

STANDARDS COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 2)
on Friday, 30th June, 2006 at 1.00 p.m.

ITEM		PAGE
1.	Apologies for Absence	
2.	Minutes of the Meeting of the Committee held on 20th February, 2006 (copy herewith).	1
3.	Declarations of Interest (if any)	
4.	Ethical Governance Audit – Draft Specification Report of the City Solicitor (copy herewith).	5
5.	Councillors' Use of Computer Facilities Report of the City Solicitor (copy herewith).	7
6.	Protocol for the Use of Member Websites Report of the City Solicitor (copy herewith).	10

R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

22nd June, 2006.

This information can be made available on request in other languages.
If you require this, please telephone 0191 553 1345.

At a meeting of the **STANDARDS COMMITTEE** held in the **CIVIC CENTRE, SUNDERLAND** on **MONDAY, 20TH FEBRUARY, 2006** at 4.30 p.m.

Present:-

Mr. G.N. Cook in the Chair

Councillors M. Forbes and Kirby together with Mr. J.P. Paterson.

Variation of Agenda

The Chairman moved that the agenda be varied so that the Committee view the Standards Board for England DVD at the start of the meeting.

The Standards Board for England – Going Local – Investigations and Hearings

The City Solicitor submitted a report (copy circulated) advising that The Standards Board for England had produced a programme as a training aid for Local Authorities illustrating a local investigation and hearing and highlighting some of the challenges that might arise.

(For copy report – see original minutes).

The DVD was screened and Members had the opportunity to comment and discuss the scenario illustrated.

1. RESOLVED that the information contained in the programme in relation to the procedures to be followed when conducting local investigations and hearings be noted.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Mann, Shattock and Wandless (Hetton Town Council).

Minutes

The minutes of the meeting of the Committee held on 28th July, 2005 (copy circulated) were submitted.

2. RESOLVED that the minutes be confirmed and signed as a correct record.

Reports and Minutes of the Standards Committee Meetings held on 22nd and 23rd September and 18th October, 2005

The City Solicitor submitted reports attaching the decisions of the Standards Committee in respect of the hearings held on the above dates for Councillors Handy, T. Wright and C.R. Anderson.

(For copy reports – see original minutes).

The Committee proceeded to look at the decisions in respect of each of the Councillors as detailed in the appendices to the reports.

The City Solicitor confirmed that Councillor Handy had received the training imposed by the Committee as a penalty, which had resulted in her suspension lasting for three weeks. The suspension of Councillors Wright and Anderson had also ended and they had resumed their activities as Council Members.

The Chairman thanked Members for their attendance at the hearings and following discussion it was:-

3. RESOLVED that the decisions of the Committee attached as an appendix to the reports in respect of Councillors Handy, T. Wright and C.R. Anderson be approved as the minutes of the respective meetings, but that in respect of Councillor C.R. Anderson it be formally recorded that Councillor Anderson had failed to show any remorse.

Declarations of Interest

There were no declarations of interest.

Standards of Conduct in English Local Government : The Future

The City Solicitor submitted a report (copy circulated) advising of the response of the Government which was published on 15th December, 2005 to consultation responses on the future of the conduct regime for Local Government in England.

(For copy report – see original minutes).

The City Solicitor briefed the Committee on the principal changes to the current arrangements detailed at paragraph 2 of his report pointing out that many of the Committee's comments had been taken on board. He highlighted the link between the role of Standards Committees in increasing awareness of governance and standards in Councils and the increasing importance of this in the Corporate Performance Assessment process. He also highlighted the significant change to be

made in respect of declaring interests and speaking at Council meetings particularly for Members who also serve on other public bodies.

In response to Members' enquiries in relation to the above matter, the City Solicitor advised that there was no confirmed timetable for amending the Code by introducing new legislation and it was likely that this would not happen within twelve months.

The Chairman referred to the change proposed to the Code in respect of the misuse of public resources. He advised the Committee that it was intended that the Council's protocol on the use of IT equipment would be revised.

The City Solicitor confirmed that he was proposing to review the protocol on the use of Council resources to permit the use of IT equipment for 'light social use'. In this way Members of the Council would be encouraged to make more use of the IT resources available to them, especially as it was anticipated that Council agenda would be accessed electronically in future and as a result the circulation of paper copies would be reduced. The City Solicitor also pointed out that a Code of Conduct for employees was to be introduced similar to that for Elected Members.

Members welcomed the proposed change in respect of the declaration of interests in relation to appointments to other public bodies as this as it stood was preventing Members from undertaking their role and adding value to the areas in which they had a great deal of experience.

Full consideration having been given to the report it was:-

4. RESOLVED that the contents of the report and the successful contribution of the Committee to the proposed changes to the Code of Conduct be noted.

