



# Agenda

19 March 2008

## STANDARDS COMMITTEE

Bridgebury House, Woburn Road, Kempston, Bedford MK43 9AX

For further information, or to see the papers, please contact the Police Authority:



CALL Janet Wardell on (01234) 842066



IN PERSON, (by appointment) 9am to 5pm, Monday to Friday



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To: **Members of the Standards Committee**

(Members of the Authority - Mr P Conniff, Mr P Hollick, Mrs R Gutteridge and Mr R Saleem)

Lay Members - Mr G Billett, Mr J Jones and Mrs K Johnson (Chair)

A meeting of the **STANDARDS COMMITTEE** will be held at Bridgebury House, Woburn Road, Kempston on **Wednesday 19 March 2008 at 10.00am**, the agenda for which is set out overleaf.

**JOHN ATKINSON**  
Clerk to the Police Authority

## **AGENDA**

(\*indicates that a supporting document accompanies this Agenda)

**1. Minutes**

To confirm the Minutes of the meeting of the Committee held on 10 July 2007

**2. Matters Arising**

**3. Declarations of Interest**

To receive any personal or prejudicial interests from Members

**4 The Code Uncovered-- Training DVD issued by the Standards Board for England**

To view the Training DVD

**5. Local Assessments**

Report\* of the Clerk

**6. Review of the Members Allowance Scheme**

Oral Report of the Clerk

**STANDARDS COMMITTEE**

**10 July 2007**

**PRESENT**

Mrs K Johnson (In the Chair)

Mr P Conniff Mrs E Collins, Mrs R Gutteridge and Mr P Hollick

Mrs L Hockey also attended the meeting

An apology for absence was received from Mr G Billett.

**07/st/9** **CHAIRPERSON**

It was noted that the Authority had appointed Mrs Kathy Johnson as Chair of the Committee until the Annual Meeting of the Authority in 2008.

**07/st/10** **MINUTES**

The minutes of the meeting held on 8 March 2007 were confirmed

**07/st/11** **MATTERS ARISING**

There were no matters arising

**07/st/12** **DECLARATIONS OF INTEREST**

There were no declarations of personal or prejudicial interests from Members

**07/st/13** **ADOPTION OF THE NEW CODE OF CONDUCT**

The Clerk reported that following the consultation process on the proposed revisions to the Code of Conduct the Secretary of State for Communities and Local Government made the Local Authorities (Model Code of Conduct) Order 2007 on 2<sup>nd</sup> April 2007. This Order contained the new Model Code, which was appended to his report, and came into Force on 3 May 2007

Members attention was drawn to the main changes which had been made to the code and these were as follows:

- There was no longer a separate code of conduct to cover Police Authorities. One composite code now covered all Members and co opted Members of local authorities. Therefore there were some parts of the Code that were not applicable to Police Authority Members.
- As before, the Code would continue to apply when a member was acting in an official capacity. However, the new Code would also apply to members'

conduct in their private capacity where such conduct had resulted in a criminal conviction.

- The positive obligation to treat others with respect remained. Instead of being required to promote equality as under the existing Code, the new Code requires members not to do anything that may cause the authority to breach any of the equality enactment's. A new requirement not to bully any person had been added.
- The provisions regarding confidentiality had been changed to allow disclosure of confidential information if it was reasonable and in the public interest to do so, and if disclosure is made in good faith and in compliance with the reasonable requirements of the authority.
- There was a new obligation on members to have regard to the Code of Recommended Practice on Local Authority Publicity but this was not a Mandatory obligation for Police Authorities.
- *There was no longer any specific requirement in the code obliging members to report any breaches of the Code to the Standards Board.*
- Gifts and hospitality worth £25 or more received in connection with official duties, as a member must be registered in the Register of Interests together with the source of the gift or hospitality within 28 days of receipt.
- Members with a prejudicial interest in a matter could now speak, but not vote, at a public meeting. Members were required to withdraw from the meeting after making such representations. This was not a mandatory provision for Police Authorities.
- The Code had changed the disclosure of personal interests to include members of the family or close associate rather than 'relative of friend'

The Standards Board for England had issued general Guidance on the Code, a copy of which had been circulated to the Committee. The guidance recommended that the new Code should be adopted in its model form without amendment. It also recommended that authorities include a preamble to the Code which outlined the ten general principles of public life. These principles defined the standards that Members should uphold and served as a reminder of the purpose of the Code of Conduct.

In addition to this and as a result of the changes to the Code changes were required to be made to the Register of Members Interests declaration form. A model form which members would need complete together with guidance on how to fill in the form were also appended to the report.

The Committee raised no specific concerns about the new code and generally considered that it was an improvement upon the last code. Members accepted

the Standards Board's advice to adopt the code without amendment so as to ensure there would be consistency throughout the local authorities. With regard to the recommendation from the Standards Board that the ten general principles of public life be adopted as a preamble to the Code Mrs Collins questioned the relevancy of its inclusion and asked that her vote against its inclusion be recorded.

## **RECOMMENDED**

**The Standards Committee recommend to Authority that:**

- (a) the new model Code of Conduct for members as now submitted be approved without any amendments**
- (b) the preamble outlining the ten general principles governing the conduct of members of local authorities be adopted to form part of the Code of Conduct**
- (c) the revised guidance on gifts and hospitality set out in the revised Register Of Members Interest Form, be approved**

**07/st/14**

## **ETHICAL GOVERNANCE ARRANGEMENTS**

The report of the Clerk was submitted which advised that the Authority was currently moving through a process of reviewing and where necessary recording its major policies and procedures. Arrangements for Ethical Governance was managed by the Authority through the Standards Committee and the Policy setting out the delivery and monitoring the ethical reputation of the Authority was appended to the report.

