

STANDARDS COMMITTEE

Thursday,
2 November 2006
1.00 p.m.

Council Chamber,
Council Offices, Spennymoor

AGENDA and REPORTS

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو براۓ مہربانی ہم سے رابطہ کیجئے۔

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Democratic Services



01388 816166

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
To confirm as a correct record the Minutes of the meeting held on 6th July 2006.
(Pages 1 - 4)
- 3. ARRANGEMENTS OF REVIEW OF THE CONSTITUTION**
To consider the attached report of the Chief Executive. (Pages 5 - 10)
- 4. SURVEY OF PUBLIC ATTITUDES TOWARDS CONDUCT IN PUBLIC LIFE 2006**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 11 - 16)
- 5. AUTUMN TRAINING PROGRAMME UPDATE: REVIEW OF NEW ETHICAL FRAMEWORK**
Oral report of the Solicitor to the Council and Monitoring Officer.
- 6. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES: STANDARDS BOARD FOR ENGLAND CONFERENCE: 16TH-17TH OCTOBER 2006 - KEY MESSAGES GOING FORWARD**
Oral report of Solicitor to the Council and Monitoring Officer.
- 7. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY: AUDIT COMMISSION INSPECTION: 25TH JULY 2006**
Oral report of the Solicitor to the Council and Monitoring Officer. To note inspection has taken place.
- 8. DATE OF NEXT MEETING**
8th February 2007 at 1.00 p.m. in the Council Chamber, Council Offices, Spennymoor.
- 9. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**
Members are respectfully requested to give the Chief Executive notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

Council Offices
SPENNYMOOR
25th October 2006

L. Petterson (Chairman)
Councillors Mrs. B. Graham, A. Gray, Mrs. L. Hovvels, Mrs. C. Sproat and J. Wayman J.P

Councillor J. Marr (Spennymoor Town Council)
Mr. I. Jamieson (Independent Member)

Background Documents

Monitoring Officer's advice issued since previous meeting:

MO Series

| | |
|------|--|
| MO81 | Standards Board Annual Review |
| MO82 | Standards Board Bulletin No. 30 |
| MO83 | Procedure for Dispensation Requests |
| MO84 | Member Training Events 28 th September 2006, 9 th October 2006, 23 rd October 2006 |
| MO85 | Gifts and Hospitality: A Code of Conduct for Councillors |

MO/SBC Series

| | |
|-----------|--|
| MO/SBC/40 | Declarations of Interest: the issue of lobbying |
| MO/SBC/41 | Legal Services: Going Forward Client Relations Forums |

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Miss S. Billingham, Tel 01388 816166 Ext 4240, sbillingham@sedgefield.gov.uk

Item 2

SEDGFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Thursday,
6 July 2006

Time: 1.00 p.m.

Present: L. Petterson (Chairman) and

Councillors A. Gray, Mrs. L. Hovvels, Mrs. C. Sproat and J. Wayman J.P.

Parish/Town Council Member

Councillor J. Marr – Spennymoor Town Council Member

Apologies: Councillor Mrs. B. Graham
Mr. I Jamieson (Independent Member)

ST.1/06 DECLARATIONS OF INTEREST
Members had no interests to declare.

ST.2/06 MINUTES
The Minutes of the meeting held on 5th May 2006 were confirmed as a correct record and signed by the Chairman.

ST.3/06 COMMITTEE ON STANDARDS IN PUBLIC LIFE: ANNUAL REPORT 2005
Consideration was given to a report of the Solicitor to the Council and Monitoring Officer giving a summary of the Annual Report 2005, which was published by the Committee on Standards in Public Life. (For copy see file of Minutes).

Members were reminded of the background to the Committee on Standards in Public Life and given information on its activities since it was established in 2005.

The report gave details of the Committee's post-election consultation exercise, which was carried out between May and September 2005, the Eleventh Inquiry: Review of the Electoral Commission, the Research into Public Attitudes towards standards of conduct in public life, which was a long term project first initiated in 2001. It included presentations that the Committee had received, the involvement of the Audit Commission, the Statistics Commission and the House of Lords Appointments Commission.

