

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on FRIDAY, 30TH SEPTEMBER, 2011 at 1.00 p.m.

Present:-

Mr. G.N. Cook in the Chair

Councillors Forbes, Shattock, Tate and Wakefield together with Mr. J.P. Paterson and Councillor Wilkinson (Hetton Town Council).

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Charlton, Councillor Hepple (Hetton Town Council) and Mr. Stewart.

Minutes of the Last Meeting of the Committee

The minutes of the last meeting of the Committee held on 27th May, 2011 (copy circulated) were submitted.

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

Declarations of Interest

There were no interests declared.

Council Publicity – Guidance Note

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated), advising that a revised Code of Recommended Practice on Local Authority Publicity had been issued by the Department of Communities and Local Government and in light of this revision, the Council's Guidance Note had been reviewed to ensure it was consistent with the new Code.

(For copy report – see original minutes).

The Council's Monitoring Officer, Ms. Elaine Waugh briefed the Committee on the report advising that the new Code was grouped into seven principles that Local Authorities should follow as detailed at paragraph 4 of the report.

Ms. Waugh advised that a draft amended Guidance Note on Council Publicity had been prepared for the Committee's consideration and was shown on the appendix to the report.

In response to Members' questions, Ms. Waugh advised that the purpose of the Guidance Note was to provide a framework for the use of Council Publicity which enables the Council to explain what it does and why and thus increasing public awareness of the services the Council provides and improving local accountability.

In response to an enquiry from the Chairman regarding the bullet point that stated "Publicity will not include material likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy", Ms. Waugh advised that if publicity material was perceived by readers as such then ultimately it would be a Judge who would decide upon the matter. However, within the Council there were processes in place which involved working with Corporate Communications to ensure this did not occur.

Mr. Paterson enquired how cost effectiveness of any publicity could be determined.

Ms. Waugh advised that the Code on Recommended Practice on Local Authority Publicity recognised that cost effectiveness was something that is difficult to quantify or justify. For example in the case of publicising a free amenity, consideration would need to be given to the benefit of providing the information to the public.

Mr. Paterson referred to the publicity banners hanging from the lampposts at the Seafront which provided general publicity on the City's attractions and amenities. Mr. Paterson stated that the banners must have cost a fair amount when they were first purchased and added to this was the cost of putting them up and periodically changing them. Mr. Paterson enquired how this could be assessed as being cost effective and was it something the Committee should check. Mr. Paterson queried whether at a time when money was tight whether general advertising was appropriate.

The Chairman commented that whether the banners were cost effective was something that could be challenged.

Councillor Tate stated that he disagreed totally with what Mr. Paterson was saying with regards to the banners in that the Council was trying to advertise the City's attractions particularly to people visiting the City, for example Away Supporters going to football matches at the Stadium of Light. He added that the banners were not changed very often in any case.

Councillor Wakefield advised that banners had recently been placed at a roundabout in Herrington which had been the scene of an accident.

Councillor Shattock commented that there were obvious differences of opinion with regards to the publicity banners. However those at the Seafront were now shabby and the question for her was whether it would be cost effective to replace them or to take them down altogether.

Full discussion having taken place it was:-

2. RESOLVED that:-

- (i) the contents of the Guidance Note on Council Publicity be noted and endorsed by the Committee;
- (ii) copies of the Guidance Note be sent to all Members, Chief Officers and Heads of Service;
- (iii) the Council be recommended to formally adopt the Guidance Note on Council Publicity and agree that it be included in the Council's Constitution in place of the previous version; and
- (iv) the appropriate Officer be invited to brief Members with regards to the publicity banners located at various points in the City.

The Chairman having thanked Members for their attendance, closed the meeting.

(Signed) G.N. COOK,
Chairman.

**STANDARDS COMMITTEE
25 NOVEMBER 2011**

LOCALISM ACT 2011 – ACS_eS DRAFT MODEL CODE OF CONDUCT FOR MEMBERS

REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL AND CORPORATE SERVICES

1. Members have previously received reports on the proposals contained in the Localism Bill in respect of the reform of the ethical standards regime. The bill received royal assent on 15th November and the provisions, as enacted, reflect a number of amendments that were proposed as the bill proceeded through the parliamentary stages. The Act now contains a requirement for authorities to have a code of conduct, which must be in accordance with Nolan Principles and must include a requirement for members to register and disclose pecuniary and non pecuniary interests. It will be necessary for authorities to put in place a system to deal with allegations of breaches of the code and they must also appoint an independent person whose view will be taken into account before an authority reaches a decision following an investigation. The person against whom a complaint is made may also seek the views of the independent person.
Parish councils will also be required to have a code, but may adopt their principal council's code.
2. The latest information is that the Government intends to abolish the Standards Board by 31st March 2012 and therefore it is likely that the other standards provisions will be brought into effect at the same time. There will be a number of matters for authorities to deal with including the approval of a code, formulation of arrangements for investigation of breaches, determination of committee structures and appointment of the "independent person". The Association of Council Secretaries and Solicitors (ACSeS) is in contact with Communities and Local Government regarding the proposed implementation dates and it is expected that further information will be available in the near future.
3. Although there will not be a prescribed form of code, members previously expressed support for the principle of the Tyne & Wear authorities adopting the same code of conduct and at the meeting of the Standards Committee Chairs and Vice Chairs held earlier this year, support was also expressed for developing a consistent approach to procedures for investigating breaches. It is proposed that further discussions take place with monitoring officers from the other authorities regarding developing proposals in this regard.. In the meantime, ACSeS has developed a draft of a model code which was submitted to its Council meeting during October. This is attached for

