
Subject: LOCALISM ACT 2011 – REVIEW OF THE CODE OF CONDUCT FOR MEMBERS AND PROPOSED AMENDMENTS

Meeting and Date: Standards Committee – 4 December 2013
Council – 29 January 2014

Report of: David Randall, Director of Governance & Monitoring Officer and Harvey Rudd, Solicitor to the Council & Deputy Monitoring Officer

Classification: Unrestricted

Purpose of the report: For the Council to review the Council of Conduct for Members which was adopted in June 2012.

Recommendation:

1. That the Council revises the Code of Conduct for Members as indicated at Appendix 1 and incorporates the proposed amendments bringing them into effect of 1 February 2014.
2. That the Council commends the revised Code of Conduct to the town and parish councils within the district incorporating the additional change explained at paragraph 3..4 of this report.
3. That the Council adopts the practice of inviting members to make voluntary declarations of interest as explained at paragraph 4 of this report.

1. Summary

This report makes recommendations for minor revisions to the Code of Conduct for Members adopted by the Council in June 2012.

2. Introduction and Background

2.1 In accordance with the requirements of the Localism Act 2011 the Council adopted a locally drawn Code of Conduct for members in June 2012. As members will recall the previous statutory standards regime ceased to operate at midnight on 30 June 2012. In adopting the Code the Council asked the Monitoring Officer to keep the Code and its associated arrangements under review and report further to the Council or the Standards Committee as he considers necessary. The Monitoring Officer was authorised to make amendments to the Arrangements for receiving, administering and dealing with complaints. Therefore, the arrangements are not the subject of this report.

2.2 A working Group of the Association of Kent Secretaries was charged with keeping the Model Code of conduct under review. This working Group reported to the Association of Kent Secretaries in the summer of 2013. The recommendations for revision to the Code are shown on the Code reproduced at Appendix 1.

3. **The Proposed Revisions.**

- 3.1 It will be noted the proposed revisions to the Code of Conduct are relatively modest. The principal reason for this is that across the County there has been a significant decline in the number of complaints against elected members and that in operating the new Code few problems have been encountered.
- 3.2 The only changes proposed to the Code relate to the definitions of “Associated Person” and “Member”.
- 3.3 In the case of “Associated Person” the existing text of the Code is deficient in that the definition should clearly include a body and not just individuals – please see paragraph 1(a). Further, paragraphs 1(b) and (c) need to be related to the subject members and not just to other people.
- 3.4 The Code of conduct for Town and Parish Councils is not reproduced here. It follows the District Code with the substitution of ‘Town Council’ of “Parish Council” for “District Council” where appropriate. One additional change to the Town and Parish Code is recommended which does not feature in the recommended changes to the District Code. The change relates to paragraph 7 of the Code which deals with gifts and hospitality. Under the 2012 Parish Code notification of gifts and hospitality was to be made to the Monitoring Officer. It is now proposed that the town or parish clerk should receive these notifications. Accordingly, in paragraph 7 of the Town and Parish Code the word “Clerk” is to be substituted for the words “Monitoring Officer” wherever they appear.

4. **Other Interests**

- 4.1 A feature of The Kent Model Code is that the interests required to be disclosed whether as Disclosable Pecuniary Interests or Other Significant Interests, are either financial in nature or related to a regulatory function. On several occasions members themselves have felt the need to make disclosures which whilst not required by the Code of Conduct they feel, are necessary in the interests of transparency. This practice has been reinforced by the republication by the Department of Communities and Local Government in September 2013 of a guide for councillors “Openness and transparency on personal interests”. The guide suggests that apart from the duty to register and disclose interests under a formal Code, there is a separate duty to make declarations in conformity with the seven principles of public life which appear as Annex 1 to the Kent Code.
- 4.2 Hitherto it has not been the practice of the Council to make any provision within agendas for the declaration of interests other than those which are required by the Code. This can readily be addressed by inviting members on each agenda to declare as follows:-

“Declarations of Interest: - To declare any interests which fall under the following categories,

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests”

There would then be an explanation of (c) in the following terms.

“: **Voluntary Announcements of Other Interests** not required to be disclosed as DPI’s or OSI’s, i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].”

The above follows a practice already adopted by Ashford Borough Council.

10. **Appendices**

Appendix 1 – Kent Model Code of Conduct for Principal Councils

11. **Background Papers**

Localism Act 2011

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