

# AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

26 July 2022

## Model Code of Conduct

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Audit, Governance and Standards Committee	26 July 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Audit, Governance and Standards Committee
<b>Lead Head of Service</b>	Claudette Valmond, Head of Legal Partnership
<b>Lead Officer and Report Author</b>	Jayne Bolas Monitoring Officer and Sahib Kaur Marwaha, Senior Legal Officer, Corporate Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

### Executive Summary

The Local Government Association (the LGA) published a new model Code of Conduct following recommendations made by the Committee on Standards in Public Life. Kent County Council Standards Committee considered the LGA's Model Code of Conduct. Following that, the Kent Secretaries group have produced model templates for a new Kent Code for Members of Principal Authorities and a new Kent Code for Town and Parish Councils. This is currently in draft for under review by Kent Secretaries prior to reconsideration by KCC.

**Purpose of Report**

For noting.

**This report makes the following recommendations to the Committee**

1. That the Audit, Governance and Standards Committee note the information set out in this report.

## Model Code of Conduct

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	High standards of conduct are essential amongst Members in delivering the Council's priorities. The model Code of Conduct consultation supports this.	Interim Deputy Head of Legal MKLS
<b>Cross Cutting Objectives</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Risk Management</b>	This report is presented for information only and has no risk management implications. An effective Code of Conduct and robust complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Interim Deputy Head of Legal MKLS
<b>Financial</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Staffing</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Legal</b>	It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The Members' Code of Conduct was adopted by Full Council and can be found within the Council's Constitution that can be viewed on the Council's website.	Interim Deputy Head of Legal MKLS

<b>Information Governance</b>	No personal information is provided as part of the report.	Interim Deputy Head of Legal MKLS
<b>Equalities</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Public Health</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Crime and Disorder</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Procurement</b>	No implications.	Interim Deputy Head of Legal MKLS
<b>Biodiversity and Climate Change</b>	No implications.	Interim Deputy Head of Legal MKLS

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 In mid-2020, the Local Government Association (LGA) conducted a consultation into a revision of its Model Code of Conduct for Members. Formally, this was carried out in response to the first recommendation of the Committee on Standards in Public Life's (CSPL) review into 'Local Government Ethical Standards' (published January 2019). More broadly, it forms part of an LGA workstream into 'Civility into Public Life'. The consultation on the draft member code of conduct ran for a 10-week period from Monday 8 June until Monday 17 August 2020.
- 2.2 Most of the recommendations in the CSPL report were for central government, However, the Government has not made any legislative changes reflecting the CSPL's recommendations. The legislation remains the same at present. (See more detail in the previous report on this agenda). The new LGA Model Code was published in May 2021. (Appendix 1) The LGA Model Code is not mandatory, and the flexibilities of the Localism Act 2011 remain. It is for each Council, to determine what changes to make, if any, to their own Code.
- 2.3 Following the LGA's model Code of Conduct publication in 2021, Kent County Council Standards Committee considered the LGA's Code of

Conduct. Taking account of the comments of their Members on the LGA draft Model Code, the Kent Secretaries group have produced draft model templates for a new Kent Code for Members of Principal Authorities (Appendix 2.1) and a new Kent Code for Members of Town and Parish Councils (Appendix 2.2). In addition, a new model procedure for handling complaints relevant to the new Code of Conduct has been produced (appendices 3.1, 3.2 and 3.3). These model templates are internal working documents and were adopted at the Meeting of Associate Kent Secretaries in September 2021 as being suitable for a Kent wide version. This new Kent Code is a draft version that Kent County Council members have requested further amendments to. Those will be further considered by Kent Secretaries at a meeting anticipated to be held in September.

- 2.4 All councils are required under s 27(2) of the Localism Act 2011 to have a local Member Code of Conduct. Section 27 (3) states that a Parish Council may comply with that Section by adopting the code of its principal authority with references amended to its own register. At present, most Parish Councils in the Maidstone area have adopted a similar Code of Conduct to the Borough Council, based on the current Kent wide model developed from the previous LGA model code. A few Parish Councils have adopted their own Code.
- 2.5 A process of consulting all Parish Councils in Kent individually is not in contemplation by the Kent Secretaries group. This is because many Parishes have either adopted the current Kent Code and complaints handling procedures or they have their own version of the Code. This complies with legal requirements. If a Parish Council decides it does not want to make changes to their Code, amend to that of the principal authority etc. they may do so, provided they comply with the statutory requirement to have a Code of Conduct.
- 2.6 However, Kent Secretaries are seeking any comments on the current draft from the Kent Association of Local Councils, (KALC). Any comments received will be considered with the amendments sought by KCC. Clearly, there may be differing opinions and ultimately the aim is to provide a Code that could be used by all to provide a county wide consistency of approach. However, each principal authority and each Parish make the final adoption decision themselves. The model Kent version will first need to be adopted by KCC so that a consistent version can move down through all Councils.

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### **3. AVAILABLE OPTIONS**

- 3.1 This report is for noting only.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 This report is for noting only.
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## **5. RISK**

- 5.1 This report is presented for information only and has no risk management implications.
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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The draft model code and appendices has been seen by KCC Members and shared with KALC.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Although this report is for noting only, Members may wish to consider requesting a further report with options after the Kent Secretaries meeting in September.
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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1 – The LGA model Code of Conduct
- Appendix 2.1 – The draft new Kent Code for Members of Principle Authorities
- Appendix 2.2= The draft new Kent Code for Members of Town and Parish Councils
- Appendix 3 – Draft Arrangements for Dealing with the Code of Conduct Complaints under Localism Act 2011
- Appendix 3.1 - Annexe 1 – Procedure on Receipt of a Complaint
- Appendix 3.2 – Annexe 2 - Procedure for Investigating a Complaint
- Appendix 3.3 - Annexe 3 – Hearing Panel Procedure

## **9. BACKGROUND PAPERS**

None.