



Metropolitan Police Authority

DRAFT

**METROPOLITAN POLICE
AUTHORITY**

STANDARDS COMMITTEE

ANNUAL REPORT

2010-2011

MPA STANDARDS COMMITTEE

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1. FORWARD BY THE CHAIR OF THE MPA STANDARDS COMMITTEE

As I present this Annual Report of the Standards Committee of the Metropolitan Police Authority, I find myself in the Chair at a time when the future of the MPA itself, and the Standards regime in general, are both in transition.

The Police Reform and Social Responsibility Bill contains proposals to restructure the governance arrangements for policing throughout the country. The Localism Bill will, when enacted, abolish the standards regime in its current form. Both these Bills were introduced in 2010 and are making their way through the Parliamentary processes as this report is published.

The Committee's focus has, therefore, naturally been on the future. Its primary aim in this transitional period, has been to ensure that any successor body to the MPA will recognise the need to support its members to uphold standards of ethical conduct in all aspects of their work. With this in mind, the committee hopes that it will adopt an appropriate standards framework to underpin its work.

In the meantime, the Committee continued throughout 2010/2011 to undertake its current responsibilities for the promotion and oversight of the standards framework within the MPA, including the assessment of any complaints. The MPA has a satisfactory record under the existing standards regime, with high awareness amongst members of the need to uphold good standards of behaviour, exemplified by a relatively low number of complaints in recent years, and only one in 2010/2011.

I would like to thank fellow members of the Committee and the staff of the MPA for their support throughout the year.

Anne Dickens
Chair MPA Standards Committee

2. STANDARDS COMMITTEE MEMBERS

Form and composition

The Standards Committee was formed in 2001 and is composed of seven members. Four of the members are MPA members 3 are Independent Members

MPA Independent members of the Standards Committee are not full members of the Authority, but are specifically appointed as independent persons to the Standards Committee. These are:

- Anne Dickens, a self-employed Human Resources Management and Communication Consultant (Chairman)
- John Bowers, judge, former member of the Standards Board for England and chairman of Bar Disciplinary Tribunals)
- Janet Gray, Member of the Medway Council Standards Committee since 2008. (Vice Chair)

During this reporting period there were four MPA members of the Standards Committee. The members are

- Jeanette Arnold (GLA member of the Authority)
- Christopher Boothman (Independent Member of the Authority)
- Toby Harris (Home Secretary appointment to the Authority)
- Kirsten Hearn ((Independent Member of the Authority)

3. THE MONITORING OFFICER

The Monitoring Officer has a statutory role in ensuring that the Authority, its Members and officers carry out their functions in a proper and lawful manner.

The Monitoring Officer has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation. In particular, the Monitoring Officer provides support to the Authority's Standards Committee as the legal adviser.

The Monitoring Officer is responsible for establishing and maintaining the register of Members interests.

The Monitoring Officer is the main legal advisor to the Standards Committee and its Sub Committees and is responsible for ensuring that decisions of the Standards Committee are implemented. If the Standards Committee refers an allegation for investigation the Monitoring Officer will appoint another officer to investigate the allegation and should there be a local determination hearing will act as the legal adviser to the Standards Committee.

The Monitoring Officer is also the main point of contact with the Standards for England and submits periodic returns on the complaints received and dealt with by the Standards Committee.

The role of Monitoring Officer for the MPA during 2011/12 was undertaken by Helen Sargeant.

4. INTRODUCTION TO THE STANDARDS COMMITTEE

All Authorities must demonstrate high standards of ethical conduct in the actions of their Members and Officers. The Standards Committee seeks to ensure that the MPA members observe the Code of Conduct that governs the ethical standards of conduct expected of Members.

From May 2008 the Committee became responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of the MPA. There is an initial assessment stage when the Assessment Sub Committee of the Standards Committee will meet to consider whether the complaint relates to a local member, if it discloses a potential breach of the Code of Conduct and if it does, whether it ought to be investigated or dealt with by other means such as mediation, member training or otherwise. Some decisions made by the Assessment Sub Committee can be appealed by the complainant and if an appeal is made this will be considered by a different panel, the Review Sub Committee.

