and substitutes on the Committee in question (e.g., Planning Applications Committee and Governance and Audit Committee). The difference here is that including a mandatory requirement within the Code would make it applicable to all Members, regardless of whether they are on the Standards Committee or not.
- c. Members have access to training materials via the Members KNet and through the Members' part of Delta. The Code of Conduct is covered on the latter as part of the module on Officer and Member Relations. This covers the basic principles. The Members Hub support Members in making the appropriate declarations, with the final responsibility for doing so always resting with the Member.
- d. However, the topic of training for Members of the Standards Committee is also something for the Committee to discuss. Members are asked to determine if their own training needs are being met with reference to the formal role of the Standards Committee and the duties on Members appointed to the Hearing Panel.

3. Member Development Sub-Committee.

- a. In order to formalise Member engagement and input into their own development, County Council agreed to establish the Member Development Sub-Committee in November 2020. This will formally report to the Selection and Member Services Committee. While the intention is for the meetings to be open to all Members, a formal membership is required and is being finalised at the time of writing.
- b. Subject to the decision of this Committee, the Member Development Sub-Committee could be asked to look into the matter of developing and delivering Member training on standards. This Committee could then consider their findings.

4. Organisational Culture

- a. Training and the wording of the formal Code are important parts of the standards picture, but other factors have an impact. Political Groups have a role - indeed as the government response makes clear, the assumption this role will be undertaken has been designed into the process.
- b. Wider than this, the subject of organisational culture is a complex one, but this Committee is asked to reflect on what recommendation could be made to Council about improving ethical standards above and beyond what is in the Kent Code.

5. Recommendation:

The Standards Committee is asked to:

- a. Ask the Member Development Sub-Committee to consider Member training on standards as a priority area of its work programme;
- b. Consider whether its own training needs, and especially the needs of the

Hearing Panel have been met and how best to address any gap; and

- c. Consider and comment on how to improve ethical standards across the authority.

6. Background Documents

The Kent Code for Members.

<https://democracy.kent.gov.uk/documents/s102332/Appendix%20C%20The%20Kent%20Code.pdf>

The Bullying and Harassment of House of Commons Staff by Dame Laura Cox,

<https://www.parliament.uk/globalassets/documents/conduct-in-parliament/dame-laura-cox-independent-inquiry-report.pdf>

'Local Government Ethical Standards' by the Committee on Standards in Public Life,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Government response to the Committee on Standards in Public Life review of local government ethical standards,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061773/Government_response_to_CSPL_review_of_local_government_ethical_standards.pdf

7. Contact details

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From: Tristan Godfrey, Senior Governance Manager

To: The Standards Committee, 9 May 2022

Subject: Government Response to the Committee on Standards in Public Life

Classification: **Unrestricted**

Summary:

This report summarises the Government Response to the Committee on Standards in Public Life into Local Government Ethical Standards and sets out what changes are proposed that may impact the current standards regime.

Recommendation:

The Standards Committee is asked to note the report.

1. Introduction

- a) On 31 July 2019, this Committee considered the review into 'Local Government Ethical Standards' published by the Committee on Standards in Public Life¹. The report contained 26 recommendations and 15 best practice suggestions.
- b) In responding to the first recommendation, the Local Government Association (LGA) conducted a consultation into a revision of its Model Code of Conduct for Members. This in turn resulted in a review of the Kent Code, and the outcome of this is presented to Members in a separate paper at this meeting.
- c) Most of the recommendations were directed at central government, and many would require legislative/regulatory change to be implemented. The review of the Kent Code was carried out therefore on the understanding that a future update might be required if the Government were to decide to amend or change the legislation underpinning the standards regime.
- d) On 18 March 2022, the Government published its formal response. This is summarised in the next section, with the full text set out in the Appendix.

