

Annex 3 – Comparison Table: LGA Model Code of Conduct and the existing TMBC (Kent) Code

	LGA Model Code Section	LGA Model Code Content	Kent Code
a.	<p><i>“General Principles of councillor conduct.”</i> <i>“Appendix A – The Seven Principles of Public Life.”</i></p>	<p>The Seven Principles of Public Life (Nolan Principles) are set out as something everyone in public life should uphold.</p> <p>Building on these, nine general principles are set out in the Model Code specifically for the role of Councillor that supplement the Nolan Principles:</p> <p><i>“In accordance with the public trust placed in me, on all occasions:</i></p> <ul style="list-style-type: none"> <i>• I act with integrity and honesty</i> <i>• I act lawfully</i> <i>• I treat all persons fairly and with respect; and</i> <i>• I lead by example and act in a way that secures public confidence in the role of councillor.</i> <p><i>In undertaking my role:</i></p> <ul style="list-style-type: none"> <i>• I impartially exercise my responsibilities in the interests of the local community</i> <i>• I do not improperly seek to confer an advantage, or disadvantage, on any person</i> <i>• I avoid conflicts of interest</i> <i>• I exercise reasonable care and diligence; and</i> <i>• I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public</i> 	<p>The Seven Principles are set out within Annex 4 to the Kent Code, with the explanation that the principles do not create statutory obligations for Members and do not form part of the Code.</p> <p>The proposed supplemental general principles did not exist at the time the existing Kent Code was agreed.</p>

		<i>interest.”</i>	
b.	<i>“Application of the Code of Conduct.”</i>	<p>The Model Code says:</p> <p><i>“This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:</i></p> <ul style="list-style-type: none"> • <i>you misuse your position as a councillor</i> • <i>your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.”</i> 	<p>The Kent Code adheres to the wording of the Localism Act 2011 (section 2):</p> <p><i>“You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.”</i></p>
c.	<i>“Application of the Code of Conduct.”</i>	<p>After the section above, the Model Code then goes on to clarify that <i>“the Code applies to all forms of communication and interaction”</i> and sets out a long list, including social media.</p>	<p>Section 2 (see above) is not expanded upon.</p>
d.	<i>“General Conduct. 1. Respect.”</i>	<p>Respect is the first of ten codified parts of the Model Code, with each suggested wording followed by some notes of explanation. The section on respect in the Model Code says:</p> <p><i>“As a councillor:</i></p> <p><i>1.1 I treat other councillors and members of the public with respect.</i></p> <p><i>1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.”</i></p>	<p>There is no exact parallel to this Model Code section in the Kent Code. It is partly covered elsewhere in the Constitution. For example, in the Protocol on Member-Officer relations, para 2.1 provides that <i>‘The relationship between members and officers generally is characterised by mutual trust, respect and courtesy.’</i></p>

e.	<i>“General Conduct. 1. Respect.”</i>	The explanatory notes in the Model Code explain that Members also have the right to expect respectful behaviour from the public and can disengage from interactions where this is the case, though this is not codified.	Not featured in the Kent Code.
f.	<i>“General Conduct... 2. Bullying, Harassment, and Discrimination.”</i>	The suggested wording in the Model Code is as follows: <i>“As a councillor: 2.1 I do not bully any person. 2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.”</i>	The first part of this suggested wording on bullying is included in the Kent Code (Section 3.2(a) – “You must not... bully anyone”). Harassment is not specifically mentioned, but bullying would be interpreted broadly enough in practice to include it given the legal uses of the word ‘harassment.’ The promotion of equalities section in the Model Code does not have an exact parallel in the Kent Code itself but para 3.4 of the Protocol on Member-Officer relations addresses equalities issues.
g.	<i>“General Conduct... 2. Bullying, Harassment, and Discrimination.”</i>	The Model Code refers to ACAS for definitions/examples. The explanatory text for this section in the Model Code refers specifically to the Protection from Harassment Act 1997 and the Equality Act 2010.	Not featured in the Kent Code.
h.	<i>“General Conduct... 3. Impartiality of officers of the council.”</i>	The suggested wording in the Model Code is as follows: <i>“As a councillor:</i>	The Kent Code has similar wording at 21.51 (c): “You must not... do anything that

		<p><i>3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.”</i></p>	<p>compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority.”</p>
i.	<p><i>“General Conduct... 4. Confidentiality and Access to Information.”</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>4.1 I do not disclose information:</i></p> <p><i>a. given to me in confidence by anyone</i></p> <p><i>b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless</i></p> <p><i>i. I have received the consent of a person authorised to give it;</i></p> <p><i>ii. I am required by law to do so;</i></p> <p><i>iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person;</i></p> <p><i>or</i></p> <p><i>iv. the disclosure is:</i></p> <p><i>1. reasonable and in the public interest;</i></p> <p><i>and</i></p> <p><i>2. made in good faith and in compliance with the reasonable requirements of the local authority; and</i></p> <p><i>3. I have consulted the Monitoring Officer prior to its release.</i></p> <p><i>4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my</i></p>	<p>The suggested wording in the Model Code largely replicates that of the Kent Code (section 3.2(d)), with the following exceptions:</p> <p>i. Where 4.1.b.i in the LGA Model Code requires the consent of the person, the Kent Code requires “the written consent.”</p> <p>ii. 4.1.b.iv.3 of the Model Code requires consultation with the Monitoring Officer prior to the release of information. This step is not in the Kent Code.</p> <p>iii. There is a general prohibition on a Member using their position for personal advantage in the Kent Code (Section 3.2) which covers what is written in 4.2 of the Model Code, but does not specify using knowledge gained as a Member for personal gain.</p>

