

CUMBRIA POLICE AUTHORITY

STANDARDS COMMITTEE

Minutes of a Meeting of the Standards Committee held on Thursday 15 June 2006 in Conference Room 2, Police Headquarters, Carleton Hall, Penrith commencing at 10.00 am.

PRESENT

Mr J Woolley (Chair)

Mrs C A Egan
Mr J K Fryer

Ms J Lashmar
Mr M C Tonkin

Also Present:

Monitoring Officer (Mr C R Alcock)
Deputy Monitoring Officer (Mr S Edwards)

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

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr J Nicholson.

27. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

Urgent Business

The Chair advised that he was taking an item concerning a complaint against a Member as an item of urgent business on the grounds that it had only been received on 12 June and had to be considered at the current meeting.

Exclusion of the Press and Public

RESOLVED, that the Press and Public be excluded during consideration of the item of urgent business (Complaint Regarding a Member) on the grounds that it involved exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12a of the Local Government Act 1972 (as amended).

28. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interests relating to any item on the Agenda.

29. MINUTES

The Minutes of the meetings of the Committee held on 28 November and 2 December 2005 had been circulated with the Agenda.

With reference to Minute No.22 of the meeting held on 2 December 2005, Members inquired as to whether the DVD to be issued by the Standard Board had been received. The Monitoring Officer advised that the DVD had not yet been received by the Authority.

RESOLVED, that the Minutes of the meetings of the Committee held on 28 November and 2 December 2005 be confirmed as a correct record and signed by the Chair.

30. CUMBRIA LOCAL AUTHORITIES STANDARDS COMMITTEE

The note of the meeting of the Cumbria Local Authorities Standards Committee held on 31 January 2006 had been circulated with the Agenda.

The Monitoring Officer and two Independent Members provided a verbal report on the meeting of the Committee held on 9 June 2006. Particular issues raised at the meeting were the raising of the profile of Standards Committees, the provision of training for Members of Authorities in general and the establishment of a forum for Independent Members of Standards Committees.

With reference to training it was noted that it was as important to record the training provided as to provide the actual training. It was noted in the course of discussion that training provision varied from Authority to Authority but that the Police Authority provided both a considerable amount of written information for new Members and a comprehensive induction programme.

The Independent Members referred to the establishment of a forum for Independent Members and considered that the position taken by the Cumbria Committee of appointing an Independent Member to the regional body was the right way forward.

RESOLVED, that the report be noted.

31. STANDARDS BOARDS BULLETINS NUMBERS 27 to 29

Copies of Standard Board Bulletins numbers 27, 28 and 29 had been circulated with the Agenda for the meeting.

Members referred to various matters contained within the Bulletins during their consideration of these documents.

RESOLVED, that the Bulletins be noted.

32. STANDARDS BOARD: STANDARDS COMMITTEE NEWS

It was noted that the Standards Board Standard Committee News had not been published since the last meeting of the Committee.

RESOLVED, that the position be noted.

33. STANDARDS BOARD CASE ALERT, ISSUE 1, MAY 2006

Members considered Issue 1 of the Standards Board Case Alert, which dealt with a breach of the Code of Conduct by a councillor who had taken part in a meeting in which he had a prejudicial interest. Members considered the implications of the case in the context of the Police Authority.

RESOLVED, that the report be noted.

34. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2006

The fifth Annual Assembly of Standards Committees was to be held on 16 and 17 October 2006 at the ICC in Birmingham. The theme for the Conference was identifying and then closing the gaps between the resources, knowledge and experience needed for effective regulation of ethical standards at a local level. A copy of the leaflet providing details on the Conference had been circulated with the Agenda. The Committee was asked to consider appropriate representation at the Annual Conference.

RESOLVED, that three places be reserved at the Annual Assembly of Standards Committees, 2006, one for an Authority Member of the Committee (Ms J Lashmar), one for an Independent Member of the Committee (Mr M Tonkin) and one for the Monitoring Officer.

35. AMALGAMATION WITH LANCASHIRE POLICE AUTHORITY

The Monitoring Officer provided the Committee with a verbal report on the implications for the Committee of the amalgamation with Lancashire Police Authority. It was noted that the new Police Authority would require a Standards Committee with effect from 1 April 2007 and that the Amalgamation Order would identify a Monitoring Officer for the new Authority.

Both Mr Fryer and Mr Tonkin had indicated their willingness, if required, to serve on the Standards Committee for the new Strategic Police Authority.

Members of the Committee raised various issues with the Monitoring Officer to which he responded as appropriate.

RESOLVED, that position be noted.

PART II – ITEMS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

36. COMPLAINT REGARDING A MEMBER

The Monitoring Officer presented a report which dealt with complaints made by a member of the public against a Member of the Authority which had been referred to the Standards Board for England and the Commissioner for Local Administration in England (the Ombudsman). The complaint related to the Authority's proposal to develop a custody facility on land owned by the Authority at Houghton near Carlisle. It was clear from the papers referred to the Authority by the Ombudsman that the complainant had also raised his concerns with the Home Office and HMIC.

The Standards Board had considered the complaint made by the complainant and decided that the allegation should not be investigated. Under the Standards Board procedures the complainant had the right to ask for a review of the decision and must

do so within a 30 day period. If a request for a review was received that would be considered within two weeks of receipt by the Standards Board.

The complaint made to the Ombudsman had been referred to the Authority for consideration as the Ombudsman was unable to pursue the complaint as the Authority had not had an opportunity to investigate it and respond in the first instance. If the complainant was not content with the response received from the Authority he would be entitled to make a further complaint to the Ombudsman who would then consider whether to investigate the matter.

The Monitoring Officer suggested to Members that it would be appropriate to write to the complainant, copy to the Ombudsman, advising that the Authority had noted the decision by the Standards Board not to investigate the matter as it was insignificant, advising that on that basis the Authority did not propose to initiate any other investigation of its own into the matters complained about.

In the first instance Members gave consideration to the complaint made to the Standards Board. They noted from the report submitted by the Monitoring Officer that it was open to them to conduct their own investigation into the complaint even though the Standards Board had decided not to investigate the matter. They concluded that it would not be appropriate for the Authority to conduct an investigation of the matters complained of.

Members then turned their consideration to the complaint referred to the Authority by the Ombudsman. In the course of considering the complaint they raised various issues with the Monitoring Officer to which he responded as appropriate.

Some Members expressed particular concern at the statements made regarding Independent Members on the Authority. Members were particularly disappointed by the complainant's marginal remarks to his complaint, apparently suggesting Independent members would lack the independence they were specifically appointed to bring to such processes. They were also concerned that the complainant did not feel that the Authority would deal with his complaints in an objective manner. Other Members referred to the statutory process set by the Home Office for the appointment of Independent Members to the Authority and believed that this should be brought to the attention of the complainant as part of any response.

After full consideration of all the papers before them and taking into account the answers to questions raised with the Monitoring Officers Members –

RESOLVED,

that the Monitoring Officer write to the complainant, with a copy to the Local Government Ombudsman and Standards Board, advising that the Authority has noted the decision of the Standards Board for England not to investigate the matter, because it is insignificant, and on that basis the Authority did not propose to initiate any other investigation of its own into the matters complained of.

The meeting ended at 11.30am.