

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting **POLICE AUTHORITY**

Date **5 MAY 2009 – 2.00 P.M.**

Report of **CHAIR OF STANDARDS COMMITTEE**

Subject **ANNUAL REVIEW OF STANDARDS COMMITTEE ISSUES**

Purpose of Report

1. This report provides the Leicestershire Police Authority with a summary of the standards and ethics issues faced by the Authority since 1 January 2008. A similar report was presented to the Standards Committee meeting of 3 March 2009. The Committee asked its Chairman to present this to the full Authority so it can be assured regarding standards matters.
2. The report sets out the issues and measures in place within the Authority to provide it with confidence that standards issues are being dealt with appropriately. There are three main areas, namely: the working of the Standards Committee; the Code of Conduct for Police Authority members and other measures in place to mitigate risk of unethical conduct.
3. Suggested improvements for the future are discussed in the report.

The Workings of the Standards Committee

4. During 2008 the Standards Committee met on three occasions. On 4 February 2008 it considered a consultation response on the proposed Orders and Regulations regarding local handling of complaints. The Committee also agreed a protocol regarding press enquiries, subject to the need to review later in the year once the new procedures were in place. The Committee also received its first annual review of standards issues and a paper on collaboration opportunities.
5. On 17 April 2008 the Committee viewed the Gifts and Hospitality Register and considered its regular report on reasons that reports to the Authority had been taken in exempt session. At the close of the meeting, the Committee members undertook a training session working through scenarios set by the Standards Board for England ('SBE') regarding local assessment of complaints.
6. On 3 June 2008 Committee members had been offered training on local assessment with other Standards Committee members in Leicestershire/Leicester/Rutland. The training involved role-play as sub-committee members and was provided by Messrs Weightmans, Solicitors. Mr Mann, Mrs Darby, Mrs Martin, Mrs Newton and the Chief Executive attended. The Deputy Chief Executive attended the same workshop on 11 June.

7. On 9 September 2008 the Committee considered 2 papers on the new orders, regulations and guidance on local assessment. It established a protocol for dealing with local assessment and agreed the remit and make-up of new Standards Sub-Committees, as required by law. The Committee also reviewed the Protocol on Press Enquiries and considered a further report on reasons for taking reports in exempt session.
8. Mr Mann, Mrs Darby and the Chief Executive attended the SBE Annual Assembly 2008 on 13 and 14 October 2008. They subsequently met on 20 November to discuss what issues needed to be taken forward.
9. The membership of the Standards Committee has changed since the beginning of 2008 when its membership was Mr Mann (Chairman), Mrs Darby, Mrs Martin, Mrs Newton, Mr Roe and Mr Thomas.
10. Mr Thomas resigned from the Authority on 21 April 2008. On 23 April 2008 the Authority held its AGM and revised the Standards Committee membership to Mr Mann, Mrs Darby, Mrs Martin, Mrs Newton, Mr Bill and Mrs Bodell-Stagg. Mr Bill had previously served on this Committee.
11. On 9 September 2008 Mrs Darby replaced Mr Mann as Chairman of the Committee in accordance with their arrangement that the lay members rotate the chairmanship each year.
12. Mrs Bodell-Stagg left the Authority on 30 September and her place on this Committee was allocated to a new member, Mr Prince from 1 October.
13. Our lay members receive the agenda papers for meetings of the Police Authority and its Finance and General Purposes Committee. In 2008 both were invited to those meetings so as to familiarise themselves with the culture of the Police Authority and to enable Police Authority members to meet and speak with them. Our lay members also receive the Members' Newsletter and have a copy of the members' handbook.
14. On 29 October 2008 the Police Authority agreed a proposal recommended by the Standards Committee, that any lay standards member of a police authority in the region could be called upon in the event of need. This took the form of providing the Chief Executive with the power to appoint any of the region's Police Authority Lay Standards Committee Members on a temporary basis where Leicestershire Police Authority Lay Standards Committee Members are unable to act. It is understood other police authorities in the region have adopted a similar mechanism.
15. Each new SBE bulletin is mentioned in the newsletter for all members and forwarded by email to each of our Standards Committee members. Past copies are available via the SBE website www.standardsboard.co.uk.

