

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS092

DATE: 15TH APRIL 2013

TITLE:	AMENDMENTS TO THE CONSTITUTION – MEMBERS CODE OF CONDUCT PRINCIPLES OF CONDUCT IN PUBLIC LIFE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Constitutional change	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Engagement and Corporate Governance	
CONTACT OFFICER:	Lucy Youles Head of Legal and Democratic Services l.youles@southkesteven.gov.uk Tel:01476 406105	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

It is recommended the Constitution Committee consider the changes to the definitions of the principles of conduct in public life detailed at Appendix A and recommend to Council the substitution of the new principles in place of the existing principles as set out in the Members' Code of Conduct attached to this report at Appendix B.

2. PURPOSE OF THE REPORT

The purpose of the report is to introduce the new principles of conduct in public life which were approved by the Government in January 2013 and to consider whether the new principles should be adopted by the Council to be included in the Members' Code of Conduct.

3. DETAILS OF REPORT

At its meeting on the 12th July 2012, the Council agreed to adopt the Members Code of Conduct set out at Appendix B. The requirement for a new members' code was included in the Localism Act 2011. Each Council was required to develop its own code provided the code was consistent with the principles of conduct in public life introduced by the Committee of Standards in Public Life. This was done in this Council's Code of Conduct by adopting a code which defined all the principles as established by the Committee of Standards in Public Life. The Committee of Standards in Public Life determined to change the definitions of each principle in January of this year. The new definitions are detailed at Appendix A by tracked changes showing the amendments to the existing principles. The proposal is that the new definitions as shown in Appendix A are recommended to Council for adoption.

4. OTHER OPTIONS CONSIDERED

- 4.1 As the requirement of the Localism Act is to adopt a code **consistent with** the principles of conduct in public life, the code, as currently drafted, remains compliant because the general terms of the principles are set out in the code. It would be an acceptable option to make no amendment to the code as currently drafted. This option may, in the long term, lead to confusion in respect of the meaning of the principles if two sets of different definitions exist.
- 4.2 Alternatively, if the definitions are to change from time to time, it may be appropriate to remove all definitions to the principles and include the one word description of each principle to demonstrate consistency with the principles as required.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the proposal

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No significant risks	

7. ISSUES ARISING FROM IMPACT ANALYSIS

Equality impact analysis not required

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications relating to the amendments.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

Any change to the Members' Code of Conduct must be communicated to all town and parish councils who have adopted the South Kesteven District Council Members' Code of Conduct. Each council must then consider whether or not they intend to adopt any changes made by this Council.

11. COMMENTS OF OTHER RELEVANT SERVICES

None relevant

12. APPENDICES

Appendix A - The Principles of Public Life showing the principles as currently drafted and proposals for amendment in red,

Appendix B – The Members' Code of Conduct