Audit of Ethical Performance

The City Solicitor submitted a report (copy circulated) advising that the Audit Commission was to undertake an audit of ethical performance across the Council.

(For copy report – see original minutes).

The City Solicitor reported that he was in discussion with Mr. Cameron Waddell of the Audit Commission concerning the Terms of Reference of the assessment of ethical performance.

A copy of a document setting out the purpose and process involved in the audit was circulated at the meeting.

The City Solicitor advised that a report would be submitted to the Standards Committee when the assessment was completed. He emphasised the Committee's role was to encourage and promote high ethical standards across the Council. A full report on the audit would also be submitted to Council.

The Chairman welcomed the proposed assessment, thanked Members for their attendance; and it was:-

5. RESOLVED that the report and the additional information detailed above be noted.

(Signed) G.N. COOK,
Chairman.

ETHICAL GOVERNANCE AUDIT – DRAFT SPECIFICATION**Report of City Solicitor****1. Introduction**

Members will recall at their last meeting that it was indicated that an Ethical Audit would commence in May.

The purpose of this report is to provide Members with further information on the matter.

2. Scope and Objectives

The aim of this audit is to assess whether the Council:-

- Is complying with Part III of the Local Government Act 2000
- Is ensuring that the Standards Committee has access to the right information and support to enable it to do its job properly
- Members and officers have an understanding/awareness of ethical issues
- Members are abiding by the code of conduct
- Members and officers training needs in this area

3. Audit Approach

To complete the project the Audit Committee will undertake:-

- A document review
- Interviews with key Members and Officers
- Focus groups with a range of officers and members

They plan to commence this work in May and issue a draft report in September 2006.

4. Progress with the Audit

Members have been recently requested to complete a questionnaire and return it to the Audit Commission.

A range of documents have been supplied and the assessment is progressing.

5. **Recommendation**

Members are asked to note the contents of this report and if they feel there are any other matters that need to be considered in the audit then these can be added to the scope of the review as appropriate.

STANDARDS COMMITTEE

30 JUNE 2006

COUNCILLORS' USE OF COMPUTER FACILITIES

Report by the City Solicitor

1. INTRODUCTION

1.1 Paragraph 5 of the Members Code of Conduct provides that:-

A Member:

- (a) Must not in his official capacity, or any other circumstances, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
- (b) Must, when using or authorising the use by others of the resources of the authority:-
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

1.2 The Council's current protocol provides that computer equipment must be used solely for Council purposes i.e. to facilitate or discharge the Member's formal responsibilities as a Councillor. It is apparent that many authorities impose a similar prohibition in respect of the use of computer equipment. However, others permit reasonable personal uses and it is considered it is appropriate to review the Council's protocol in the light of the following:-

- The proposed roll out of broadband
- The e-Government agenda
- Councillor blogs.

As Members are aware the Council is required to take forward the e-Government Agenda to meet the ODPM priority outcomes.

The intended outcomes are as follows:-

- R5 Public access to online reports, minute and agendas from past Council meetings, including future meetings diary updated daily
- R6 Providing every Councillor with the option to have an easy-to-manage set of public web pages (for community leadership

purposes) that is either maintained for them, or that they can manage themselves.

- G3 Citizens participation and response to forthcoming consultations and decisions on matters of public interest (e-consultation), including facility for citizens to sign up for e-mail and or SMS text alerts on nominated topics.
- G4 Establishment of multimedia resources on local policy priorities accessible via public website (e.g. video and audio files)
- E3 Agreed baseline and targets for e-participation activities, including targets for citizen satisfaction.

Work on implementing the e-Government democracy suite is in progress. In these circumstances it is necessary to encourage Members to use their computer facilities and it is considered appropriate to revise the current policy to permit personal use of e-mail and the internet in accordance with strict conditions. This will give Members further confidence in the use of IT and encourage their use.

2. PROPOSED CHANGES

As it is not practical for Councillors to have separate computer systems for Council as opposed to personal and family use in their homes. For the above reasons it is proposed that the Council should allow reasonable personal use of the Council equipment for which there may be payment of a small monthly fee. It is not proposed to allow use of the computer for business activities i.e. matters in which Members have a financial interest.

Computer and other ICT equipment within the Civic Centre and other council offices would remain for use for Council business only.

ICT services will need to create a separate user account with a different user name and e-mail address from the Councillor's official details. When using Council ICT equipment for non Council matters Members would need to ensure that:

- Council business material is not accessed by Members of the Councillor's family or anyone else.
- The separate e-mail and internet accounts for personal matters is used for such purposes only. Conversely, the Council e-mail address must only be used for Council business and not for personal messages.
- The equipment must not be used for inappropriate or illegal purposes.

- The primary use of a computer should be for Council business.
- The computer is not used to conduct business or commercial activities.