The Code of Conduct for Police Authority Members

16. The Police Authority's adopted Code of Conduct for members is the version that took effect from 4 May 2007. This is no need to review it at this time.
17. Members have been reminded to keep their business interest forms up to date. The form appears on the web in "word" format so that members can easily register and submit interests in the event of any change.
18. The gifts and hospitality register is retained in the office for staff and member gifts and hospitality. However with effect from 4 May 2007, gifts and hospitality are now included on the business interest form. Thus where any gift or hospitality is received (with an

estimated value of at least £25) the business interest form is revised. The gifts and hospitality register will be presented to the Committee so that members can view its content.

19. The following members joined the Police Authority in 2008: Mr Clair, Mr Brown, Mr Prince and Mr Render. Mrs Roberts joined us on 23 January 2009. All new members undergo an induction which includes a discussion with the Chief Executive on the Code of Conduct issues.
20. The only correspondence with the SBE relating to Code of Conduct complaints regarding Leicestershire Police Authority membership in 2008 has been the required returns to the SBE confirming that no complaints had been received.
21. At each public meeting of the Authority and its Committees there is an agenda item which prompts members to disclose any interests they may have under the Code of Conduct. Members declare interests from time to time at meetings and a report is brought annually to the Standards Committee regarding such instances to enable the Committee to monitor its extent.
22. A tip of the week has been introduced to the Members' Newsletter with effect from 4 January 2008. This provides tips on ethical standards or short extracts from the "Good Governance Standard for Public Services".

Other Measures in Place to Mitigate Risk of Code Breaches

23. If an Authority has no breaches to show, how can it be sure that matters are not occurring, rather than not being spotted? The following items hopefully provide members with some assurance that the former situation is the position in Leicestershire Police Authority.
24. The Monitoring Officer (Chief Executive) is a full time officer and qualified solicitor. The Deputy Chief Executive has been designated as the Deputy Monitoring Officer. The Monitoring Officer normally attends all Committee and Police Authority meetings and so is able to be on hand to dispense advice when interest issues arise. The Monitoring Officer sees reports to the Police Authority and its Committees so is in a position to spot issues potentially in advance relating to interests and standards.
25. There is transparency in the Police Authority reports in that any reason to discuss an issue in exempt session is recited on the face of the agenda. Further, the competing issues as to whether it should be dealt with in public or in exempt session are explained in paragraph 2 of the exempt report so that members can indicate if they disagree, so that the paper can then be taken in open session. Discrete minutes of exempt items are published in the public domain.
26. The Monitoring Officer keeps himself up to date with standards issues by attending the SBE conference and road shows and networking with Police Authority and Local Authority colleagues in the region. This can provide exposure to issues arising elsewhere that may help organisational learning. The Chief Executive is a member of the Association of Council Secretaries and Solicitors (ACSeS), a national body which is a consultee of government and of the SBE on standards issues. ACSeS also operates "MONOSUG", a Monitoring Officers' Support Group. From November 2007 to November 2008 the Chief Executive was Chairman of the East Midlands branch of ACSeS. Since November 2008 he has been the Honorary Secretary to the branch.
27. If matters arose, therefore, there is a network of information to provide support in relation to issues relating to the Code of Conduct. Additionally, for matters that may

impact on the criminal law, the Deputy Chief Constable and Chief Executive do liaise regularly so that such issues would be brought to account.

28. Security checking of members and lay members now takes place. In addition, the Authority's own disqualification policy is part of the information provided to applicants for the role of Police Authority member or lay member.