members' information and consideration. Whilst the draft may be amended further in the light of the final version of the Act and any regulations which may be issued thereunder,, members may wish to .consider the draft and express views on it.

Recommendation

The Committee is recommended to note the report and if it so wishes, to comment on the ACSeS draft Code of Conduct.

Ethical Governance Portfolio

Draft CODE OF CONDUCT

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out at Appendix 1.

This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act (when in force), specifically provide that criminal sanctions will apply.

Interpretation

In this Code—

"meeting" means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

"member" includes a co-opted member and an appointed member.

General Obligations

1. When acting in your role as a member of the authority:

1.1 **Do** treat others with respect.

1.2, **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members.

1.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (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; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the Monitoring Officer prior to its release; or

1.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2. When using or authorising the use by others of the resources of the authority—

2.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at appendix 3, copies of which have been provided to you and which you are deemed to have read ;

2.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Interests [Subject to localism Bill]

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **Do** act solely in terms of the public interest and **Do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

4. There will be no requirement for you to declare or register any gifts and hospitality; however **Do not** accept any gifts or hospitality in excess of £50.00 (Fifty Pounds).

Disclosure and participation [Dependant on contents of interests Above]

5. At a meeting where any such issues arise, **Do** declare any personal and/or professional interests relating to your public duties and **Do** to take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer

or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **Do not** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **Do not** vote in relation to such matters.

7. There are some decisions that your authority will need to make that could affect every member. A list of these is set out at Appendix 2. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

8. **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias [Subject to Localism Bill provisions]

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **Do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10 When making a decision, **Do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Interests arising in relation to overview and scrutiny committees [Subject to Localism Bill provisions]

11. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

11.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken;

Or

11.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2

Where the decision referred to in Clause 7 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Deborah Collins
Ethical Governance Portfolio Officer

PROUD OF SUNDERLAND LAMPOST BANNERS PROJECT

REPORT OF THE DIRECTOR OF COMMUNICATIONS AND CORPORATE AFFAIRS

1.0 Purpose of the Report

- 1.1 To provide a briefing to Members with regards to the publicity banners located at various points in the City as requested at the Committee's last meeting.

2.0 Background

- 2.1 In 2008 the Sunderland Partnership secured funding from the Working Neighbourhood Fund to pay for a campaign to promote the city as a positive place, with activities and features to make residents proud to live here.
- 2.2. The 'Proud of Sunderland' campaign was developed, which included postcards, PR and lamppost banners.

3.0 City Dressing contract

- 3.1 Lamppost banners were identified as an appropriate method of making areas look more attractive and getting key messages across in a large scale way.
- 3.2 Smart City Dressing were contracted to undertake the installation and maintenance of the city dressing. The initial installation took place in March 2008, with a maintenance contract running until December 2011.
- 3.3 72 lamppost banners were originally installed, in sites identified by the council:
12 – Market Square
12 – West Sunnyside
28 – Dame Dorothy Street
20 – Sea front
- 3.4 Some of the banners have since been removed, and currently (October 2011), banners on Dame Dorothy Street and the seafront remain, along with banners on flag poles on St Michael's Way and next to the Old Fire Station.

4.0 Costs

- 4.1 Smart City Dressing were paid a one-off fee for their work, in March 2008. There have been no ongoing maintenance costs.
- 4.2 The total cost of the lamppost banners, fixtures, fittings, installation and maintenance for three years was £15866.14. This was funded via the Working Neighbourhoods Fund grant.
- 4.3 Additional costs to the council have been limited to the printing of replacement banners as and when existing banners became unsightly.

5.0 Future of the project

- 5.1 The banners detailed in section 2.4, plus some additional banners which were produced in conjunction with the concerts taking place at the Stadium of Light since 2009, will be removed in December 2011.
- 5.2 The Communications Team feel that high quality banners in the correct spaces, with appropriate messages, do improve an area and highlight key messages. Discussions with suppliers are to take place to determine costs and options for potential future usage of banners in key areas across the city, for specific reasons. These could be to improve a 'destination' for example the seafront, or to highlight major council events, for example the Airshow or Christmas Festival. A final decision will be made based on value for money and return on investment.

6.0 Recommendation

- 6.1 The Committee is requested to note the report