2. The Government Response

- a) The following sections summarise the Government response by setting out the CSPL recommendation (in italics) beneath different headings.
- b) Government to take action:

- *The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.*
- *The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.*

c) Keeping under review / Further consideration:

- *Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.*
- *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.*
- *Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".*
- *The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.*
- *Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.*

d) For local authority determination:

- *Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.*
- *Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.*
- *The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.*
- *Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.*

e) Further engagement with sector:

- *A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.*
- *Local authorities should be given the discretionary power to establish a decision making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.*
- *Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.*
- *The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.*
- *Local authorities should be given the power to suspend councillors, without allowances, for up to six months.*
- *The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.*
- *Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.*

f) Government not taking action / Rejects recommendation:

- *Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.*
- *The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.*
- *The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.*
- *The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.*

3. Future Changes

- a) As set out in the previous section, there are two areas where legislative change is likely in the short to medium term. There are other areas where changes may be forthcoming following further review and/or engagement with the local government sector.
- b) The first likely change is around the default assumption that Members are required to publicly disclose their home addresses. There is an existing route whereby home addresses can be classified as a sensitive interest and so not made publicly available where there are legitimate concerns of abuse or intimidation. The Government has previously written² that requests to use this

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route should be viewed sympathetically. Depending on how the change is enacted in law, it may not require a change to the Kent Code, but this will be reviewed at the time and the Committee advised accordingly.

- c) The other recommendation likely to result in legislative change is to extend protections for statutory officers to all disciplinary action, not just dismissal. Were this to require any changes, they would not be to the Kent Code, but rather amendments to Section 25 of the Constitution, Personnel Management Rules.

4. Recommendation:

The Standards Committee is asked to note the report.

5. Appendices

Government response to the Committee on Standards in Public Life review of local government ethical standards.

6. Background Documents

'Local Government Ethical Standards' by the Committee on Standards in Public Life,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Government response to the Committee on Standards in Public Life review of local government ethical standards,

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Kemi Badenoch MP

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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

**Minister of State for Equalities
and Levelling Up Communities**

Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.³ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

From: Ben Watts, General Counsel
To: The Standards Committee, 9 May 2022
Subject: Proposed Revisions to the Kent Code of Member Conduct
Classification: **Unrestricted**

Summary:

The purpose of this report is to ask Members to consider amendments to the Kent Code of Conduct for Members recommended by the Kent Secretaries Group in response to the publication of the LGA Model Code of Conduct.

Recommendation:

The Standards Committee is asked to:

- a. Discuss the proposed changes to the Kent Code of Member Conduct; and
- b. Recommend to County Council that the Constitution be amended with the changes agreed by this Committee.

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 in Public Life'.
- b) Most of the recommendations in the CSPL report were for central government. The government response is covered in another agenda paper in more detail, but as a result it is not anticipated that there will be significant changes to the legislation underpinning the standards regime in the short term.
- c) This legislation has remained largely the same since 2011. 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. However, each authority remains responsible for agreeing its own code and in practice, differences are possible.