It also outlined the Standards Issues: The operation of the Ministerial Code, which ensured that investigations of complaints were carried out correctly, Changes to Law on Special Advisers, The Review of the MP's Code of Conduct, the Trust in Government Statistics, the Draft Civil Service Bill, the Rules of Civil Servants leaving Crown Service to take up

business appointments, details of Electoral Propriety and their thoughts on the implementation of the Freedom of Information Act.

Members welcomed the report, however questioned the training provision for Town and Parish Clerks and Members. The Solicitor to the Council and Monitoring Officer informed members that all Clerks/Members were invited to all training events and received all information that was circulated. Members were also informed of a Parish Toolkit that had recently been circulated to all Clerks whose responsibility was then to circulate it to the Members. It was pointed out that a number of Members had not received the toolkit therefore it was agreed that it be circulated again.

AGREED: That the report and future changes be noted.

ST.4/06

PROCEDURE FOR GRANTING DISPENSATIONS

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer outlining the procedure and regulations relating to the granting of dispensations. (For copy see file of Minutes).

The report detailed the circumstances in which dispensations could be granted, when they should not be granted, the procedure for granting a dispensation and how a Member should apply for a dispensation. It also outlined the guidance from the Standards Board on how a Standards Committee could decide upon dispensation requests, how a general dispensation should be granted and how to keep records of dispensations.

Members of the Committee welcomed the report and suggested that it be tabled at the Borough/Parish Relations Working Party at the end of July. It was also suggested that the document be circulated to all Town and Parish Clerks.

AGREED:

- 1. That the report and the procedure and regulations outlined therein be noted.*
- 2. That the Borough, Parish and Town Councillors be informed of the arrangements.*

ST.5/06

STANDARDS COMMITTEE FORWARD PLAN 2006/2007

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer outlining a number of areas that would be considered at future Standards Committees. (For copy see file of Minutes).

Members were referred to Appendix 1, which outlined the forthcoming meetings, the items that would be considered and how they related to the Standards remit.

Members were informed that the report was similar to the Work Programme that was considered by Overview and Scrutiny Committees and would be constantly reviewed.

AGREED: That the report and the Forward Plan outlined therein be approved.

ST.6/06**ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION**

Consideration was given to a report of the Chief Executive, which detailed the need to continually review the Constitution to ensure that it reflected existing law and its operation continued to provide an efficient and effective framework and the delivery of the Council's aims and objectives. (For copy see file of Minutes).

The report informed Members of the proposed changes to the Constitution regarding: -

- The operation of the Appeals/Review Panels to improve organisational and meeting arrangements
- Modifications to the officer delegations at Part 3C: Officer Delegations, made at the request of relevant officers.

RECOMMENDED:

1. *That the Constitution be amended accordingly.*
2. *That the amended version be published on the Council's website.*

ST.7/06**STANDARDS TRAINING EVENT: 4TH APRIL 2006: EVALUATION QUESTIONNAIRE FEEDBACK**

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer, which analysed the evaluation questionnaire responses from the training event held on Tuesday 4th April 2006 at Ferryhill Leisure Centre regarding standards issues presented by Peter Keith Lucas. (For copy see file of Minutes).

Members pointed out that the event had been a huge success. It was also suggested that the event be held annually, either at a time when major changes were known to be taking place or at a similar point in the year as the above.

AGREED:

1. *That the report be noted.*
2. *That similar training events be arranged on an annual basis.*

ST.8/06**DATE OF NEXT MEETING**

2nd November 2006 at 1.00 p.m. in the Council Chamber, Council Offices, Spennymoor.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Miss S. Billingham, Tel 01388 816166 Ext 4240, sbillingham@sedgefield.gov.uk

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Item 3

REPORT TO STANDARDS COMMITTEE

2ND NOVEMBER 2006

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 16 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz:
 - modifications to the officer delegations at Part 3C : Officer Delegations, made at the request of relevant officers.
- 1.4 Further inclusions and amendments will be proposed within a separate report to Council on 24th November to empower Licensing 2 Committee to exercise the powers of the Licensing Authority in accordance with the Gambling Act 2005 including delegation of some of those powers to officers.