If a complaint has been investigated and a breach of the Code is disclosed then the Hearing and Consideration Sub Committee will be convened to hear evidence and representations and to determine if there has been a breach of the Code of Conduct and if so what penalty is appropriate. The penalty that the Sub Committee can impose includes censuring the member, requiring a written apology from the member requiring the member to undergo training requiring, the member to participate in conciliation imposing restrictions from the members access to local authority premises or resources for up to 6 months, or suspending, or partially or conditionally suspending the member from being a member of the Authority for a period not exceeding 6 months.

More serious cases can be referred to the Adjudication Panel for England which has powers to disqualify a member for up to 5 years.

Since the Regulations came into effect , Sub-Committees have met as follows:-

. Initial Assessment	1 meeting to consider 1 case
. Review	0 meetings
. Consideration meetings	0 meetings

A Sub-Committee of the Standards Committee also met to consider an issue delegated to it by the full Authority relating to an appointment to the Authority's Section Panel.

The terms of reference of the Standards Committee are as follows:

1. To promote and maintain high standards of conduct by members of the Authority.

2. To advise the Authority on the adoption or revision of its code of conduct and to monitor the operation of this code.
3. To assist members in observing the code of conduct, including arrangements for training on matters relating to the code of conduct.
4. To establish sub-committees under regulation 6 of the Standards Committee (England) Regulations 2008/1085 (“the Regulations”) for the discharge of functions under s 57A and 57B of the 2000 Act, and regulations 18-20 of the Regulations; and to determine, or make arrangements for determining, the composition, membership and terms of reference of such sub-committees.
5. To discharge as a full committee the functions contained regulations 18-20 of the Regulations where the full committee decides that such functions should not be discharged by a sub-committee established under (4) above.
6. To discharge as a full committee the functions contained in regulation 17 of the Regulations; and, where considered appropriate by the full committee, to establish a sub-committee (and agree its composition, membership and terms of reference) to discharge such functions.
7. Subject to 5 and 6 above, to discharge or make arrangements for discharging any of the functions conferred upon the Committee under the Regulations and associated, relevant provisions of Part III of the 2000 Act.
8. In accordance with any statutory requirements, to monitor and advise the Authority on compliance with the requirements for registration of member interests and registers of gifts and hospitality.
9. To monitor the Authority’s performance in meeting its obligations under the Freedom of Information Act.
10. To consider and determine requests to grant a member a dispensation in the following circumstances:
 - a. The transaction of business of the Authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –
 - i. The number of members of the Authority that are prohibited from participating in the business of the Authority exceeds 50% of those members that are entitled or required to so participate; or
 - ii. The Authority is not able to comply with any duty which applies to it under section 15 (4) of the Local Government and Housing Act 1989;
 - b. The member has submitted to the Standards Committee a written request for a dispensation explaining why it is desirable;
 - c. Unless the Committee has specified a shorter duration, any dispensation so granted shall lapse after four years.
11. Under Section 3A of the Local Government and Housing Act 1989 as amended by section 202 of the Local Government and Public Involvement in

health Act 2007, to consider applications from MPA staff (including police staff) for the post held by them to be exempted from the list of politically restricted posts held by the MPA.

12. To have due regard, in exercising the committee's responsibilities, to equal opportunities generally, the general duty of the Race Relations (Amendment) Act 2000 and the requirements of any other equalities legislation.

5. THE WORK OF THE STANDARDS COMMITTEE 2010/11

(a) Membership of the Standards Committee

In June 2010 the MPA undertook a process to recruit independent members to its Standards Committee. An advertisement was placed in the Evening Standard and the MPA received 49 applications. Three MPA members of the Standards Committee short listed and interviewed seven candidates in early June. All seven candidates could have brought particular skills and experience to the role but the three candidates recommended by the panel were:

- Ann Dickens: re-appointed for second term. Former chairman of LFEPA Standards Committee, former Secretary to the Church of England's Ethical Investment Committee vice-chairman of the South Downs National Park Authority Standards Committee. Former Complaints Convenor for Sussex Ambulance Service NHS Trust.
- John Bowers: QC and judge, former member of the Standards Board for England and chairman of Bar Disciplinary Tribunals.
- Janet Gray: Member of the Medway Council Standards Committee since 2008.

