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To: County Council - 12 December 2013

Subject: Kent Code of Conduct for Members

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

1. Introduction

- (1) When the 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 and Rescue Authority, came together to create a single uniform code which applies consistently across all four tiers of local authority in the county.
- (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.
- (3) The outcome was a new Code which is shorter, simpler and less onerous than the old one.
- (4) The Code is operated by ten of the twelve Kent district councils and the Kent and Medway Fire and Rescue Authority.

2. Suggested Amendments to the Kent Code of Conduct

- (1) The Kent Secretaries have met on a number of 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) The Standards Committee met on 6 September 2013 and was largely content with the minor changes proposed by the Kent Secretaries. However, they raised concern over the Code procedures and the paragraphs relating to complainant confidentiality and anonymity.
- (3) Following this discussion the opportunity was taken to look at a number of other local authorities to see how they deal with the two provisions of confidentiality and anonymity.
- (4) The result is that none of Kent's nearest neighbour authorities makes reference to confidentiality or anonymity within their Member Code of Conduct, but

reference is made to these issues within the guidance notes and procedures for investigating complaints.

- (5) The Standards Committee met again on 29 November 2013 to consider the comparative information from other local authorities, together with a tracked change version of the Code and the procedures, which showed the effect of removing elements from the Code relating to both anonymity and confidentiality.
- (6) The Committee concluded that in accordance with natural justice and in the interests of fairness, the paragraphs relating to confidentiality and the ability for a complainant to remain anonymous should be removed from the procedures.
- (7) The Committee also considered one minor anomaly raised by the Independent Person, Mr George, between the Code and procedures relating to whether a member is acting in their official capacity. The Committee concluded that for clarity the word "official" should be inserted in front of the word "capacity" in the Code (paragraph 2 of the Code refers).
- (8) Attached are the following tracked change documents which the Standards Committee has endorsed and recommended to the County Council for approval:
 - (a) The Kent Code of Conduct – **Appendix A**;
 - (b) Arrangements for dealing with the Code of Conduct Complaints under the Localism Act 2011 – **Appendix B**.
- (9) The Standards Committee also recommend that there should be no further review of the Code or operational procedures until the new County Council is elected in 2017.

3. Recommendation

The County Council is asked to approve the changes to the Kent Code of Conduct for Members and the operational procedures and agree that the next review of the Code and procedures takes place following the County Council election in 2017.

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