

HUMBERSIDE POLICE AUTHORITY

STANDARDS COMMITTEE

12 DECEMBER 2008

PRESENT:-

Police Authority Members:- Mrs Groves, Councillors Rudd and Mr J Shipley

Lay Independent Members:- Mr J Goolden and Mr K Robinson

Officers:- Mr K Sharp, Chief Executive and Mr N Kingston, Assistant Chief Executive.

The Committee met at Pacific Exchange, Kingston upon Hull.

- 1 **DECLARATIONS OF INTEREST/OFFERS OF GIFTS OR HOSPITALITY** – The Assistant Chief Executive reminded Members of the need to record any personal or prejudicial interest in items on the agenda and to disclose any relevant receipt or offering of gifts or hospitality.

No interests were declared or disclosures made.
- 2 **APOLOGIES** – There were no apologies for absence.
- 3 **CHAIR** – **Resolved** – That Mr Robinson be appointed Chair of this Committee until the meeting following the Police Authority AGM in June 2009.

Mr Robinson then took the Chair.
- 4 **VICE CHAIR** – **Resolved** – That Mr Goolden be appointed Vice Chair of this Committee until the meeting following the Police Authority AGM in June 2009.
- 5 **MINUTES** – **Resolved** – That the minutes of the meeting held on 15 April 2008 having been printed and circulated amongst the Members, be taken as read and correctly recorded and be signed by the Chair.
- 6 **UPDATE ON THE MINUTES** – The Assistant Chief Executive referred to minute 28 regarding the management of future investigations and advised that Standards Board for England guidance had now been received which included information for dealing with local investigations which he would suggest, at a later agenda item, should be adopted.

He referred to minute 30 regarding the establishment of Review and Assessment Sub Committees and advised that, in light of the guidance received, he would recommend, that Members be appointed on a rotational basis.

A Member referred to minute 32 when a more proactive role for the Standards Committee had been mentioned and it was suggested that an informal meeting be held, perhaps involving Members of the Chairs Strategy Group, to discuss a wider role for the Standards Committee.

Resolved – (a) That the updates be noted, and (b) that arrangements be made for an informal meeting to discuss a possible wider role for the Standards Committee.

7 (1) ACTION SCHEDULE - Members received a rolling schedule of actions arising from previous meetings of the Committee.

The Assistant Chief Executive referred to minute 10 and advised that the APA had now published an independent report on Members' Allowances. The implications of the document had not yet been fully considered but when they had a report containing proposals would be submitted to this Committee.

He suggested that, as he would recommend that the Authority adopt the process for dealing with investigations as recommended by the Standards Board for England, minutes 6/28 could be removed.

Referring to minute 6 he advised that this be retained as it may be useful to review the Member/Officer protocol and wider ethical governance issues.

In relation to minute 16 a reply was still awaited from the Standards Board for England regarding the possibility of them producing a DVD aimed specifically at Police and Fire Authorities.

He advised that there was nothing further to add regarding minutes 19 and 31 and these could now be removed.

Mr Goolden referred to minute 34 and advised that he had conducted a workshop at the 7th Annual Assembly of Standards Committees. The workshop related to single purpose authorities and it was the first time in 4 years that such a session had been held. The main theme to emerge from the session was that there were very few complaints for single purpose authority Standards Committees to consider compared to the cost of maintaining them and it was therefore appropriate to consider alternative roles. Different methods of collaboration had been considered, including working with local authorities and fire authorities. The Assistant Chief Executive advised that a meeting had been arranged with the Fire Authority to discuss the possibility of shared arrangements. Regulations were awaited to determine whether it was possible to have one regional Standards Committee.

Members re-iterated that they felt that an informal meeting to discuss a wider role for the Committee would be useful. The Assistant Chief Executive referred to the inspection of Police Authorities from April 2009 and suggested that the Standards Committee could have a role to play in this. He referred to a report that he had submitted to the meeting in April entitled “Links to Wider Governance” that had not been considered due to time constraints and advised that he would recirculate this prior to the informal meeting.

Resolved – That the Action Schedule and updates be noted.

- 8** **(2) CLG CONSULTATION – CODES OF CONDUCT** – The Chief Executive and Monitoring Officer submitted a report that sought Members’ views on a consultation document, attached at Annex 1, regarding Authority Codes of Conduct.

In response to a query it was reported that the consultation document had not been seen by other Members of the Police Authority. Consideration was given to whether it was adequate for a Police Authority to only consider complaints regarding off duty unacceptable behaviour by a Member that resulted in a criminal conviction. Members commented that consideration needed to be given to how the public would perceive this and it was suggested that the Code of Conduct that applied to Police Authority Members should be no less than that that applied to the Force. Members queried whether there needed to be a definition of unacceptable conduct or whether it was better to consider any case that brought the Authority into disrepute based on the facts of each case. Members queried what was in place regarding police officer standards of off duty behaviour and the Chief Executive advised that he would obtain this information from Professional Standards Branch.

