

NORTHUMBRIA POLICE AUTHORITY

STANDARDS COMMITTEE

24 JANUARY 2002

Present: Mrs M E MacArdle (Chair)
Councillors Foster and Packham
Mr Brown and Mrs Pearson

Apology: Councillor Napier

1. Minutes

RESOLVED - That the minutes of the last meeting held on 15 March 2001 be approved as a correct record and signed by the Chair.

2. Implementation of the New Ethical Framework

Part III of the Local Government Act 2000 sets out a new ethical framework for local government in England and Wales. A number of aspects of the framework are being introduced by regulations to be laid by the Secretary of State for Transport, Local Government and the Regions.

Regulations bringing into force the Model Code of Conduct for members of Police Authorities came into force on 27 November 2001.

The Standards Board for England was launched on 6 May 2001. The Board will promote high standards of conduct in local government and will investigate complaints against members, once authorities have adopted the new code of conduct. The Board has issued several items of guidance including a short guide to the new rules of conduct as submitted.

RESOLVED – (i) That the information be noted.

(ii) That training and awareness, in the operation of the new regulations, for all members of the Authority and Independent members of the Standards Committee, be the subject of a future members' seminar.

3. Model Code of Conduct

The Model Code of Conduct came into force on 27 November 2001 and the Authority will need to develop its own code, based on this model, by 5 May 2002. If the Authority does not adopt a local code of conduct, the model code will apply after six months but the Authority will still be required to adopt its own local code.

The code will apply to all members of the Authority and will replace the current National Code of Local Government Conduct and the requirements of the Local Government Act 1972 relating to pecuniary interests.

Once the Authority adopts a local code of conduct, each member will have to sign up to it within two months. Any member who fails to do so will cease to be a member of the Authority.

A summary of the main provisions of the model code is included in the appendix to the minutes. All provisions in the model code are mandatory and must be included in the Authority's new code of conduct. It is open to the Authority to include additional provisions should it so wish. However, the Standards Board for England, which will monitor the operation of the new code and deal with complaints against Authority members, has advised Authorities not to include additional provisions in their codes at this stage.

In accordance with its terms of reference, the Standards Committee is to advise the Authority on the adoption of a code of conduct based on the model code and ensure that appropriate training is provided for members.

RESOLVED – That the Authority be recommended to adopt the Model Code set out in the Police Authorities (Model Code of Conduct) Order 2001.

4. Appointment of second Independent Member on the Standards Committee

The proposed information leaflet and application form to be used in the above appointment procedure were submitted.

The Clerk to the Authority has been granted delegated powers by the Authority to make an appropriate appointment.

RESOLVED – That the proposed information leaflet and application form be agreed, subject to the suggested minor amendments.

Duration of meeting – 1 hour 15 minutes

Model Code of Conduct for Members: Summary of Main Provisions

Scope of the Code

1. The new code will apply to members in the conduct of their official duties or when representing their authorities. For example, when attending meetings of the authority, political groups, ward surgeries, public meetings or forums.
2. If a member represents the Authority on another relevant authority (such as a Council), he/she will need to follow the other authority's code of conduct. When representing the Authority on any other body, members will have to comply with the Authority's code unless it conflicts with legal obligations in relation to the outside body.
3. The code will not apply to members in their non-official or private lives except where a member:
 - acts in a manner which brings the authority or the member's office into disrepute; or,
 - attempts to use his/her position to improperly advantage or disadvantage any person.

General Provisions

4. A range of general provisions are included in the model code. Under these, members will have a duty:
 - to promote equality by not discriminating unlawfully;
 - to avoid doing anything to compromise the impartiality of anybody working for or on behalf of the Authority;
 - not to disclose information given in confidence, or which they have acquired and believe to be confidential in nature, unless appropriate permission is granted or disclosure is required by law;
 - not to prevent access to information to which a person is entitled by law;
 - to use and authorise the use of Authority resources only in accordance with the requirements of the Authority; and,
 - to ensure that Authority resources are not used for political purposes except where such use helps the work of the Authority or the office to which the member has been elected or appointed.
5. In taking decisions, members will need to have regard to relevant advice from the Monitoring Officer and the Chief Finance Officer.
6. A member must if (s)he becomes aware of any contact by another member which (s)he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board, as soon as practicable.

