

From: Ben Watts, General Counsel  
To: Standards Committee, 20 March 2024  
Subject: Proposed Revisions to the Kent Code of Member Conduct  
Classification: **Unrestricted**

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**Summary:**

The purpose of this report is to ask Members to consider amendments to the Kent Code of Conduct for Members. The proposed amendments build on changes recommended by the Kent Secretaries Group in response to the publication of the LGA Model Code of Conduct and discussed by the Committee at its previous meeting.

**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 January 2019 the Committee on Standards in Public Life's (CSPL) published its review into 'Local Government Ethical Standards'<sup>1</sup>. Most of the recommendations in the CSPL report were for central government. The government response was discussed by this Committee on 9 May 2022<sup>2</sup>.
- b) However, the first recommendation in the CSPL report was for the Local Government Association (LGA) to update its model code of conduct. In mid-2020, the LGA conducted a consultation which led to the publication of this revised version.
- 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 the current Code is intended to be a Kent Code and not 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 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.

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<sup>1</sup> <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

<sup>2</sup> <https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=141&MId=9038&Ver=4>

## 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 2021<sup>3</sup>, 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 draft as agreed by the Kent Secretaries was presented to this Committee on 9 May 2022.
- d) The Committee discussed the proposed changes and asked for a further revision to be presented to the Committee taking into account the comments made at the meeting. A revised set of suggested amendments to the Kent Code are now set out in the Appendix. The comments below refer to the section in the Appendix marked by the same letter as the comment:
  - A. Neither the preamble nor the Seven Principles of Public Life are part of the formal Code. The original suggestion by the Kent Secretaries was to explicitly set out the principle that not having received training on the Code could not be used as mitigation in the case of a complaint. It was felt this was more suitable as part of the preamble and has been placed there now.
  - B. The original suggestion by the Kent Secretaries was to include a requirement to cooperate with an investigation and any outcome. It was felt that while cooperation was the expectation it could lead to an infinite series of complaints arising from an initial one where a Member did not cooperate. To make clear that the Standards Committee believed it was the expectation, it has been adapted and moved to the preamble.
  - C. The original suggestion read as follows – “This Code applies to all forms of communication and interaction including social media.” A modifier has been added to the suggested wording – “...which could result in a relevant breach of the Code.” It was felt that the original phrasing was potentially too broad and so include communications made by Members outside their role as Members.
  - D. The current Code states that a Member must not “bully any person.” Harassment is not explicitly mentioned, although would be covered by relevant legislation. The suggested amendment proposed by the Kent Secretaries covered both bullying and harassment and made reference to the legislation covering harassment and explicit

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<sup>3</sup> <https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=141&MId=8698&Ver=4>

reference to the ACAS definition of bullying. In response to Member comments on the latter, the amended wording in relation to bullying is a close adaptation of the words used in the LGA Model Code.

- E. The original recommendation from the Kent Secretaries was that the requirement to not disclose Part II papers from committee agendas should be explicitly mentioned. It was felt that having it as a separate clause meant that the public interest justification did not cover these. Part II papers have now been included as part of the preceding section to avoid this.
- F. The Kent Code includes the definitions of the Seven Principles of Public Life as they were when the Code was first adopted. The CSPL have amended the definitions and the Committee agreed that they should be updated. To ensure the most current definitions are used in the future, the reference to the CSPL website has been replaced with a standing delegation to the Monitoring Officer to update the definitions as needed.
- G. As agreed at the previous meeting, 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.
- H. As agreed at the previous meeting, this historical footnote has been deleted.

e) In addition, the Kent Secretaries recommended adding the words “or body” after “other person” in what is currently 21.41(a) in the Appendix. This was rejected by the Committee and so is not shown in the revised draft.

### **3. Next Steps**

- a) The Committee are asked to consider the changes to the Kent Code proposed, in particular whether to endorse, reject, or modify the changes set out in the Appendix.
- b) Proposed changes to the Kent Code will be submitted to full Council for adoption following the agreement of this Committee to do so.

### **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 suggested amendments.

## **6. Background Documents**

The LGA Model Code of Conduct for Members.

<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

The Kent Code for Members. See Constitution sections 21.32 to 21.92

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0010/3142/Constitution.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0010/3142/Constitution.pdf)

## **7. Report Author and Relevant Director**

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