

NOT PROTECTIVELY MARKED

CUMBRIA POLICE AUTHORITY

STANDARDS COMMITTEE

Minutes of a Meeting of the Standards Committee held on Friday 1 December 2006 in Conference Room 2, Police Headquarters, Carleton Hall, Penrith commencing at 10.00am.

PRESENT

Mr J K Fryer
Mr J Nicholson

Mr M C Tonkin
Mr W Smith

Also present:

Deputy Monitoring Officer (Mr S Edwards)

PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. MEMBERSHIP

The appointment of Mr W Smith to the Committee in place of Mr J Woolley was noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs C A Egan and Ms J Lashmar.

3. APPOINTMENT OF CHAIR

The Deputy Monitoring Officer reported that at the meeting of the Police Authority on 15 November 2006 the Authority had conducted a review of the committee structure. The Committee's Terms of Reference were unchanged by the review.

As part of the review, the Authority had decided that in future it would appoint the Chairs of all its committees, but had resolved to delegate the appointment of a Chair for this Committee so that the statutory Independent Members of the Committee had the opportunity to either stand for appointment, if desired, or to participate in the appointment process.

In addition, Members' attention was drawn to Agenda Item No 13, which referred to the current trend for Standards Committees to appoint an Independent Member as their Chair, a position which was likely to become mandatory under the forthcoming Local Government Bill.

Mr J K Fryer was duly proposed and seconded for appointment as Chair. There were no other nominations.

NOT PROTECTIVELY MARKED

RESOLVED, that Mr J K Fryer be appointed Chair of the Committee for the period up to the 2007 Annual Meeting of the Police Authority.

(Mr J K Fryer in the Chair)

4. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the Agenda for which the press and public were to be excluded.

5. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interest relating to any item on the Agenda. However, Mr Tonkin informed the Committee of his intention to apply for a position as a statutory Independent Member with Eden Borough Council.

6. MINUTES

The Minutes of the meeting of the Committee held on 15 June 2006 had been circulated with the Agenda for the meeting.

RESOLVED, that the Minutes of the meeting of the Committee held on 15 June 2006 be confirmed as a correct record and signed by the Chair.

7. CUMBRIA LOCAL AUTHORITY'S STANDARDS COMMITTEE

A note of the meeting of the Cumbria Local Authority's Standards Committee held on 22 November 2006 prepared by the Monitoring Officer had been circulated separately.

In addition to the Monitoring Officer, Mr Fryer and Mr Tonkin had attended the meeting. They considered this to have been, as always, a useful event and they referred to the case studies considered at the meeting. Reference was also made to the question of when a complaint was not upheld, what level of feedback, if any, should be provided.

It was suggested that it would be appropriate for all Members to receive refresher training on standards' matters in the forthcoming year, in particular if the new Code of Conduct was issued. The Deputy Monitoring Officer advised that an appropriate time to hold such training would be following the appointment of new Independent and Lay Justice Members to the Authority in April 2007.

RESOLVED, that the report of the meeting of the Cumbria Local Authority Standards Committee on 22 November 2006 be noted.

8. STANDARDS BOARD BULLETIN NO 30

A copy of Standards Board Bulletin No 30 had been circulated with the Agenda for the meeting.

RESOLVED, that the Bulletin be noted.

9. STANDARDS BOARD STANDARDS COMMITTEE NEWS

Members noted that Standards Board Committee News had now been combined with the Bulletin (Minute No 8 above refers) and would no longer be issued.

RESOLVED, that the position be noted.

10. STANDARDS BOARD CASE ALERT

The Standards Board Case Alert had not been published since the last meeting of the Committee.

RESOLVED, that the position be noted.

11. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2006

Mr Tonkin presented his report of the fifth Annual Assembly of Standards Committees held in Birmingham on 16-17 October 2006. The Committee had been represented by Mr Tonkin, Mr Woolley and the Monitoring Officer.

Mr Tonkin advised that whilst, as in previous years, the Conference had been informative in part, overall it remained overly District Council orientated and he had taken the opportunity to raise with the Chair and Deputy Chair of the Board the issue of providing more items of relevance to fire and police authorities at future conferences. However, amongst items of interest obtained at the Conference was a model recruitment pack for statutory Independent Members, which Mr Tonkin had forwarded to the Monitoring Officer.

Members suggested that it might be appropriate to review the Committee's representation at the Conference, with perhaps only one Member and the Monitoring Officer attending in future years.

RESOLVED, that the conference report be received.

12. REVISED DRAFT CODE OF CONDUCT

The Deputy Monitoring Officer advised Members that the revised draft Code of Conduct had still not been issued, but that its publication was "imminent".

RESOLVED, that the position be noted.

13. APPOINTMENT OF INDEPENDENT MEMBERS

The Deputy Monitoring Officer presented a report by the Monitoring Officer, the purpose of which was to enable the Committee to give consideration to the position

of statutory Independent Members on the Committee and, if necessary, make appropriate recommendations to the Police Authority.

The Committee was currently composed of two statutory Independent and four Police Authority Members. Since the Committee had been established, it had almost become common practice elsewhere for the statutory Independent Members to be in the majority. This position would have been helpful for the Authority's Committee in the autumn of 2005 when it was dealing with requests for dispensation from all Members of the Police Authority during the police restructuring debate. Furthermore, many Standards Committees had made a conscious decision to be chaired by one of the statutory Independent Members, a position now reflected on this Committee.

In considering the membership of the Committee, Members noted the benefits in terms of transparency of the statutory Independent Members being in the majority on the Committee. However, they considered that the current balance of membership worked well but were minded to increase the number of Independent Members on the Committee by one to ensure that, if at any future date all Police Authority Members were excluded from a debate, the Committee would be quorate. The Deputy Monitoring Officer advised that if the Police Authority agreed to a recommendation to increase the statutory independent membership of the Committee, a recruitment process would be embarked upon during the spring of 2007 with a view to the newly appointed statutory Independent Member taking up their place on the Committee at its meeting on 15 June 2007.

RESOLVED, that the Police Authority be **RECOMMENDED** to approve the appointment of an additional statutory Independent Member to the Standards Committee.

14. KEN LIVINGSTONE -V- ADJUDICATION PANEL FOR ENGLAND

A transcript of the judgment approved in the High Court in the case of Ken Livingstone -v- the Adjudication Panel for England had been circulated with the Agenda. The Deputy Monitoring Officer drew Members' attention to the outcome of the appeal and the reasons behind that decision.

RESOLVED, that the judgment be noted.

15. OMBUDSMAN

The Deputy Monitoring Officer reminded Members that at their meeting on 15 June they had given consideration to complaints made by members of the public against a Member and the Authority which had been referred respectively to the Standards Board for England and the Commissioner for Local Administration in England (the Ombudsman).

Members were reminded that the Standards Board had decided that the allegation against a Member made to them should not be investigated. The Committee had given consideration as to whether or not to conduct a local investigation into the complaint, and had concluded that it would not be appropriate to do so.

The Committee had then considered the complaint made against the Authority, which had been referred to the Ombudsman. They had concluded that the Monitoring Officer should write to the Ombudsman advising that they did not propose to initiate any investigation into the matter.

Subsequently the Ombudsman had decided to investigate the complaint, meeting with the complainant and requesting the Authority's observations on the matter. After conducting that process, the Ombudsman had notified the Authority that this was not a complaint which it was willing to pursue further and had therefore discontinued the investigation and closed the complaint.

RESOLVED, that the position be noted.

The Meeting ended at 11.00am

Chair:

Date: 15 June 2007