It is felt that these measures coupled with improved computer security arrangements (currently being piloted) would provide Members with the confidence and ability to use their computer to enable them to fulfil their Council responsibilities whilst also permitting reasonable private usage.

3. **RECOMMENDATION**

Members are invited to consider the contents in this report and if they agree to making a change to the protocol in principle that I be instructed to prepare a revised protocol for consideration at the next meeting of the Committee.

STANDARDS COMMITTEE

30 JUNE 2006

PROTOCOL FOR USE OF MEMBER WEBSITES

Report of the City Solicitor

1. Purpose of Report

This report provides a proposed protocol intended to govern Members' use of dedicated individual websites provided and administered by the Council, highlighting some areas of risk and proposals for managing these. The draft protocol is attached at Appendix A.

2. Description of Decision

Members are requested to:

- Consider the proposal to offer each Member the facility of a dedicated website on the basis of the protocol attached at Appendix A and the safeguards outlined in this report.

3. Background to the Protocol

At the request of Members, and in conjunction with development of an e-democracy suite, officers have explored the possibilities for each Member to be offered a dedicated web presence to promote their community responsibilities. A considerable amount of development work has been undertaken by ICT colleagues. The technical capability to provide individual sites is now available and has been subject to preliminary testing. Given the complex interface between Members' community and political activity and the need to ensure the proper use of Council resources, it is recognised that Members will require clear guidance as to the appropriate use of such sites. This guidance is set out in the attached protocol, which would have to be accepted by the Member before the website could be provided.

It is also recognised that technical developments around electronic communication continue to develop rapidly and that it may not currently be possible to identify the full range of issues and possibilities that may arise in future.

4. Legal Considerations

It is necessary to ensure that content of the websites does not breach relevant laws. There is potential for the Council to be found in breach of the restriction on political publicity contained in the Local Government

Act 1986 and the relevant Code of Practice, if political material is inadvertently included on the site.

If the Council is to offer a facility to link to other sites related to Members' areas of interest, there is a possibility that this could be considered in breach of the restriction, however, subject to technical safeguards, it can be argued that such assistance is de minimis, and therefore permissible. Clearly the safest course would be to allow no links to other sites, but if members wish to proceed with this, it is suggested that practical technical safeguards set out below are built into the system, which collectively may be regarded as mitigating the risk.

In addition to the need to ensure that Council resource is not used to provide any political publicity, there is a need to have regard to the laws of defamation and give proper recognition to the intellectual property rights of authors, including respect for copyright. The protocol as drafted endeavours to capture and give guidance on the issues.

5. Practical considerations

There are no significant issues associated with the publication on a website of purely factual information regarding Council matters such as a Member's discharge of official duties as a Councillor, although issues do arise regarding the use of "weblogs" or ("blogs"), on a Council provided site. It is recognised that any facilities offered must be offered equitably to all Members.

In order to ensure material uploaded onto a Member's individual site is compliant with the protocol, it is proposed that an officer or officers in the City Solicitor service will be responsible for screening material provided by the Member before it is authorised for release. Current proposals for additional resources in Members Services are being considered to ensure necessary officer support is available.

From review of Member websites in use in other areas, it is clear that many Members value the ability to link to related sites. Given the lack of Council or Member control of, or influence over, the content of other sites, it may be thought inappropriate to permit links to other sites to be included on the Member site. Alternatively, the protocol could be developed to make it clear that no such linking is offered to any site that contains material which is contrary to Council policy, and that a Member requesting a link to such material will be in breach of the protocol. The Corporate Head of ICT advises there are no specific technical issues with this but may be some issues of practicality.

Members have also expressed an interest in maintaining their own online journals, 'weblogs' or 'blogs', to communicate with residents more directly. It would clearly be impracticable to arrange for an officer

to screen this volume of material to appropriate timescales. It would be improper for any officer to assist in monitoring any website or 'blog' with political content.

It is therefore proposed that, should a Member request a link from their website to their blog or to another site (if the decision is to permit this), technical arrangements must be in place to ensure that the user of the site is advised that they are leaving the Council's website. This message would include a disclaimer to make it clear that the Council has no control of, and can accept no responsibility for, the content of the linked site. This would be clearly indicated by a screen message to the reader, before the link was activated. The ICT unit is checking that this can be done technically and practically.

Given the rapid development of both technical and practical use of electronic communications, it is proposed that any protocol issues should be subject to regular review.

6. In the event Members of the Council are offered a facility for a dedicated website then Standards Committee is recommended to approve:
 - That the protocol attached at Appendix A be adopted, to apply to each Member's use of the facility, which will not be made available to any Member until they have accepted and returned a signed copy of the protocol to the City Solicitor.
 - That a link to a Member's private blog may be offered subject to the technical safeguards outlined above.
 - That a link to another site or sites on subjects likely to be of interest to readers of the site may also be offered subject to the same technical safeguards.