Declaration of Interests

7. The new code will supersede the existing rules on the declaration of interests. In future, members will have to consider whether their interest in a matter is "personal" and whether it is "prejudicial".
8. A personal interest will exist where:
 - an issue relates to an interest which must be entered in the register of members' interests; or,
 - an issue affects the well-being of a member, or a member's family or friends, or a business which a member owns or runs, or has shares worth more than £5,000 in, to a greater extent than it affects the general public.
9. When a member is present at a meeting where a matter in which he/she has a personal interest is discussed, he/she must declare the existence and nature of the interest. However, unless the interest is also a "prejudicial" one, the member may speak and vote on the matter.
10. A personal interest will also be prejudicial if a member of the public with all the relevant facts would consider it significant to the extent that the member's judgement of the public interest is likely to be prejudiced by it. However, interests are not prejudicial if they relate to:
 - another relevant authority on which a member also sits;
 - another public authority in which a member holds a position of general control or responsibility;
 - a body to which a member has been appointed by the Authority;
 - statutory sick pay where the member is receiving or entitled to such pay from a relevant authority; or,
 - members' allowances.
11. A member with a personal and prejudicial interest will be required:
 - to declare its existence and nature;
 - to withdraw from the room where the meeting is being held; and,
 - not to seek improperly to influence a decision on that matter.

Register of Interests

12. Within 28 days of the Authority adopting its new code, members will need to enter in a register of members' interests maintained by the Monitoring Officer details of relevant financial and other interests. The interests that must be declared are broadly similar to those contained in the present register, but also include membership of other public bodies, companies, charitable bodies, pressure groups, trade unions and professional associations. Members must notify the Monitoring Officer of any changes to these within 28 days.
13. Members must notify the Monitoring Officer within 28 days of the existence and nature of any gift or hospitality they have received of more than £25 in value.

STANDARDS COMMITTEE – 29 MAY 2002

UPDATE ON IMPLEMENTATION OF THE NEW ETHICAL FRAMEWORK

Report of the Deputy Clerk and Solicitor

Purpose of the Report

1. To update Members on developments relating to the implementation of the new ethical framework for the Authority since this Committee's last meeting on 24 January 2002.

Progress

2. The Authority, at its meeting held on 27 February 2002 resolved that the model code of conduct as set out in the Police Authorities (Model Code of Conduct) Order 2001 be adopted with effect from 1 May 2002.
3. Training on the new ethical framework was the subject of a Members' Seminar for all Members of the Authority on 10 April 2002. The Seminar was well attended and feedback indicated that Members had found it helpful. Additional training seminars will be arranged for Members as and when required, consistent with this Committee's continuing role in giving guidance and advice to the Authority on standards related issues.
4. The Authority, on 26 September 2001 authorised the Clerk to advertise for an additional independent member of this Committee, to consider applications, interview shortlisted candidates and recommend an appointment to the Authority. Dr Colin Snape will be recommended to the Authority at its meeting to be held on 31 May 2002.
5. Letters were sent to all Members of the Authority on 21 and 22 May setting out the requirements to sign an undertaking to observe the Members code of conduct and to register financial and other interests. A copy of a guidance booklet about registering and declaring interests and registering gifts and hospitality, published by the Standards Board for England, was also provided. Arrangements are in hand to have the necessary documentation completed and signed within the relevant timescales.
6. The Standards Board for England have also provided a video explaining their role and clarifying issues raised with them by Councillors across the country. This is available for viewing today should Members wish to see it.
7. A consultation paper from the Department for Transport, Local Government and the Regions seeking views on processes involved in the local investigation and determination of misconduct allegations made against Members has recently been received and is the subject of a separate report on today's Agenda.

Recommendation

8. The Committee is recommended to note this report.