

NOT PROTECTIVELY MARKED

**CUMBRIA POLICE AUTHORITY
PERSONNEL COMMITTEE**

Minutes of a Meeting of the Personnel Committee held at 2.00 pm on Thursday 6th October 2005 in Conference Room 2, Police Headquarters, Penrith.

PRESENT

Mr R Watson (Chair)

Mrs M Johnson
Mrs L Slavin

Mr J Woolley

Also Present:

2 Independent Custody Visitors
Mrs L L Shaw, Police Authority Lead Member - Custody Visiting Scheme
Clerk & Chief Executive
Administration Manager (note taker)

**PART I – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND
PUBLIC**

The Chair of the Committee welcomed everyone present, explained the procedures to be followed during the meeting, and advised that Mrs L L Shaw, who was Lead Member of the Authority for its Independent Custody Visiting Scheme, would be acting as adviser to Members of the Committee on matters concerning the purposes and organisation of the scheme.

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr J Mallinson.

36. Exclusion of the Press and Public

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 (as amended) the public and press be excluded from the Meeting for Agenda item No. 4 (Independent Custody Visiting Scheme – Disciplinary Matters) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

37. DISCLOSURE OF PERSONAL INTERESTS

Mrs L Slavin declared that she had met one of the Custody Visitors through the operation of the Authority's Custody Visitor Scheme. No objection was taken by

either of the Visitors to her involvement and the Clerk & Chief Executive advised that this would not in all the circumstances normally represent a prejudicial interest.

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

38. INDEPENDENT CUSTODY VISITING SCHEME – DISCIPLINARY MATTERS

The Clerk & Chief Executive presented a report previously circulated in advance of the meeting both to all Members and to the two Custody Visitors attending. Attached to it as Appendix was a similarly-circulated document, producing extracts from correspondence received from both the Custody Visitors present, and responses from the Authority, over a period going back four years.

In addition, the Clerk distributed to all present copies of further, relevant and more recent documents, including a letter received on 6 September 2005. He made reference in more detail to the contents of the various documents supplied as self explanatory. He asked Members to consider all of these and their implications; as well as the position and personal situation of each of the two Visitors, including their own representations; fully and fairly before reaching any decision.

The balancing rights and entitlements of the two Custody Visitors; of the Authority itself as an accountable public body in which the public should have confidence; and of Authority staff themselves in relation to their own proper treatment, were all important factors which the Committee were asked to weigh carefully when assessing the precise significance of this material.

The seniority and long service of each of the Visitors were matters of special significance to which the Committee was specifically asked by the Clerk & Chief Executive to give particular attention and credit when arriving at their decisions.

The Committee was therefore asked, separately and in each case, to review:

- (i) the contents of communications, letters and minutes exhibited; plus any other relevant material available and put forward at the hearing by any party attending; and
- (ii) in each individual case, the effect of that review of material upon the Committee's assessment of that person's fitness to hold office under the scheme or to be a volunteer visitor, according to the Authority's stated criteria; and
- (iii) in each individual case, the separate representations of that person about those reviewed issues applying to them; and
- (iv) in each individual case, whether (and if so what) action is appropriate to be taken as a result of this supervisory review and the separate representations received; with reasons given through the Chair for those decisions.

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The Chair of the meeting, on the conclusion of the Clerk & Chief Executive's submission, asked if the two Custody Visitors present wished to make any comment in reply; which they both did at length, individually and in person.

Members raised various points arising from their representations with each of the Custody Visitors in turn, to which they duly responded, after which Members retired at 3.30pm to another room, to consider at length all the submissions which had been made by the respective parties. (The two Custody Visitors, the Clerk & Chief Executive and the Lead Member remaining in the Committee room).

At 3.50pm approximately, the Police Authority Lead Member was asked to rejoin the Committee in its retiring room in order to advise on various points of ICV practice. Upon her return, the Clerk & Chief Executive was then likewise requested to attend upon the Committee with a view to advising on a possible alternative to action the Committee appeared otherwise minded to take presently, as a result of its findings. The Clerk & Chief Executive duly returned from there to the Committee room at 4.05pm approximately, in order to advise the two Custody Visitors of that possible alternative which the committee had indicated to him, and to broach with them its potential acceptability.

At approximately 4.15pm, before the Committee had returned to the room or announced its decision, the two Custody Visitors indicated they were leaving the building. The Clerk & Chief Executive confirmed to them that they would be notified in writing of the Committee's final decision and its reasons during the following week.

In the absence of the two Custody Visitors, the Committee

RESOLVED, that:

1. It had found evidence of conduct separately involving each of the two Custody Visitors which was of an unacceptable nature; and
2. the behaviour found did in each case breach standards reasonably expected by the Authority of persons acting on its behalf; and
3. these findings did have an effect on their view of each individual Visitor's individual fitness to hold office under the scheme; and
4. each of the Visitors was to be written to separately by the Clerk and required to resign forthwith from the office they held with the local ICV panel of the Authority's scheme and also their position as a Visitor, failing which they would be dismissed; and
5. the Visitors were each to be notified that the above findings were subject to their individual right of appeal.

The Meeting ended at 4.30 pm.