

From: Ben Watts, General Counsel

To: Standards Committee, 20 March 2024

Subject: Proposed Revisions to Arrangements for Dealing with Code of Conduct Complaints

Classification: **Unrestricted**

1. Introduction

- a) On 9 May 2022, this Committee discussed the proposed revisions to the Kent Code of Member Conduct drafted by the Kent Secretaries. There was a useful discussion on this, and Officers were asked to consider further revisions.
- b) After the work on the Kent Code, a further working group of the Kent Secretaries began revising the documents which set out the arrangements for dealing with code of conduct complaints under the Localism Act 2011. This work has now been completed, and the updated arrangements are now available as drafts for discussion by authorities in Kent.
- c) The Standards Committee is responsible for maintaining oversight of the arrangements in place and for managing the arrangements once in place.

2. The Arrangements

- a) There are four parts to the arrangements – the overarching document and three annexes. These are:
 - i. Arrangements for Dealing with Code of Conduct Complaints under The Localism Act 2011.
 - ii. Annex 1 – Procedure on Receipt of a Complaints.
 - iii. Annex 2 – Procedure for Investigating the Complaint.
 - iv. Annex 3 – Hearing Panel Procedure.
- b) Collectively these documents are a guide for the public, this Committee, and everyone involved with a complaint at any level. As with the current Code, the arrangements have been in place for a long while and it was considered an appropriate time to review the arrangements in the context of the review of the Code itself. The current arrangements documents are not as clear as they could be in certain areas and the revision process aimed to make sure there was improved internal consistency to the arrangements.
- c) The current arrangements are set out on the KCC website in the section providing information on making a complaint about a County Councillor. This can be viewed here: <https://www.kent.gov.uk/about-the-council/complaints-and-compliments#tab-11,13>. The collected current arrangements documents can be directly accessed for comparison purposes here: https://www.kent.gov.uk/_data/assets/pdf_file/0009/77157/Process-for-handling-Code-of-Conduct-Complaints.pdf

- d) On 21 September 2021, the Local Government Association produced new guidance on handling Member Code of Conduct Complaints¹. This was also used to test the current arrangements and make suggested revisions.
- e) The revised arrangements as agreed by the Kent Secretaries are set out in the appendices in the same order as listed in 2a above. These have been adapted in two ways. Firstly, Kent County Council does not have the role Borough/City/District Councils do in connection with Parish Councils and complaints. These references have been removed. Secondly, a few terms have been changed to be consistent with common KCC practice (particularly 'Member' for 'Councillor' and 'section' for 'paragraph' when making cross-references internal to the documents).

3. Recommendation:

The Standards Committee is asked to:

- a. agree to the proposed revised arrangements for handling Member complaints; and
- b. delegate to the Monitoring Officer the authority to make minor changes to the arrangement documents to ensure they are practical and consistent.

4. Appendices

- Appendix 1 - Arrangements for Dealing with Code of Conduct Complaints under The Localism Act 2011.
- Appendix 2 - Annex 1 – Procedure on Receipt of a Complaints.
- Appendix 3 - Annex 2 – Procedure for Investigating the Complaint.
- Appendix 4 - Annex 3 – Hearing Panel Procedure.

5. Background Documents

None.

6. Report Author and Relevant Director

Ben Watts, General Counsel
03000 416814
benjamin.watts@kent.gov.uk

Tristan Godfrey, Senior Governance Manager
03000 411704
tristan.godfrey@kent.gov.uk

¹ <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>