Reference was made to declarations of interests by Members. The old Code had referred to pecuniary and non pecuniary interests and it had been clear when Members had to declare. The new Code referred to personal or prejudicial and it was felt that this needed clarification and simplification.

The Assistant Chief Executive sought Members’ views on proposals that investigations, involving criminal activity, could not be conducted until the criminal process was completed. Members indicated that advice should be sought from the Force before deciding how to handle such a complaint. It was also felt that it was important to be able to remove a Member from office, in order to protect the reputation of the Authority.

The Assistant Chief Executive highlighted the proposal for the introduction of a mandatory Code of Conduct for local government employees and advised that the Police Staff Council had recently introduced Standards of Professional Behaviour that applied to all police staff. He therefore queried whether such a mandatory Code was necessary. He referred to proposals for “qualifying employees” to adopt some of the Members’ Code of Conduct

and sought Members' views on whether this should relate to politically restricted posts or posts that had specially delegated functions. Members expressed concerns that the proposals were vaguely drafted and would not sit well in employment contracts. It was also noted that some professionals would be exempt and there was also a query regarding whether they would apply to police staff under the direction and control of the Chief Constable. It was felt that the Police Staff Council Standards covered this area and that the Government should not proceed with a mandatory Code but should publish it as a set of guidelines. If the Government did proceed with a mandatory Code it was felt preferable to apply it to politically restricted posts rather than by special delegation.

Resolved – That the Assistant Chief Executive respond to the consultation document as outlined above.

- 9 **(3) LOCALLY DETERMINED COMPLAINTS** – The Chief Executive and Monitoring Officer referred to minute 30 (2007/08) and submitted a report that (i) sought approval to some minor changes previously agreed at the Police Authority on 17 June 2008, and (ii) provided an overview of the new local assessment regime and sought Member approval for the adoption of a local protocol for handling complaints.

Members discussed the purpose of seeking equality monitoring information within the Complaint Form. It was agreed that this should be placed at the end of the form, rather than the middle, and it should be made clear that it did not form part of the complaint and was for monitoring purposes only.

Resolved – (a) That the terms of reference for the Standards Committee, as approved by the Police Authority and appended to the report, be noted; (b) that the revised terms of reference for the Assessment and Review Sub-Committee, as attached at Annex 1, be approved; (c) that both the Assessment and Review Sub-Committees consist of 3 members, each appointed on a rotational basis by the Chief Executive and Monitoring Officer, to ensure maximum flexibility and that these are chaired by a Lay Independent Member; (d) that it be agreed that steps c) and d) as outlined at paragraph 9, should normally involve the entire Standards Committee, although the Standards (Assessment) Sub-Committee could also be utilised; (e) that the detailed protocol for handling complaints of Member misconduct (including the criteria for assessment), as outlined at Annex 4, be approved and made prominent on the Authority's website; (f) that the Chief Executive and Monitoring Officer, in consultation with the Chair, be required to take any further steps necessary to ensure compliance with the 2008 regulations; (g) that the new statutory provisions and the local assessment guidance at Annex 3 be noted, and (h) that the Complaint Form be amended as indicated above.

- 10 **(4) PUBLICISING THE NEW COMPLAINTS PROCESS** – The Chief Executive and Monitoring Officer submitted a report that sought approval for steps to publicise the Code of Conduct and the new locally devolved

complaints process.

Members suggested that the publication of the new complaints process be co-ordinated with raising the profile of the Authority and its Members. Members suggested publishing details in the local authority newsletters that were delivered to every household or to buying advertising space in other appropriate publications rather than relying on the issue being picked up from a press release. The Chief Executive advised that he would work with the media adviser to ensure that it was publicised appropriately.

Resolved – That the approach to publicising the new complaints procedure, as outlined in the report and above, be approved.

- 11 **EXCLUSION OF PRESS AND PUBLIC** – **Resolved** - That in accordance with the provisions of Section 100 (A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting for the following item of business, minute 12, on the grounds that it may involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

- 12 **(5) SIZE AND COMPOSITION OF HUMBERSIDE POLICE AUTHORITY STANDARDS COMMITTEE** – The Chief Executive and Monitoring Officer submitted a report that sought agreement on the future size and composition of the Humberside Police Authority Standards Committee.

Members discussed possible changes, the advantages and disadvantages of increasing in size and the frequency of meetings. A potential difficulty in achieving a quorum, if both Independent Lay Members had to be present in order for a meeting to proceed, was highlighted. It was suggested that the quorum could be changed although every effort would always be made to set dates that were convenient to Members.

Resolved – (a) That the permanent membership of Humberside Police Authority Standards Committee remain at 5 with additional independent members co-opted on a temporary basis as and when required; (b) that, in view of this, it be recommended to the Police Authority that the quorum for meetings of this Committee remain at 3 but that this be made up of 1 Lay Independent Member and 2 Police Authority Members, and (c) that the potential use of all candidates set out in the applications at Annex 1 be approved and the Chief Executive be authorised to appoint as appropriate.