2. Revising the Kent Code in Response to The Model Code

- a) The Standards Committee has discussed the CSPL report and the LGA Model Code previously. At its meeting of 22 February 2021¹, the Committee considered the differences between the LGA Model Code and the current Kent Code and expressed views as to where changes could be made, and where they were not required.
- b) These views fed into the discussions of a Kent Secretaries working group that was set up to discuss and produce an amended version of the Kent Code for discussion by a formal meeting of the Kent Secretaries.
- c) This draft was presented to a meeting of the Kent Secretaries on 13 September 2021. Further changes were made at this meeting and the text of this agreed draft is contained in Appendix 1. The suggested changes to the current code are shown as track changes. Minor differences between the draft agreed by the Kent Secretaries and the current version as set out in the KCC Constitution are not shown where they are due to differences in layout. All substantive differences are shown.
- d) In addition, the Kent Secretaries are recommending the addition of the word “official” before “capacity” in section 21.49. This change had already been made by KCC on the advice of our Independent Person (agreed by County Council on 12 December 2013). We have therefore already made this change and it is not marked up.
- e) Not all of the suggested changes arose directly from suggestions made by the LGA in their Model Code. Although the legislation underpinning the Code has not changed, there were areas where the content could be updated.
- f) For ease of discussion, the suggested changes are also indicated by letters in the Appendix, and are summarised below:
 - A. 21.37(a) – The words “or body” have been added to section 21.37(a). These were not included in the version of the Kent Code adopted by KCC in 2013. However, they were by other authorities that adopted the same Code. This addition introduces more consistency across the Codes.
 - B. 21.50 - The LGA Model Code recommended including a long list of different types of communication and interaction. The form of words suggested here is simpler and reduces the risk of an unintended gap due to the list missing something. The current Code was adopted prior to the rapid growth in social media and this section recognises this.
 - C. 21.52(a) and (b) – The current Code makes no reference to “harassment”. There are national laws to which Members are subject, and KCC has policies on harassment. However, including it explicit is a symbol of its importance. The additional sub-sections are to help clarify what is meant by both “bullying” and “harassment”.

- D. 21.52(f) – This section provides a direct cross-reference between the sections in the Constitution referring to information that is classified as exempt in Committee papers.
- E. 21.53 – The LGA Model Code recommended including a requirement to undertake Code of Conduct training. Rather than mandate it, the approach taken here is to establish the principle that not undertaking training cannot be used as an excuse for breaching the Code.
- F. 21.54 – The LGA Model Code recommended including a requirement to cooperate with any investigation and/or subsequent determination. The Kent Secretaries have included this suggestion here.
- G. 21.73 – While the Seven Principles of Public Life have remained constant, the definitions given to them by the CSPL have been subject to change. While the Seven Principles do not formally form part of the Kent Code, they are referred to (see section 21.32 of the current Code). This additional sentence covers any period where the definitions have been updated by the CSPL but they have not been in the Constitution.
- H. 21.74-80 – The definitions of the Seven Principles of Public Life have been updated with the one given on the CSPL website at the time of drafting.
- I. Current section 21.78 (deleted) – This section was an information footnote added to the KCC Constitution, but it was never part of the Code as adopted by other authorities. This historical background to the CSPL and the Seven Principles is no longer required.

3. Next Steps

- a) The Committee are asked to consider the changes to the Kent Code proposed by the Kent Secretaries Group, in particular whether to endorse, reject, or modify the changes set out in paragraph 2f above.
- b) If the Committee is agreed on these changes, the proposed changes to the Kent Code will then be submitted to full Council for adoption.

4. Recommendation:

The Standards Committee is asked to:

- a. Discuss the proposed changes to the Kent Code of Member Conduct; and
- b. Recommend to County Council that the Constitution be amended with the changes agreed by this Committee.

5. Appendices

Draft Kent Code of Member Conduct showing amendments as recommended by the Kent Secretaries Group

6. Background Documents

The LGA Model Code of Conduct for Members.

<https://democracy.kent.gov.uk/documents/s102331/Appendix%20B%20LGA%20Model%20Code.pdf>

The Kent Code for Members.

<https://democracy.kent.gov.uk/documents/s102332/Appendix%20C%20The%20Kent%20Code.pdf>

7. Contact details

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Appendix – Draft Kent Code of Member Conduct¹ showing amendments as recommended by the Kent Secretaries Group

Preamble

- 21.32 The Code of Conduct that follows is adopted under Section 27(2) of the Localism Act 2011.
- 21.33 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.
- 21.34 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.
- 21.35 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.
- 21.36 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 as they would be if the amendments were all accepted.

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

21.37 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

21.38 In this Code the following definitions shall apply:

21.39 "Associated Person" means (either in the singular or in the plural):

A

- (a) a family member or any other person or body 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).

21.40 "Authority" means the Kent County Council.

21.41 "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.