2. RECOMMENDATIONS

- 2.1 That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
 - (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - (b) to publish an amended version on the Council's website.
- 2.2 To note the proposal to introduce further amendments relating to the Authority's functions under the Gambling Act 2005.

3. BACKGROUND

- 3.1 Work has already begun in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Management Team was consulted on this report on 23rd October 2006 and their views taken into consideration.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council - 25th February 2005
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006

Examination by Statutory Officers

| | Yes | Not Applicable |
|---|-------------------------------------|--------------------------|
| 1. The report has been examined by the Council's Head of the Paid Service or his representative | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. The content has been examined by the Council's S.151 Officer or his representative | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The content has been examined by the Council's Monitoring Officer or his representative | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. The report has been approved by Management Team | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

PROPOSED CHANGES FOR COUNCIL APPROVAL – 24TH NOVEMBER 2006

| Page Reference and Proposed Amendment | Basis for Change |
|--|--|
| <p>Page 60 – To amend CE36 to read as follows – in substitution:</p> <p>“To incur expenditure considered necessary in response to emergencies as defined by the Civil Contingencies Act 2004.”</p> | <p>Request of Chief Executive.</p> |
| <p>Page 69 – To add new RS52 as follows:</p> <p>“ Requests to change the legal capacity of parties entering into previously agreed land transactions to be determined by the Valuation and Corporate Property Services Manager in consultation with the Solicitor to the Council.”</p> | <p>Request of the Valuation and Corporate Property Services Manager.</p> |
| <p>Page 83 – To substitute the text immediately beneath the heading “Food Safety” (NS60) with the following text:</p> <p>“European Communities Act 1972 Regulation (EC) No. 178/2002 – principles of food law. Regulation (EC) No. 852/2004 – general hygiene requirements. Regulation (EC) No. 853/2004 – hygiene requirements for approved premises. Regulation (EC) No. 2073/2005 – microbiological criteria of foodstuffs. Food Safety Act 1990 Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004 SI 2004 No. 3388 Any regulations, orders and other relevant statutory provisions made under or incorporated into the above including: General Food Regulations 2004 (as amended) Food Hygiene (England) Regulations 2006.”</p> | <p>Request of Inspection and Licensing Services Manager.</p> |
| <p>Page 91 – To add new NS110 as follows:</p> <p>“Acquisition of new CCTV equipment to be determined by the Head of Community Services in accordance with Cabinet policies agreed from time to time.”</p> | <p>Request by Director of Neighbourhood Services/ Head of Community Services.</p> |

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Item 4

REPORT TO STANDARDS COMMITTEE

2ND NOVEMBER 2006

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

SURVEY OF PUBLIC ATTITUDES TOWARDS CONDUCT IN PUBLIC LIFE 2006

1. SUMMARY

- 1.1 This report summarises the findings of a national quantitative study into Public Attitudes towards Conduct in Public Life. The survey was commissioned by the Committee on Standards in Public Life and assesses public attitudes, expectations and perceptions towards the behaviour of those in public life.
- 1.2 John Major established the Committee on Standards in public Life in October 1994, the Committee was given wide terms of reference: "To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life".
- 1.3 The Committee is looked upon as an ethical workshop called in to do running repairs, which continues to monitor the ethical environment and respond to issues of concern that may arise.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of the report and that further similar reports be made annually.

