



# Agenda

12 March 2009

## 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



Bridgebury House has facilities for disabled people.

Web-site:- [www.bedfordshirepoliceauthority.org](http://www.bedfordshirepoliceauthority.org)

Email:- [police.authority@bedfordshire.police.uk](mailto:police.authority@bedfordshire.police.uk)

To: **Members of the Standards Committee**

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

Lay Members - Mr G Billett, Mr S Bullock. Mr G Dykes and Mr J Jones,

A meeting of the **STANDARDS COMMITTEE** will be held at Bridgebury House, Woburn Road, Kempston on **Thursday 12 March 2009 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 28 November 2008

### **2 Matters Arising**

### **3 Declarations of Interest**

To receive any personal or prejudicial interests from Members

### **4 Code of Conduct – Annual Review**

Report \*of the Clerk

### **5 Association of Police Authorities Training Day – New Standards Regime and Codes of Conduct –**

General Discussion on any matters arising from the training day that the Authority should consider taking forward

### **6 Review of the Terms of Reference**

To review the operation of the Committee's Terms of Reference (Attached)

**STANDARDS COMMITTEE**

**28 November 2008**

**PRESENT**

Mr J Jones (In the Chair)

Mr P Conniff, Mr G Billett, Mr S Bullock, Mr G Dykes and Mr P Hollick.

An apology for absence was received from Mr R Saleem.

**08/st/13** **CHAIRPERSON**

It was noted that the Authority had appointed Mr John Jones as Chair of the Committee until the Annual Meeting of the Authority in 2009.

The Chair welcomed to the meeting Mr Simon Bullock and Mr George Dykes, who had been as appointed as Lay Independent Standards Committee Members from 1<sup>st</sup> October 2008.

**08/st/14** **MINUTES**

The minutes of the meeting held on 28 May 2008 were confirmed.

**08/st/15** **MATTERS ARISING**

There were no matters arising.

**08/st/16** **DECLARATIONS OF INTEREST**

There were no declarations of personal or prejudicial interests from Members.

**08/st/17** **REVIEW OF THE MEMBERS ALLOWANCE SCHEME**

The Police Authority accepted the proposal from the Standards Committee for its role to be extended to enable the Committee to provide advice on the public perspective of any changes proposed to the current Members' Allowance Scheme which might arise from the recommendations of the independent review.

The outcome of the independent review had recently been published and Members considered a report prepared by the Chief Executive/Treasurer on the proposed changes to the Members' Allowance Scheme which had been prepared for consideration by the Finance Committee for its meeting on 2nd December. It was anticipated that the Scheme would be formally approved by the Police Authority at its meeting on 12th December 2008.

The recommendations made by the independent panel proposed a range of allowances for the Members' Allowance Scheme based on a range of days. The Chief Executive/Treasurer advised that as a basis for the revisions a mid-point had been used where the independent panel had provided a range on the basic allowance and special responsibility allowance.

For the Chair and Vice Chair an uplift of 20% and 10% respectively on the basic allowance had been established. As recommended in the review all allowances would be increased in line with the Police Support Staff Council (PSSC) rates. The Chief Executive/Treasurer advised that the assumption taken in the preparation of the revisions was that PSSC rate was 2.65%. This was now expected to be reduced to 2.6% for 2008/09 as part of a new 3 year pay deal expected to be implemented on 19<sup>th</sup> December. The Scheme would be amended to reflect this.

The proposals represented an overall increase of 3% on the previous Members Allowance Scheme.

The Chief Executive/Treasurer expressed her disappointment that the revisions hadn't brought closer the differentials between Authority Schemes but was expected that by the time of the next independent review in 2012 the differentials would be closer.

The Committee raised questions around the reasons for using a mid point in the proposed pay ranges when Bedfordshire had one of the smallest Forces in the country and the accuracy of the time commitment of Members. In response to these matters Members were satisfied that workload levels for the Bedfordshire Police Authority were similar to that of other Authorities.

Specific comments on the Scheme were as follows.