During the discussion of the proposed policy some minor amendments were made to the drafting of the objectives. A regular review of the policy had been proposed but Members considered that the timescale should be more specific and suggested that an annual review take place and that the Standards Committee undertake that review. To provide some consistency around the standards that Members should uphold it was agreed that Nolan Principles referred to in the Policy be replaced with the Ten General Principles of Public Life which would be included as part of the Code of Conduct.

## **RECOMMENDED**

**That the Authority be requested to approve the Policy on Ethical Governance as now amended**

**REPORT AUTHOR:** CLERK TO THE AUTHORITY  
**REPORT LEAD OFFICER:** CLERK TO THE AUTHORITY  
**SUBJECT:** LOCAL ASSESSMENTS

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**BACKGROUND PAPERS:** Orders and Regulations Relating to Conduct of Local Authority Members in England – Consultation Paper

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**PURPOSE:** To note the implications of the revised ethical regime for the conduct of Members in England

**RECOMMENDATIONS:** That the Committee consider what actions it needs to take, if any, in readiness for the implementation of Local Assessments.

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New Orders and Regulations are due to take effect from 1<sup>st</sup> April which will give the Standards Committees the responsibility for undertaking a local assessment of Code of Conduct Complaints and to decide what action, if any, should be taken. This is a role currently carried out by the Standards Board whose remit will also change. The Standards Board will from 1<sup>st</sup> April undertake a new Strategic role, with the responsibility for monitoring and promoting standards, and supporting and overseeing authorities in their application of the code of conduct

Appended to this report is a checklist that the Standards Board have developed setting out the matters that need to be considered in the run up to the implementation of the new locally managed framework for dealing with code of conduct complaints. The Committee is invited to consider the checklist and decide what actions need to be taken to be ready for the implementation of the new provisions.

**JOHN ATKINSON**  
**CLERK**

## STANDARDS BOARD CHECKLIST

### 1) SIZE OF STANDARDS COMMITTEE

Standards committees must have a minimum of:

- Three members (two elected members and one independent member).
- 25% as independent lay members if the committee is more than three people.
- An independent chair (from April 2008).
- One parish or town council member if the authority has responsibilities for those councils.

**Effective practice - the Standards Board recommends:**

- At least six people as a minimum (three elected members and three independent members).
- Two, or possibly three, parish or town council members if the authority has responsibilities for those councils.
- Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness.

### 2) STRUCTURE OF STANDARDS COMMITTEES

In addition to their role as champion and guardian of the authority's ethical standards, standards committees will now have three separate but distinct roles in relation to complaints about member conduct:

- Receiving and assessing complaints.
- Reviewing local assessment decisions.
- Conducting hearings following investigation.

To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

**Effective practice – the Standards Board recommends:**

- A structure of sub-committees or the standards committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate subcommittees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any subcommittee should also have an independent chair.
- A member who was involved in an initial assessment decision, or following referral of a complaint back to the standards committee from the monitoring officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

### **3) TRAINING**

#### **Effective practice – the Standards Board recommends:**

- Standards committees are fully trained on the Code of Conduct.
- Standards committees are offered other training to equip them with necessary skills, for example in conducting a hearing.
- Independent chairs and vice-chairs are trained in chairing meetings.
- Any newly-appointed standards committee members receive a comprehensive induction to the role and appropriate training.

### **4) LOCAL ASSESSMENT CRITERIA**

- Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when assessing complaints.
- Standards committees will need to develop their own criteria, that reflect local circumstances and priorities, and which are simple, clear, open and ensure fairness.
- Monitoring officers will be able to acquire additional factual information which is readily available about allegations before the assessment process begins. This could be from minutes or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigation.
- A complainant has a right to appeal if a complaint is rejected, so standards committees will be able to invite complainants to submit further information in support of the complaint at the appeal stage in the process.

### **5) ROLE OF THE MONITORING OFFICER IN THE NEW FRAMEWORK**

#### **Effective practice – the Standards Board recommends:**

- A pre-meeting with the independent chair.
- Preparing a summary of the allegation for the standards committee.
- Highlighting what the potential Code breaches are which underlie an allegation to the standards committee.
- Allowing case reading time for the monitoring officer and the standards committee.

### **6) COMPLETING EXISTING INVESTIGATIONS**

Many authorities will have outstanding investigations and the Standards Board encourages authorities to clear such investigations – particularly long-standing cases – before the new framework comes into effect.

## **7) LOCAL ASSESSMENT AND THE CORPORATE COMPLAINTS PROCESS**

### **Effective practice – consider:**

- How will the public be informed of the new arrangements?
- Who will receive and log an allegation?
- The production of an individual information leaflet for the local assessment process, possibly combined with the corporate complaints process.

## **8) FUTURE MONITORING BY THE STANDARDS BOARD**

The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system, which will allow authorities to tell us about how local arrangements are working.

*This system is being designed based on what standards committees need locally, and to enable authorities to provide information to the Standards Board as simply as possible.*

Authorities will be able to use the system locally for their own records, to keep standards committees informed of their authority's ethical activities.

Proposals for the system include quarterly online returns on cases, which will be simple and quick to use, and nil returns if there is no activity to report.

## **9) LOCAL ASSESSMENT GUIDANCE**

We will help standards committees by providing guidance in 2008 on all aspects of the local assessment process, subject to the passage of the relevant regulations, with a toolkit to include:

- Template notices for publicising the authority's Code of Conduct complaint process.
- Complaint assessment flowcharts.
- A standard complaint form.
- Template letters for each stage in the process.
- Template referral and non-referral decision notices. Guidance to assist with drafting criteria and for the authority to define its threshold for referral.
- Template terms of reference for assessment and review committees.