21.42 "Code" means this Code of Conduct.

21.43 "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.

21.44 "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.

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

21.46 "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.

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

21.48 "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.

21.49 "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.

21.50 "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

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

21.51-21.52 This Code applies to all forms of communication and interaction including social media.

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B

General Obligations

21.52-21.53 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).

21.5321.54 You must not:

C

(a) ~~bully any person;~~ bully any person or carry out any act of harassment. For the purposes of this paragraph bullying and harassment shall be construed as follows:-

(i) 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. Their website contains examples;

(ii) harassment will have the meaning set out in The Protection from Harassment Act 1997 and other relevant legislation.

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~~(a)(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;

~~(b)(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;

~~(c)(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,

D

(e) disclose information which is exempt information within the meaning of Part VA Local Government Act 1972 or The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

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~~(d)~~(f) prevent another person from gaining access to information to which that person is entitled by law,

~~(e)~~(g) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute,

~~(f)~~(h) 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.

E

21.55 Where you have not undertaken training relating to conduct matters, you shall not be able to use this as a defence where a complaint has been made.

F

21.56 You must cooperate with any Code of Conduct investigation and/or determination

Registering Disclosable Pecuniary Interests

21.5421.57 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.

21.5521.58 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.

21.5621.59 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.

21.5721.60 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.

21.5821.61 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

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Disclosable

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Interests

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(b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to 21.62-64, below); and unless you have been granted a dispensation or are acting under 21.61:

- 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.

[21.60](#)[21.62](#) 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:

- (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.

[21.61](#)[21.63](#) 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

[21.61](#)[21.64](#) 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.

Members'
Interests: Other

[21.62](#)[21.65](#) 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 21.62 is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

[21.63](#)[21.66](#) The rules relating to disclosure of Interests in paragraphs 21.59 and 21.60 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

[21.64](#)[21.67](#) 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.

[21.65](#)[21.68](#) 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 21.58-61 above will apply.

[21.66](#)[21.69](#) 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.

[21.67](#)[21.70](#) 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

[21.68](#)[21.71](#) 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 21.58-61 above).

[21.69](#)[21.72](#) 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.

[21.70](#)[21.73](#) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

[21.71](#)[21.74](#) 21.58-61 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under 21.69-71.

The Seven Principles of Public Life

Seven Principles
of Public Life

[21.72](#)[21.75](#) 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. The definitions of the Principles are as below, or as set out on the website of the Committee on Standards in Public Life.

G

H

[21.73](#)[21.76](#) ~~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. Holders of public office should act solely in terms of the public interest.~~

[21.77](#) ~~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. 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 declare and resolve any interests and relationships.

21.74

21.7521.78 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. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

21.7621.79 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. 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.

21.7721.80 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. 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.

21.7821.81 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. Holders of public office should be truthful.

21.7921.82 Leadership. Holders of public office should promote and support these principles by Leadership and example. 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.

21.80 — 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)

21.8421.83 The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

21.8221.84 “the Act” means the Localism Act 2011.

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Disclosable
Pecuniary
interests:
Definitions

[21.83](#)~~21.85~~ “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.

[21.84](#)~~21.86~~ “director” includes a member of the Committee of management of an industrial and provident society.

[21.85](#)~~21.87~~ “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.

[21.86](#)~~21.88~~ “M” means a member of the relevant authority.

[21.87](#)~~21.89~~ “member” includes a co-opted member.

[21.88](#)~~21.90~~ “relevant authority” means the authority of which M is a member.

[21.89](#)~~21.91~~ “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.

[21.90](#)~~21.92~~ “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).

[21.91](#)~~21.93~~ “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.

[21.92](#)~~21.94~~ 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	<p>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:</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	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	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority, and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>1) that body (to M's knowledge) has a place of business or land in the area of the relevant authority, and</p> <p>2) either</p> <p>a. 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>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.</p>