



Metropolitan Police Authority

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**METROPOLITAN POLICE
AUTHORITY**

STANDARDS COMMITTEE

ANNUAL REPORT

2009-2010

MPA STANDARDS COMMITTEE

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1. FORWARD BY THE CHAIR OF THE MPA STANDARDS COMMITTEE



It is my pleasure to present the Annual Report of the MPA Standards Committee for 2009/10.

It has been nearly nine years since the MPA established its first Standards Committee and during that period the Committee's role and responsibilities have continued to develop and grow. Most significantly the standards agenda has shifted from a national to a local level with standards committees taking responsibility for the initial assessment of Code of Conduct complaints.

As indicated in this annual report, the MPA is looking at developing closer working arrangements with other standards committees within the GLA functional body group and will continue to promote transparency in the Authority's decision making process as well as promoting the importance of openness and accountability. I am sure that through the work of the Committee during the last nine years Authority members have a greater awareness of the requirements placed on them by the Code of Conduct.

This will be my last year as both Independent Chair and member of the Standards Committee, having served two consecutive four year-terms of office, and I would like to thank everybody at the MPA for their work and support during this period.

Finally, I would like to record our thanks to Simon Vile the former Monitoring Officer and the Members Support team for their help, guidance and support.

Stephanie Caplan
Chair, MPA Standards Committee

2. STANDARDS COMMITTEE MEMBERS

Form and composition

The Standards Committee was formed in 2001 and is composed of eight Members. Six of the members are MPA members 2 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:

- **Stephanie Caplan**, a Senior Lecturer in Law (Chairman)
- **Anne Dickens**, a self-employed Human Resources Consultant (Vice Chairman)

During this reporting period there were six MPA members of the Standards Committee. One member has now resigned from the Authority. 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)
- **Deborah Regal** (Independent Member of the Authority – no longer a member of the Authority)
- **Richard Tracey** (Independent Member of the Authority)
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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 Board for England and submits periodic returns on the complaints received and dealt with by the Standards Committee.

Simon Vile was the MPA's Monitoring Officer during 2009/10, but has now left the Authority. Deputy Chief Executive Jane Harwood is interim Monitoring Officer until the appointment of a solicitor, who will be taking this role.

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	2 meetings to consider 2 cases
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 2009-2010

(a) Assessment Sub-Committee

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

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

(b) Standards Sub-Committee

At the request of the Authority, a sub-committee of the Standards Committee was set up to consider a matter relating to the appointment of an external representative of the Authority's Section Panel. The Sub-Committee decided to recommend to the Home Secretary that they be removed from the membership of the selection panel.

(c) Protocol on confidential briefings

In March 2009 the Committee considered, jointly with the Greater London Authority's Standards Committee, a report on a Code of Conduct complaint against an MPA member. In finding that there had been no breach of the Code the Committee asked for guidance to be produced, for members and officers, on their responsibilities in respect of confidential information to which they are a party by virtue of their role.

Members welcomed protocol and raised a numbers of issues including:

- The need for the protocol to take account of individual briefings.
- Greater clarity for members of MPS documentation which is often marked secret or confidential.
- The need to recognise that this protocol is not a standalone document (references to the Members Code of Conduct and staff handbook should be made).
- The need for clarity on the status of information on cross borough issues.

(d) Standards Committee (Further provisions) England Regulations 2009

These Regulations came into force on 15 June 2009 and dealt with the following matters:

- suspension of initial assessment functions
- joint standards committees; and
- dispensations

The Committee in considering joint working were not supportive of a joint Standards Committee and had some reservations about joint assessment and review process that involved the GLA, LFEPA and the MPA. However, there was support for working jointly with LFEPA as both Authorities had similar workloads. Discussions between the Authorities are currently on-going about developing this arrangement.

(e) Members expenses, gifts and hospitality

The Committee noted that for London Assembly members of the Authority discussions were taking place with the GLA about producing a single register of interest for the GLA, MPA and LFEPA. Consideration was also being given to possibly extending this to cover declarations of gifts and hospitality. It was also noted that such a link (on the MPA website to the GLA website) exists for the Chairman of the Authority, as dual roles made it difficult on occasions to distinguish what should be a GLA declaration from an MPA declaration. Officers are now considering the same process for other Assembly members but would need to check the legality of this proposal.

(f) Standard Indicators

At each meeting the Standards Committee considered a set of indicators that give some measure of what can broadly be described as ethical / good

practice standards in the MPA.

Some of these relate specifically to member conduct and others to the organisation as a whole. This information was presented on a quarterly basis, with the aim over time as trends are established, the Committee would be able to identify any areas of concern and explore how these might be addressed. Some issues will be for the Standards Committee to take forward, others could be referred to the appropriate MPA committee.

6. TRAINING

Regrettably it was not possible to hold a joint training session with LFEPA on 'Standards and the code of conduct', however, it is hoped that this training session will take place in the near future.

Both the Stephanie Caplan and Anne Dickens attended a seminar of London Standard Committees held at City Hall on 11 February 2010. The seminar covered a number of issues including 'effectiveness and added value'. 'local experience of handling complaints' and 'joint working and joint committees'.

7. ASPIRATIONS FOR 2010/11

2010/2011 will see the Standards Committee's undertake a recruitment process for its Standards Committee Independent Members. Current Chair Stephanie Caplan will be standing stand down after completing eight years with the Committee and Anne Dickens will have completed a four year term.

2010/2011 will also see the Standards Committee being supported by a new Monitoring Officer following the previous Officer, Simon Vile leaving the Authority.

The new Monitoring Officer will be keen to continue to support the work of the Committee as well as developing through a work plan a number key areas such as:

- Building on and taking forward training for Committee members.
- Exploring opportunities for joint working with other Standards Committees.
- Undertaking a review of the Code of Conduct.
- In relation to the work of the Standards Committee looking at our website to see what improvements can be made.

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