REPORT TO:	**COUNCIL**	**AGENDA ITEM: 14**
DATE OF MEETING:	**13TH NOVEMBER 2008**	**CATEGORY: DELEGATED**
REPORT FROM:	**MONITORING OFFICER**	**OPEN PARAGRAPH NO: N/A**
MEMBERS' CONTACT POINT:	**ANDREA McCASKIE (595831)**	**DOC:**
SUBJECT:	**CONSULTATION PAPER – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**	**REF:**
WARD(S) AFFECTED:	**ALL**	

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendation

2.1 That any comments which Members may have be forwarded to the Standards Committee for consideration at its Meeting on 25th November 2008.

2.2 That the Standards Committee be authorised to respond to the consultation paper on behalf of the Council.

3.0 Purpose of Report

3.1 To consider a consultation paper issued by the Department of Communities and Local Government which invites views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. Responses have been requested by 24th December 2008.

4.0 Detail

4.1 The White Paper, *Communities in control: Real people, real power,* is about passing power into the hands of local communities. It sets out a range of policies to achieve this, building on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.

4.2 This paper invites views on proposals for revising the Model Code of Conduct for local authority Members ("the Members' Code"), principally to clarify its application to Members' conduct in their non-official capacity. This paper also invites views on proposals for associated changes to the Relevant Authorities (General Principles)

Order 2001 which sets out the general principles which govern the conduct of local authority Members. Finally, it seeks comments on proposals to introduce a requirement for authorities to incorporate a Code of Conduct for employees, based on a statutory model code of conduct, in to the terms and conditions of employment of their employees' ("the employees' code").

4.3 Following the local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, the Local Government and Public Involvement in Health Act 2007 established a more locally-based conduct regime for local authority Members centred on local authority Standards Committees. Under the new devolved regime, the Standards Board for England has become a light-touch strategic regulator, responsible for monitoring the operation of the conduct regime and giving support and guidance to Standards Committees and Monitoring Officers in discharging their new functions.

4.4 As part of the changes to the conduct regime, a new Model Code of Conduct for local authority Members, the Local Authorities (Model Code of Conduct) Order 2007, was introduced with effect from May 2007, on the basis that the provisions of the Members' Code would be reviewed in light of early experience of its practical operation.

4.5 Chapter 2 of the consultation paper (attached at Annexe 'A') seeks views on proposals to clarify the Members' Code in its application to Members' conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revisions to the Members' Code, including reconfiguring the Members' Code into two distinct sections, the first dealing with Members' conduct in their official capacity, the second dealing with Members' conduct in their non-official capacity. Finally, it seeks views on associated amendments to the Relevant Authorities (General Principles) Order 2001 to clarify its application to Members' conduct in their non-official capacity. Particular questions on which comments are requested are set out in each chapter. In order to aid consideration of the proposed amendments to the current Members' code, the substance of the 2007 code is reproduced at Annexe 'B'.

4.6 Chapter 3 of the paper seeks views on the proposed introduction of a Model Code of Conduct for local government employees, which will become part of such employees' terms and conditions of employment. This issue will be considered by the Council's Joint Negotiating Group, which deals with staffing matters.

4.7 It is intended, subject to responses to this consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections in 2009.

4.8 A Meeting of the Standards Committee will be held on 25th November 2008 to consider a response to the consultation paper.

5.0 Corporate Implications

5.1 Article 8.02 of the Council's Constitution provides that a role of the Standards Committee is to promote and maintain high standards of conduct for councillors and co-opted Members.

6.0 Community Implications

6.1 The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

7.0 Background Papers

7.1 Oct 08 Consultation Paper