

Standards Committee

ACTION

A meeting of the Standards Committee was held on Thursday 27th May 2010 in the Members Conference Room at Police Headquarters.

PRESENT: Ms Ann O'Hanlon (Chair), Miss Pam Andrews-Mawer, Mr Aslam Hanif, Mr Joe Rayner, Mr Peter Race, Mr John Robinson, Mr Gerard Walsh.

OFFICIALS: Mrs Caroline Llewellyn, Mrs Kath Allaway (CE)

ADDITIONAL MEMBERS: Mr Geoff Fell.

The Chair welcomed the new Members to the Committee and asked that they introduce themselves.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Vicky Lawson-Brown and Cllr Dave McLuckie.

DECLARATIONS OF INTERESTS

There were no declarations of interests.

ELECTION OF VICE CHAIR FOR STANDARDS COMMITTEE

Mrs Carole Pollard was appointed as Vice Chair of Standards Committee.

OUTSTANDING RECOMMENDATIONS

The question of the Police Authority making gifts was raised and it was agreed that the Monitoring officer would look at the inclusion of guidance on this within the Code of Conduct .

Monitoring
Officer

TERMS OF REFERENCE

The Monitoring Officer presented the terms of reference which included the statutory obligations of Standards Committees to Review the code of conduct and to hear complaints against members. The terms also included monitoring the reason and number of reports given exemption under the 1972 Local Government Act.

ORDERED that:

1. Members agree the terms of Reference as attached to the report.

REPORT OF THE MONITORING OFFICER

The Monitoring Officer informed Members that this report had initially been presented to the Audit and Internal Control panel but would in future come direct to this Committee.

The Monitoring Officer supported by the Deputy Monitoring officer, is responsible for promoting ethical standards of Members and Officers including maintaining the Register of Interests, Gifts and Hospitality. The Monitoring Officer is responsible for ensuring the implementation of monitoring of good Governance and associated policies.

The Register of Interests is maintained by the Monitoring Officer, details of which are available through the CPA website. The register is reviewed annually. The register of Gifts and Hospitality is also maintained by the Monitoring Officer and Members are reminded annually of their obligations to declare any Gifts or hospitality. No declarations were received in 2009/10.

The Code of Corporate Governance is updated annually and submitted to the Policy and Resources Panel. Members were also trained in Corporate Governance. Members were informed that the Code is also available on the CPA website.

Members were advised of the Freedom of Information obligations and that 13 requests had been received during 2009/10.

A main role of the Standards Committee was to consider Complaints against Members and training had taken place in February 2010. There had been no complaints against members in 2009/2010.

The question of the Police Authority making gifts was raised and it was agreed that the Monitoring officer would look at the inclusion of guidance on this within the Code of Conduct .

Monitoring
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ORDERED that Members:

1. Formally acknowledge the completion of the annual review of the Members Register of Interests, Gifts and Hospitality in accordance with the members Code of Conduct.
2. Note that there have been no confidential reporting issues during 2009/2010.
3. Note that Cleveland Police Authority Publication scheme is accessible through its website and that the Police Authority has received 13 Freedom of Information requests over the past year.
4. Note that 20 documents were signed and sealed in accordance with procedure over the period 2009/10.
5. Note that no complaints were received against Members during 2009/10.
6. Agree that in future this annual review will be completed by the Standards Committee and reported to the Police Authority Executive.
7. Require the Monitoring Officer to include guidance on giving gifts within the Code of Conduct.

POLITICALLY RESTRICTED POSTS – APPEALS PROCESS

The Monitoring Officer outlined the requirement within the Local Government and housing Act 1989 for Authorities to hold

a list of posts designated as Politically restricted. The Police Authority Standards Committee is responsible for hearing appeals against an individual post being designated as politically restricted.

The monitoring officer outlined the process for hearing such appeals.

Any appeal would be heard by three members of the Standards Committee. Any individual wishing to lodge an appeal must do so in writing to the Monitoring Officer. The Monitoring officer would then distribute relevant information to the three members allocated to hear the appeal.

ORDERED that:

1. Members agree the process for hearing appeals as set out at paragraph 3.15 of the report:
"Employees included in the lists compiled by the Police Authority on duties related grounds can appeal to the Local Standards Committee against their inclusion if they feel that they cannot influence policy or that the Police Authority has incorrectly applied the criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post, these documents should be sent to the monitoring officer.

When a letter of appeal is received by the Monitoring Officer, he/she must convene a meeting of three Members of the Standards Committee to hear such an appeal.

The Monitoring officer must seek to gather and distribute to members of the hearing relevant information which may assist Members in their deliberations:-

- A report stating why a post is considered to be politically restricted and

A report from the individual stating why he/she does not agree with the designation, together with any supporting information – eg similar posts not designated."

DISPENSATION PROCEDURE

The Monitoring Officer outlined the requirement for members to seek dispensation to take part in a meeting when they had a prejudicial interest. The report included a pro forma for members to complete when they are making such a request and also a list of criteria for Members of the Standards Committee to consider when using the process. Members considered the recommendation in respect of the membership of a sub committee and decided that a sub committee would only be used if it was not possible to convene a quorate meeting of the Standards Committee at short notice. It was agreed to amend recommendation 2 to reflect this.

ORDERED that:

1. The system and pro forma to be used when Police Authority Members are seeking dispensation when they have a prejudicial interest be agreed.
2. Consideration of granting dispensations be with the full Standards Committee where practicable but if not able to convene a quorate meeting a sub committee be convened consisting of 2 Independent Members of Standards and one Police Authority Member. This sub-committee to report retrospectively to the full Standards Committee any decisions taken at the sub-committee.

REGULATIONS FOR PROVISION FOR STANDARDS FOR ENGLAND TO SUSPEND THE FUNCTIONS OF A LOCAL STANDARDS COMMITTEE

The Monitoring Officer outlined the regulations and circumstances in which Standards for England would take over the functions of the Standards Committee. Members discussed the action required to avoid this and agreed that they would ensure that they were trained and that procedures would be in place to safeguard against this.

ORDERED that:

Members should be trained and that the Monitoring Officer would ensure that procedures were in place to prevent circumstances arising where Standards for England would suspend the functions of the local Standards Committee. The amendment to paragraph 5, in that training had taken place on 22nd February 2010, be noted.

Monitoring
Officer

MEETING SCHEDULE AND TRAINING PROGRAMME

The Monitoring Officer outlined the training and meeting schedule which had been drafted to ensure that Members were fully trained and briefed to carry out their role. It was also discussed that if Standards for England had not produced the next stage of guidance and training within 6 months then the Monitoring Officer should produce and deliver a training package in respect of 'hearing a complaint'

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