These appointments were approved at the Annual meeting of the Authority in late June 2010.

(b) Standards regime

The Committee received regular reports on Coalition Government commitment to abolishing Standards for England.

Members were informed that the Decentralisation and Localism Bill was expected to contain provisions to abolish Standards for England and this was due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. Standards for England anticipate that it would close as an organisation sometime between 31 December 2011 and 31 March 2012.

MPA Chief Executive attended meetings of the Committee to also provide members with updates on the progression of both the progress of the Policing and Social Responsibility and the Decentralisation and Localism Bills and the Committee also discussed, possible new ethical arrangements which may be necessary.

The Committee noted that the MPA would continue to have a duty to promote and maintain high standards of conduct by Members and co-opted Members and expressed its hope that the MPA (or its successor body) would remain committed to

upholding high standards of conduct and that this would need to be expressed through some other form of appropriate operational framework.

(c) Assessment Sub-Committee

The Assessment Sub-Committee of the MPA's Standards Committee convened once during this report session and considered complaints against a member of the MPA.

The Assessment Sub-Committee decided that no further action should be taken on these complaints.

(d) Politically restricted posts

The Committee considered the issues of politically restricted posts, which arose following amendments to the Local Government and Housing Act 1989 by the Local Democracy, Economic Development and Construction Act 2009

The 2009 Act removed the requirement for the Authority to maintain a list of posts to be politically restricted due to salary.

Members were informed which posts in the Authority were politically restricted without a right to apply for an exemption and that the Authority had reviewed posts at deputy chief officer level that should also be restricted and these were the Heads of Unit posts. 16 posts deemed to be politically restricted without a right to apply for an exemption and that a review had been undertaken of all other posts, and that taking into account the duties of the posts, 14 posts were designated politically restricted, but these post holders could apply for an exemption to the Standards Committee.

All staff had been written to informing them of the change in the law, and if there was any change to their politically restricted status.

The Committee asked for an amendment to process to included a person applying for an exemption may attend the Committee to hear the debate and make representations.

(e) Members allowances and expenses.

The Committee received an update on the recommendations of the Directorate of Audit, Risk and Assessment (DARA) report on MPA members' allowances and expenses.

The overall objective of the audit was to review, evaluate and conclude on the adequacy of internal controls established by MPA management over the payment of allowances and expenses to MPA members. The Audit set out to seek assurance that an adequate control framework is in place, including:

- Claims are made in accordance with approved regulations and policies;
- Allowances and expenses paid are valid, reasonable, authorised properly and made in a timely manner;
- Allowance and expenses claims are monitored and reviewed;
- All records and documents are maintained in a secure manner.

All recommendations were now completed.

6. TRAINING

An aspiration to hold joint training with other GLA bodies has unfortunately not come to fruition, but members have been encouraged to participate in training on standards and related matters in their home authorities and under the auspices of other appointments and the Committee is aware that this has taken place for a number of its members.

7. ASPIRATIONS FOR 2010/11

The uncertainty of the legislative position in relation to the future of the MPA, and the high probability that Standards for England and the current standards regime for Local Authorities will be abolished before next year is up, means the Committee's aspirations are limited to promoting the need for high standards of conduct to be upheld through appropriate structures and procedures in any new regime.

Useful contacts

Metropolitan Police Authority www.mpa.gov.uk

The Standards Board for England www.standardsboard.co.uk

The Adjudication Panel for England www.adjudicationpanel.co.uk

The Audit Commission www.audit-commission.gov.uk

Department for Communities and Local Government www.dclg.gov.uk