		<p><i>friends, my family members, my employer or my business interests.</i></p> <p><i>4.3 I do not prevent anyone from getting information that they are entitled to by law."</i></p>	
j.	<p><i>"General Conduct... 5. Disrepute."</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>"As a councillor:</i></p> <p><i>5.1 I do not bring my role or local authority into disrepute."</i></p>	<p>This is covered with an equivalent section in the Kent Code, section 3.2(f):</p> <p><i>"You must not... conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute."</i></p>
k.	<p><i>"General Conduct... 6. Use of Position."</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>"As a councillor:</i></p> <p><i>6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else."</i></p>	<p>This is covered with an equivalent section in the Kent Code, section 3.2(g):</p> <p><i>"You must not... use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage."</i></p>
l.	<p><i>"General Conduct... 7. Use of local authority resources and facilities."</i></p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>"As a councillor:</i></p> <p><i>7.1 I do not misuse council resources.</i></p> <p><i>7.2 I will, when using the resources of the local or authorising their use by others:</i></p> <p><i>a. act in accordance with the local authority's requirements; and</i></p> <p><i>b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or</i></p>	<p>The closest equivalent is section 3.1 of the Kent Code which says:</p> <p><i>"You must, when using or authorising the use by others of the resources of the Authority: ... ensure that such resources are not used improperly for political purposes (including party political purposes)."</i></p>

		<i>be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.”</i>	
m.	<i>“General Conduct... 8. Complying with the Code of Conduct.”</i>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>8.1 I undertake Code of Conduct training provided by my local authority.</i></p> <p><i>8.2 I cooperate with any Code of Conduct investigation and/or determination.</i></p> <p><i>8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.</i></p> <p><i>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.”</i></p>	<p>8.3 of the suggested wording is mirrored at Section 3.2(b) of the Kent Code:</p> <p><i>“You must not:... intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code.”</i></p> <p>There is no equivalent of model code sections 8.1, 8.2, and 8.3.</p>
n.	<i>“General Conduct... 9. Interests.”</i>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>9.1 I register and declare my interests.”</i></p> <p>This is supported by Appendix B of the Model Code that sets out the detailed provisions around registering and declaring interests.</p>	<p>This part of the Model Code and its Appendix B is essentially replicated in the Kent Code although written and set out differently (sections 4 & 5).</p> <p>One difference is that in defining non-registerable interests in Appendix B (p.12 of the Model Code), the Model Code refers to it applying to matters which affects the “financial interest or well-being” of the Member or close associate “to a greater extent than it affects the financial interests of the majority of inhabitants</p>

			<p>of the ward affected by the decision.” The Kent Code only refers to matters affecting the “financial position” in the definition of ‘Other Significant Interest’ (section 1.20)</p>
o	<p>“General Conduct... 10. Gifts and hospitality.”</p>	<p>The suggested wording in the Model Code is as follows:</p> <p><i>“As a councillor:</i></p> <p><i>10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</i></p> <p><i>10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</i></p> <p><i>10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.”</i></p>	<p>Gifts and hospitality are covered in the Kent Code (section 7), and in Protocol B to the Code. The differences with the Model Code are:</p> <ul style="list-style-type: none"> i. The financial threshold for registering a gift/hospitality is £100 in the Kent Code, whereas the Model Code sets it at £50. On the other hand, the Kent Code sets this figure as a cumulative one, so that 5 gifts of £20 value would need to be declared as the total value is £100. Under the Model Code, none would need to be declared. ii. There is no requirement in the Kent Code to refuse gifts/hospitality under the circumstances set out in 10.1 of the Model Code or declare these and other significant offers as under 10.3. However, Protocol B to the existing Code (‘Gifts, Benefits and Hospitality’) sets out detailed rules for considering/ refusing/ accepting any gifts or hospitality.

p.	<i>“Appendix C – the Committee on Standards in Public Life.”</i>	The Committee on Standards in Public Life report on Local Government Ethical Standards contained a set of recommendations about actions it believed needed to be taken, primarily by central government. The report also contained a set of Best Practice recommendations for local authorities, and	The Joint Standards Committee has considered the CSPL Best Practice recommendations. The Kent Code was written before the production of these recommendations.
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		<p>these are set out in Appendix C of the report. These are not mandatory, and they are not all directly related to the Code of Conduct.</p>	
q	Style of presentation	<p>The example codified elements of the Model Code are written in the first person, e.g. “I register and disclose my interests.”</p> <p>The explanatory text is written as if addressed directly to the Member, e.g. “You need to register your interests so that...”</p>	<p>The Kent Code is written as if addressed to the Member, e.g. “You must comply with this Code....”</p>