

From: Ben Watts - General Counsel  
To: County Council - 23 May 2024  
Subject: Proposed Revisions to the Kent Code of Member Conduct  
Previous pathway: The Standards Committee, 20 March 2024  
Classification: **Unrestricted**

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### **Summary:**

The purpose of this report is to ask Members to approve 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 follow detailed conversation, changes and input by the Standards Committee. At its meeting of 20 March 2024, the Standards Committee agreed to recommend these amendments to full Council.

### **Recommendation:**

County Council is asked to agree the changes to the Kent Code of Member Conduct as recommended by the Standards 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.

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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>

- d) It needs to be kept in mind that the current Code is intended to be a Kent Code and not just 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.

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

- a) The Standards Committee has 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. Members were very clear about some of the proposed changes which they felt were not as clear or robust as the existing drafting within the Kent Code.
- b) These views were then fed into the discussions of a Kent Secretaries (an officer group of Governance and Monitoring Officers in the County) working group that was set up to discuss and produce an amended version of the Kent Code for further consideration by the various Standards Committees across the County.
- c) The text of this draft as agreed by the Kent Secretaries was presented to the Standards Committee on 9 May 2022. Amendments were suggested and further work was undertaken based on the views discussed by Members culminating in an updated draft being presented for consideration by the Committee on 20 March 2024. With some additional amendments made at this meeting, the Committee agreed to recommend the draft set out in the Appendix for consideration by full Council.
- d) The changes agreed by the Standards Committee are set out as track changes to the current code in the Appendix. Each change is also marked by a letter in a box. The changes are summarised and explained below:
  - A. In the current Code, there is no explicit reference to Members receiving training related to standards. The preamble is not part of the formal code, but the principle is set out that not having received training on the Code could not be used as mitigation in the case of a complaint.
  - B. The preamble is not part of the formal Code but the expectation is set out here that a Member will cooperate with any investigation and the outcome. It is set out in the preamble to mitigate the risk of a perpetuating series of complaints based on not cooperation with an initial investigation.
  - C. Social media was not as ubiquitous when the current Code was agreed as it is now. This addition is to make it clear that, where relevant to the Code, interactions on social media are covered.

- 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 amendment proposed here covers both bullying and harassment. Because there is legislation which defines harassment, this is referenced. While there is no legal definition of bullying, the wording here builds on and adapts that used by the LGA Model Code, which itself draws on the ACAS definition of bullying. The Standards Committee has adapted the wording to make it more appropriate for the local government setting.
- E. This amendment makes it explicit that this section, concerning the disclosure of information, also applies to information in exempt (or ‘Part II’) agenda papers.
- 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, a standing delegation to the Monitoring Officer has been included to enable the definitions to be updated as and when the CSPL revises them. The Seven Principles are not part of the formal Code.
- G. 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. The current Code includes an historical footnote on the background to the Seven Principles of Public Life. This is not relevant to the operation of the Code and has been deleted.

### **3. Next Steps**

- a) The legislation has not changed substantially but the production of the new LGA model code has provided an opportunity to review and refresh the existing Code. If the legislation affecting the Code is changed, then further amendments will be developed in due course for consideration by the Standards Committee and full Council.
- b) The Member Development Sub-Committee is currently reviewing the development needs of Members. The Council’s ethical framework is part of these discussions.

### **4. Recommendation:**

County Council is asked to agree the changes to the Kent Code of Member Conduct as recommended by the Standards Committee.

### **5. Appendices**

Draft Kent Code of Member Conduct showing proposed 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)

Standards Committee meeting agenda, 9 May 2022,

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

Standards Committee meeting agenda, 20 March 2024,

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=141&MId=9431&Ver=4>

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

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