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To: Standards Committee – 6 September 2013

Subject: Kent Code of Conduct for Members

Classification: Unrestricted

FOR DECISION

SUMMARY

The Secretaries of all the Kent local authorities have been keeping under review the Kent Code of Conduct for Members since it was introduced on 1 July 2012. This report sets out some suggested changes to the documentation as recommended by the Kent Secretaries.

1. Introduction

1.1. When the new Code was adopted by the County Council on 19 July 2012, it was the first time that the County Council, working closely with all Kent districts and the Kent and Medway Fire Authority, came together to create a single uniform code which applies consistently across all four tiers of local authority in the county.

1.2. A great many hours of detailed work was put in by all concerned aimed at enhancing and protecting the reputations of the Kent authorities and their Members as well as bringing all the authorities closer together.

1.3. The outcome was a new Code which is shorter, simpler and less onerous than the old one.

Features of the New Arrangements

1.4. As enacted, the Localism Act 2011 puts in place a standards regime which includes the following features and requirements:

- (a) A duty to promote and maintain high standards of conduct by elected and co-opted members of the authority
- (b) A requirement to have a Code of Conduct dealing with the conduct that is expected of members when they are acting in that capacity
- (c) A requirement for the Code of Conduct, when viewed as a whole, to be consistent with the principles of selflessness; integrity; objectivity; accountability; openness; honesty and leadership

- (d) A requirement to have in place arrangements under which allegations that a Member has failed to comply with the Code can be investigated and also under which decisions relating to those allegations can be made.
- (e) A requirement for the authority to appoint an 'independent person' whose views must be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate. Additionally, the views of the independent person may be sought by the authority and by a Member in other limited circumstances specified in the Act.
- (f) A regime for requiring the notification to the Monitoring Officer of Disclosable Pecuniary Interests (DPIs) to enable him to establish and maintain a register of interests, backed by criminal sanctions. Under the new regime it is not only the interests of the Member that must be notified and registered, but also those of a spouse or civil partner; a person with whom the Member is living as husband or wife, or as civil partners.
- (g) The authority must also secure that its Code of Conduct includes appropriate provisions in respect of the registration of DPIs and interests other than DPIs.
- (h) Includes provisions to allow the withholding of sensitive information from the register where the Member concerned and the Monitoring Officer consider that the disclosure of details of the interest could lead to violence or intimidation.
- (i) Provisions for obtaining dispensations to allow a Member to speak and vote notwithstanding an interest.

1.5. On adopting the Code the County Council agreed that it should be kept under review by the Heads of Legal from each of the local authorities across Kent (Kent Secretaries).

2. Suggested Amendments to the Kent Code of Conduct

2.1. The Kent Secretaries have met on a number occasions over the past year to share information on the operation of the Code, the impact on Members and to discuss any proposed amendments to the Code and the supporting documentation.

2.2. The amendments to the Code procedures put forward by the Kent Secretaries are minor in nature, mainly for clarification purposes only, rather than introducing any substantive change, and reflect the fact that all authorities have reported overwhelmingly on the successful adoption and implementation of the new Code over the past year.

2.3. Attached are the following tracked change documents:

- (a) The Kent Code of Conduct;
- (b) Notification of Disclosable Pecuniary Interests form – Kent County Council and Kent and Medway fire and Rescue Authority; and

- (c) Arrangement for Dealing with Code of Conduct Complaints under the Localism Act 2011

3. Recommendation

The Committee is asked to agree the changes to the Kent Code of Conduct for Members for submission to the County Council on 19 September 2013 for approval.