

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,

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

- 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

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