### **Mileage Rates**

Members noted that the current mileage rate of 40 pence per mile had not been revised despite rising fuel costs. The Chief Executive/Treasurer advised that rate had been set by the Inland Revenue had had been in place for a number of years and that there was no indication that this was likely to be increased. The Chair of the Committee understood that some local authorities and the Magistrates Courts had increased the mileage rates with no impact from the Inland Revenue. The Chief Executive/Treasurer would give this further consideration to establish whether or not a case could be made.

### **Lay Independent Standards Committee Member Allowances**

The Committee considered that the rates proposed for Lay Independent Member Allowance were nearly in line with the Home Office rate set for Police Appeal Tribunal Members. Given that the nature of the work of a tribunal was not too dissimilar to that expected of a Standards Committee Member it was suggested that the Lay Independent Member Allowance be based on the Home Office rate. This would also avoid Lay Independent Standards Committee

Members from having to determine their own allowances.

## **RESOLVED**

That the Finance Committee be informed that the Committee supports the proposed revisions to the Members' Allowance Scheme and seeks further consideration of the matters identified above.

08/st/18

## **CODE OF CONDUCT**

### **(a) Annual Review**

The Committee reviewed the operation of the Code of Conduct which had been in operation since October 2007.

The Clerk confirmed that there had been no complaints about breaches of the Code and therefore there had been no practical application of its provisions.

The Clerk also reported that as part of the Code of Conduct issued in 2000 the Authority had agreed to include a local condition to reflect a requirement for all Members to observe specific protocols and any other such protocol that maybe approved from time to time. There were two protocols, handling the media and the relationship between Bedfordshire Police Authority and Bedfordshire Police where strict adherence was required and no specific provision had been made in the revised Code. Member's views were sought on the inclusion in the Code of a local condition around observances of these protocols.

Whilst accepting the importance of such protocols the Lay Independent Standards Committee Members wished to have sight of them and it was therefore agreed that they be circulated and the matter discussed at the next meeting of the Committee.

### **(b)Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and employees – Consultation Paper**

The report of the Clerk/Monitoring Officer was submitted which advised that the Department for Communities and Local Government published a consultation paper about Codes of Conduct for Authority Members and staff on 1<sup>st</sup> October 2008. The consultation paper sought views on

- whether the existing model Code for Members should be repealed and a new one introduced, which would address some of the problems or omissions that have been identified with the current Code, such as: conduct in a non-official capacity, clearer definition of what constitutes a criminal offence, the treatment of offences committed in a foreign country, and the process for conducting misconduct investigations where criminal investigations are pending.
- Whether a model Code of Conduct should also be developed for local government employees.

By way of background the Clerk/Monitoring Officer advised that the principal purpose of the consultation paper was to clarify the application of the Code of Conduct to Members conduct in their non-official capacity. The need for this clarification had arisen out of a High Court decision a case brought by an Ethical Standards Officer against Ken Livingstone. In that case, the Judge found that whilst the Code of Conduct could extend to a Member's acts outside an official capacity, those acts had to be 'in performing his functions'. Thus, the Judge concluded that unlawful conduct was not necessarily covered by the Code.

With regard to consultation paper's proposals to introducing a Code of Conduct for local government employees the Clerk/Monitoring Officer advised that the proposal was in two parts: a set of core values which would apply to all employees and a number of additional values that would apply only to 'qualifying employees'. (Qualifying employees would be senior staff who may occupy a post that is politically restricted under section 3 of the Local Government Act 1989 or who may alternatively undertake functions delegated to them under section 101 of the Local Government Act 1972.).

With regard to a Code of Conduct for employees the Committee agreed not to submit any views. The Chair of the Committee had previously circulated a draft response to the questions relating to the Code of Conduct for Members and subject to some minor amendments Members supported the content of the response.

## **RESOLVED**

1. That the inclusion of a condition in the Code of Conduct to reflect a requirement for all Members to observe the protocols on handling the Media and the relationship between Bedfordshire Police Authority and Bedfordshire Police be deferred for further discussion at the next meeting.
2. That the Chair's response to the Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and employees – Consultation Paper, as amended, be forwarded to the Association of Police Authorities.

**08/st/19**

## **ANNUAL REVIEW OF THE ETHICAL GOVERNANCE POLICY**

The Committee reviewed the operation of the Code of Conduct which had been in operation since October 2007.