Improvement Plans

29. At its meeting on 4 February 2008 the Standards Committee approved an action plan of improvements. Appendix 1 of this report sets out the plan with a new column indicating the extent of implementation.
30. The Committee has considered what training it thinks is necessary for this year:
- (a) the Code of Conduct – for all members
 - (b) Ethical governance issues – for all members
 - (c) How a typical conduct complaint would be handled by the Standards Committee – for all members
 - (d) local assessment – initial handling of complaints – for the Standards Committee
 - (e) local assessment – hearing an investigated complaint - for the Standards Committee
 - (f) other relevant training for the role – discussing case studies
 - (g) sharing experience in the region.
31. The Ethics training was combined with a session on scrutiny training delivered by Gillian Fawcett and Robin Clarke of the Office for Public Management. This was delivered on 28 November 2008 and opened up to the region. It was attended by 8 Leicestershire Police Authority members and the Chief Executive.
32. Refresher training on the Code of Conduct has not been provided in 2008, save that new members do receive an induction that covers the main tenets of the Code. Of course, all councillor members joining the Authority will be subject to their own, similar, Code of Conduct. One element of the induction provided by the Monitoring Officer is to determine the extent to which new members are familiar with the Code. In the recent recruitment exercises of independent members 3 of the 4 new members had pre-existing detailed knowledge of the Code for members. The local elections in June 2009 may produce circumstances giving rise to new councillor members. The Committee will therefore offer Code of Conduct training in Autumn 2009. Standards Committee Members will participate in such training. The training should also include how the Code and good ethical behaviour contributes to good governance and good decision making (thereby covering the ethics training).
33. The Standards Committee will be monitoring the proposed improvements mentioned in Appendix 2 during the course of 2009.

Recommendation

34. The Authority is requested to discuss the content of this report.

Background Papers None.

Implications Financial – none; Legal – none; Diversity – none; Risk Management – none.

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APPENDIX 1**Improvements Suggested on 4 February 2008**

Matter	Action Proposed	Timescale and by Whom	Comments as at 3 March 2009
In the past Standards Committee has met on an ad hoc basis.	Fix future dates.	Deputy Chief Executive. In cycle of meetings reported to AGM.	Completed. Now part of the list of scheduled meetings.
As new members join the Standards Committee their training needs for this role should be formally reviewed.	Review training needs of individual member.	Chief Executive. Within a month of any change.	Not completed. See paragraph 32 and appendix 2.
It is recommended that ethics training is provided regularly to all members.	Arrange training.	Chief Executive. Training fixed for future date by 31 March 2008.	See paragraph 31.
Standards Committee members will need training on their future role.	Arrange suitable training for Standards Committee members.	Chief Executive. By 30 June 2008.	3 June 2008 training on handling complaints.
Not all members received Code of Conduct training delivered in July 2007.	Provide refresher training and ensure all those who missed have received training of some sort.	Chief Executive. By 30 September 2008.	Not done. See paragraph 32 and appendix 2.
Gifts and hospitality register should be regularly reviewed by Standards Committee.	As part of annual report.	Chief Executive. February 2009/	17 April 2008. 3 March 2009. Embedded as annual activity.
SBE conference notes are discussed by Standards Committee but is this learning reaching all the Police Authority members?	Issue brief learning note (as an LPA Circular) to all members after SBE conference.	Chief Executive. By 30 November 2008.	LPA Circular 14-2008 issued to members on 31 October 2008.
The number of members declaring an interest during meetings and their reasons could usefully be monitored by the Standards Committee.	Standards Committee to receive an annual report.	Chief Executive. Each February/March.	Reported to 3 March 2009 Standards Committee. Embedded as annual activity.
Reasons for taking matters in exempt session could be scrutinised.	Standing report to each Standards Committee.	Chief Executive. Reports to each Standards Committee.	4 February 2008. 17 April 2008. 9 September 2008. 3 March 2009. Now embedded.

Improvements Suggested for 2009

Matter	Action Proposed	Timescale and by Whom	Comments
As new members join the Standards Committee their training needs for this role should be formally reviewed.	Review needs of individual member.	Chief Executive. Within month of joining committee – as part of induction or after AGM.	Added to Chief Executive's induction notes. Added to Secretariat diary of annual events.
Maintain training in Code and Ethics for all members.	Training session offered follow up by Chief Executive for any members not attending.	Chief Executive and Standards Committee to undertake by 31 October 2009.	
Business Interests Form.	Standards Committee could usefully review the form to check accuracy and ease of use by members.	Chief Executive to bring report to Standards Committee June 2009.	
Business Interests.	Standards Committee could usefully monitor how up to date forms are.	Committee to check at each meeting.	
Member training.	Standards Committee could usefully monitor implementation of member training plan.	At each Standards Committee meeting	Plan will be drafted following Member Development Reviews in March.
Member Development Reviews	Standards Committee could usefully look at the process for improvements.	Chief Executive to bring report to Standards Committee in 2009	
SBE conference notes to be made available to all members.	As LPA Circular.	Chief Executive within 1 month of conference.	