Appendix A

PROTOCOL FOR USE OF MEMBER WEBSITES

This Protocol has been prepared to assist Members in preparing information to be included on their individual Website.

Member Websites are provided by Sunderland City Council to support Members in carrying out their responsibilities towards the people of Sunderland.

The Council recognises the value of providing Members with a web presence which they can use for community leadership purposes. It is intended that this web presence should be used to promote awareness of the activities Members undertake in carrying out their responsibilities as democratically elected representatives of their communities, and their particular range of interests in issues related to the wellbeing of the community.

CODE OF CONDUCT

In carrying out their responsibilities Members are subject to the requirements of the Code of Conduct for Members and Co-opted Members contained in the Council's Constitution. Members must observe the Code when requesting information to be added to details on the website. (LINK Code of Conduct)

CODE OF CONDUCT – POLITICAL CONTENT

A Member must, when using or authorising the use by others of the resources of the authority;

- (i) act in accordance with the authority's requirements; and
- (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive (stet) to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

A Member's website maintained by the Council is considered a Council resource and may not be used for political purposes, on the basis set out at (ii) above.

PRE-ELECTION PERIOD

In addition to the general prohibition on use of the website for political purposes set out in the Code of Conduct, all Member websites will be closed to updates during any pre-election period, that is from the date of publication of the notice of election, until voting has closed.

For guidance on pre-election period expenditure on political campaigning, please see the Code of Recommended practice on Local Government Publicity.

(LINK Code of Recommended practice on Local Government Publicity)

CODE OF CONDUCT - PROPRIETY

While the whole of the Code of Conduct applies, Members are also reminded that, the Code also makes it clear that they must:

- a) promote equality by not discriminating unlawfully against any person;
- b) treat others with respect; and
- c) not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the authority;
- d) not disclose information given in confidence by anyone, or information acquired which s/he believes to be of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so;
- e) not conduct himself in a manner which could reasonably be regarded as bringing his/her office or authority into disrepute.

QUASI JUDICIAL FUNCTIONS

A Member who is a Member of one of the quasi judicial Committees of the Council (Planning, Licencing, Schools Admissions, and any further quasi judicial functions that the Council may undertake) must not use the website to comment on issues relating to any decision they may be required to take in the course of their responsibilities to that Committee or publish any material that indicates, or could be understood to indicate, that they have arrived at any decision that has not yet been taken (i.e that they have prejudged the matter).

DEFAMATION

The rules of Defamation apply to websites and to blogs as they do to other communications. There is defamation when an untrue statement is made about a person other than the person making the statement. When a defamatory statement is recorded (e.g. in a letter, e-mail or on a website) it is called libel. When it is made verbally it is called slander. No member may publish defamatory material, or ask for it to be published on their behalf.

COPYRIGHT

Members may not publish any item without obtaining the consent of the copyright owner. Members should be aware that, as a general rule, the creation of any original material, including artistic material, illustrations, computer programming, publications and documents, gives the copyright in that material to the person who created it whether or not the material is actually marked 'copyright'.

DATA PROTECTION

Members may not publish any item which falls outside the Council's Data Protection notification. ([LINK to Council DP notification](#)).

Members must comply with data protection law and in particular must ensure that information published on the Member's website which identifies any other individual, does not breach that individual's data protection rights.

If in doubt the Member should seek advice from the Council's Data Protection Officer (or catch-all at end re advice of Monitoring Officer?).

OBSCENITY

It is a criminal offence to publish obscene material. Material is considered obscene in law if its effect is such as to tend to deprave and corrupt someone who is likely, having regard to all the relevant circumstances, to read, see, or hear it. Material containing foul language, and pornographic material, are examples which would be considered obscene.

It is not possible to provide an exhaustive list, and if in doubt the Member should seek advice from the City Solicitor.

DISCRIMINATORY MATERIAL

A Member may not publish material which discriminates against, victimises or harasses any section of society, including on grounds of gender, race, religion, religious belief or sexual orientation.

This prohibition on discrimination includes any material which may encourage or incite to racial hatred.

PROCEDURES

Material for publication on the Member website will be submitted to the City Solicitor's service for consideration.

The officer responsible for uploading and maintaining material on the Member website will seek the City Solicitor's advice if in doubt as to whether material is suitable for publication.

Members are reminded that they are required to observe the Code of Conduct on Member/Employee Relations. ([LINK Code of Conduct on Member/Employee Relations](#))

COUNCILLOR'S UNDERTAKING

I will at all times use the site in good faith, in accordance with this Protocol, and will seek the City Solicitor's advice if in doubt as to whether material is suitable for publication

I recognise that the Council has discretion to remove, or refuse to upload, any information which it considers may breach this protocol or considers to be otherwise unacceptable.

Signed, Councillor

Date