The Chief Executive/Treasurer advised the Committee that ethical governance was yet to be fully embedded within the Authority. Ethical governance had been highlighted as an important aspect of the forthcoming HMIC Inspections of Police Authorities and that all Members including the Lay Standards Committee Members would be receiving the necessary training over the next six months or so.

The Chair of the Committee advised that he understood from the Standards Board that consideration was being given to the publication of a training DVD for single purpose Authorities. No timescale had however been given.

**RESOLVED**

1. That no amendments be made to the Ethical Governance Policy and that it be reviewed in 12 months time.
2. That as a matter of priority the necessary training for Members on the application of the policy be arranged.

**08/st/19**

**STANDARDS COMMITTEE CONFERENCE**

The Committee received a report from Geoffrey Billett on the issues raised at the seventh Annual Conference for Standards Committee Members which had been held on 13 and 14 October 2008 in Birmingham.

The main focus of the annual conference was to provide the necessary information to deliver the new local assessment framework.

Of particular note was the consideration of the special challenges facing the Fire, Police and Park Authorities and a discussion around possible joint arrangements and recruitment and the sharing of Independent Members.

The Chief Executive/Treasurer mentioned that joint arrangements were already being considered among the Police Authorities within the Eastern Region and that informal arrangements were in place for sharing Lay Independent Standards Committee Members.

**08/st/20**

**NEW MEMBERS**

The Clerk/Monitoring Officer reported that since the last meeting the Authority had appointed 3 new Independent Members. The new Members Mr Tony Brown, Mrs Kathy Johnson and Reverend Lloyd Denny commenced their appointment on 1<sup>st</sup> October and had signed the Code the Conduct and submitted an entry into the Register of Interests.



---

**REPORT AUTHOR(S): CLERK AND MONITORING OFFICER**

**SUBJECT: Code of Conduct - Annual Review**

---

**Background Papers :** Code of Conduct adopted by the Police Authority in October 2007.

---

**PURPOSE**

To consider including a provision in the Code of Conduct requiring all Members to observe the Authority's protocols on handling the media and the relationship between Bedfordshire Police Authority and Bedfordshire Police.

---

1. At its meeting on 28<sup>th</sup> November 2008 Members reviewed the operation of the revised Code of Conduct issued in 2007. As part of the review, I reminded Members that the Code of Conduct issued in 2000 included a local condition requiring all Members to observe specific protocols and any other such protocol that maybe approved from time to time. In the revised Code no specific provision has been included.
2. The Authority has two specific protocols where strict adherence is required. These are:  
  
Handling the Media and  
  
The Relationship between the Bedfordshire Police Authority and the Force
3. Since the implementation of the Code of Conduct in 2007 a number of new Lay Independent members have joined the Standards Committee, who have not had sight of these protocols and therefore a decision on their inclusion could not be made at the last meeting. The protocols have now been circulated to the new Lay Independent Standards Members.
4. The Committee is invited to consider recommending to the Authority making an amendment to the current Code of Conduct to reflect a requirement for all Members to observe the protocols highlighted in paragraph 2.

**John Atkinson  
Clerk/ Monitoring Officer**



### **Standards Committee –Terms of Reference**

- 1 To promote and maintain high standards of conduct by Members of the Authority.
- 2 To assist Members of the Authority to observe the Code of Conduct and the Ethical Governance Policy
- 3 To advise the Authority on the adoption or revision of the Code of Conduct.
4. To monitor and advise the Authority on the operation of the Code of Conduct
- 5 To advise, train or arrange to train Members on matters relating to the Code of Conduct.
- 6 To grant dispensations to Members from requirements relating to interests set out in the Code of Conduct, as appropriate.
- 7 To grant exemptions for politically restricted posts.
- 8 To assess and review complaints about Members.
- 9 To conduct determinations' hearings.
- 10 To deal with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which has been referred to him/her by an ethical Standards Officers, as appropriate.
- 11 To advise the Authority of liaison arrangements with the Standards Board for England
12. To scrutinise the allowances paid to Members under the Authority's Members Allowance Scheme.