3. DETAIL

- 3.1 **Overall Perceptions of Standards in Public Life:** The survey aimed to explore what the public considers acceptable and unacceptable behaviour on the part of elected and appointed holders of public office; how far the public believe that the behaviour of holders of public office is acceptable or unacceptable; and how effectively the public feel office-holders are held responsible and accountable for their conduct.
- 3.2 People generally tend to see the overall standards of conduct of public office-holders in moderately positive terms, although 12 % consider that standards are low.
- 3.3 *Standards in the UK compared with elsewhere in Europe:* Just over two fifths of adults believe that Standards of conduct among public office-holders in the UK are about average when compared to elsewhere in Europe. The remainder of adults in Great Britain are split

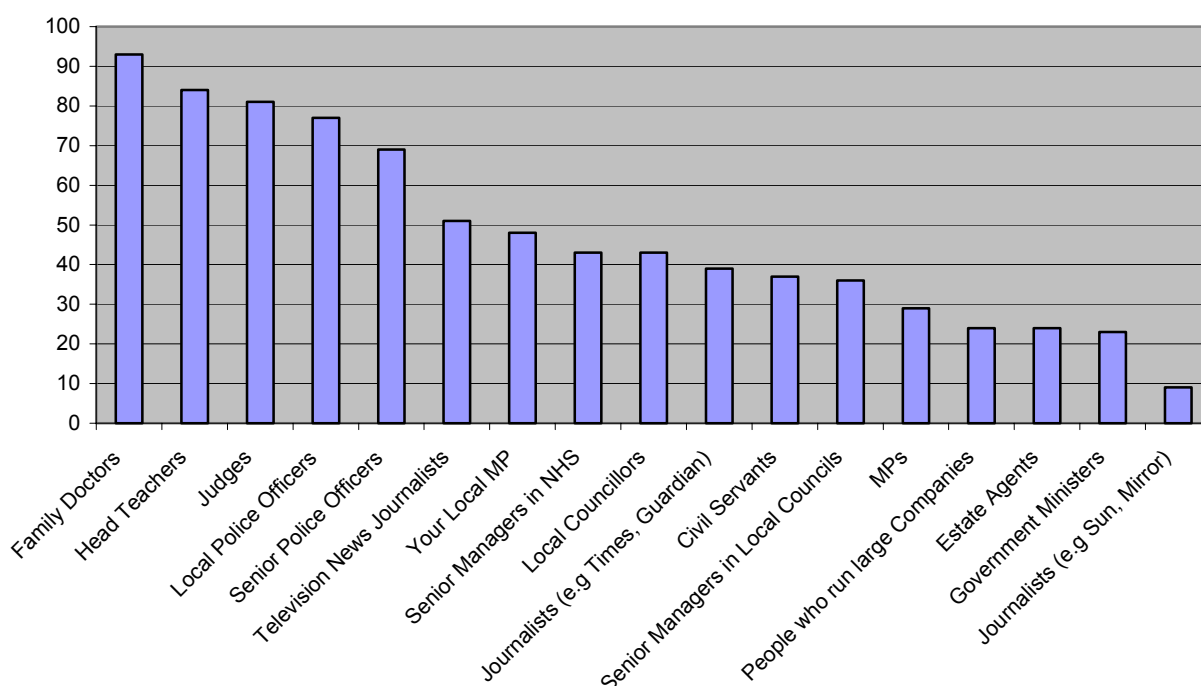
by a ratio of three to one in thinking that UK standards are higher rather than lower than the European average (31% vs. 11%).

3.4 **Trust in Public Office-Holders:** The graph below shows the proportion of adults who say they would generally trust people from different professions to tell the truth. It is clear from the survey results that front-line public servants are more trusted than other types of public officials, this reflects what other studies have found; namely, that the closer the public are to an individual or institution (or at least the closer the public perceives them to be), the more likely they are to trust them.

3.5 The importance of familiarity and distance applies to how people view and trust their politicians, - local Councillors (43%) and the local MPs (48%) are both better regarded than MPs in general (29%) and government ministers (23%).

3.6 While the low level of trust in MPs generally is a common source of media comment, it should be noted that journalists suffer from a similar deficit.

Trust in Different Professional Groups



3.7 **National Politicians: Expectations and Perceptions of Standards:** Respondents to this part of the survey rated their expectations of MPs and Government Ministers, based on a series of ten different behaviours rating from extremely important through to not at all important.

3.8 The most important characteristic for MPs and government ministers is that they should not take bribes (85% of the public say this is extremely important), which reflects the high value the public place on their elected politicians not to break the law. Following this around 75% of respondents say it is extremely important that MPs and government

ministers tell the truth, around 72% say that public money should be used widely and power should not be used for own personal gain.

- 3.9 **Senior Public Officials: Expectations and Perceptions of Standards:** The public make only small distinctions between what they expect of senior public officials and their expectations of MPs and government ministers. Again the highest rated category of expectation for a senior public official is not taking bribes.
- 3.10 Not only do the public hold appointed officials to the same standards as elected ones in their job performance, 52% say that it is very important for senior public officials to set a good example in their private lives.
- 3.11 It is evident that more of the public take a positive than negative view of public officials' behaviour in almost all the respects measured. Only 4% think that "most" senior public officials take bribes compared to the 51% who feel that most or all officials are dedicated to doing a good job for the public.
- 3.12 **MPs and Voting in Parliament:** Perceptions about the factors that ought to guide MPs when voting in Parliament, and the factors believed to actually guide them provide important insights into how the public view the role of MPs and the behaviour of their elected representatives. The responses to such questions can also provide a useful measure against which to compare public perceptions with reality, highlighting in the process some contradictions and misapprehensions that may exist in the public mind.
- 3.13 The survey finds that the vast majority of people believe that it is reasonable for MPs, when voting on important issues affecting the whole country, to take account of what would benefit people living in the country as a whole (95%); what the MP's party election manifesto promised (81%); and what would benefit people living in the MP's local constituency (80%).
- 3.14 However, in contrast the public do not want the MPs to prioritise their own interests when voting on national issues. This is not to say that the public feels MPs should discount their own personal view of issues when deciding how to vote, rather it is an issue of personal gain; over three in four adults say it is not acceptable for MPs to base their decisions on how it might affect their political career.
- 3.15 There is a clear consensus (66%) that the most important factor an MP should take into account when voting on a national issue affecting the whole country is what would benefit the country as a whole.
- 3.16 **Views on Public Sector Recruitment Practice:** When recruiting people to government departments or other public services the most important principle considered by the public is that the job should be awarded to the best candidate.
- 3.17 However, the public is sceptical about how public office-holders get their jobs. There is widespread belief that proper procedures are

frequently not used when recruiting people to public office. Two in three adults think that people do get jobs through someone they know rather than through correct procedures. It is believed that local authorities are clamping down more on unfair recruitment.

- 3.18 **Media Scrutiny and the Private Lives of Public Office-Holders:** It is important to understand the extent to which the public believe that public office-holders have the right to a private life against differing levels of media scrutiny. 54 % of the public believe that local councillors should accept a certain level of media interest in their private lives, however, a small minority, around one in ten would argue that local councillors and senior public officials should accept that the media examine every aspect of their private lives because it “comes with the job”.
- 3.19 **Public Office-Holders and Accountability:** 58 % of the public are confident that the authorities in the UK are committed to improving standards in public life, however, are not confident that authorities will generally uncover wrongdoing or punish those in public office who are caught doing wrong.
- 3.20 **Conclusion:** This survey confirms that the public wants public office-holders to be more honest and truthful about policies and services, acknowledging difficulties and competing pressures, and also admitting or owning up when things go wrong or have unintended consequences.

4. RESOURCE IMPLICATIONS

- 4.1 No specific financial implications have been identified.

5. CONSULTATIONS

- 5.1 The Council’s Management Team has considered this report.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None apply.

8. LIST OF APPENDICES

- 8.1 None apply.

Contact Officer: Dennis A. Hall/Laura Starrs
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E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Survey of Public Attitudes Towards Conduct in Public Life 2006

Examination by Statutory Officers

| | Yes | Not Applicable |
|---|-------------------------------------|--------------------------|
| 1. The report has been examined by the Council's Head of the Paid Service or his representative | <input type="checkbox"/> | <input type="checkbox"/> |
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