

**Standards Committee
Compliance / Best Practice Check list**
(Compiled 29.12.05, updated 19.10.06)

The basis for this list is the Audit Commission 2004/05 diagnostic tool "Setting High Ethical Standards" but it has been adapted for use and relevance in Devon & Cornwall Police Authority

| Ref No | Issue | Legislative or best practice references | Are Devon & Cornwall Police Authority compliant? | Comments |
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| 1 | Is there an established Standards Committee? | | Yes | |
| 2 | Does the membership comply with legislation? | LGA 2000, S53 Chapter 1 Part 3 states that the Standards Committee must have a minimum of 3 members at least one of whom must be independent; If there are more than 3 members at least 25% of them must be independent Standards Board recommends that there should be at least 2 independent members. | Yes | The Standards Committee currently has 5 members 2 of whom are independent. The members of the authority who sit on the Committee are 1 Councillor, 1 Lay Justice and 1 Independent member. The Police Authority agreed at its meeting on 30 June 2006 (Minute P1168) that the Committee should comprise a maximum of 7 members. The intention was that there would be 3 Independent members and 4 members of the Authority. |
| 3 | How were the independent members appointed? | Standards Board Guidance states: <ul style="list-style-type: none"> • Advertise in at least 1 local paper • Applicants to complete an application form | Yes | For full details see file M/10/7 Adverts were placed in papers throughout Devon & Cornwall. In addition a number of organisations representing minority groups were notified. Applications were only accepted on the Authority's application form designed for the recruitment process. All applications |

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| | | <ul style="list-style-type: none"> • Open appointment • Appointments approved by the majority of members <p>Legislation states</p> <ul style="list-style-type: none"> • should not have been a member or employee of the PA for 5 years prior to appointment • be a relative or close friend of any member or employee of the Authority | | were anonymised and then shortlisted for interview by a panel of 3 members. An interview process was conducted with the shortlisted applicants. The interview panel's recommendations were presented to the Authority on 30.11.05 and approved at that meeting. |
| 4 | Who Chairs the Standards Committee? | It is considered good practice to appoint an independent Chair. | Yes | The Committee is chaired by an Independent member and the Vice-Chairman is also an Independent Member . |
| 5 | Does the Terms Of reference for the Standards Committee include <ul style="list-style-type: none"> • Advising on the adoption of a local code which sets out the standard of conduct expected from members • Promoting and maintaining high standards of conduct within the authority through assistance, advice and training • Monitoring operation of the local code | S54 LGA 2000 | Yes | |

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| 6 | Have the terms of reference been submitted to the Standards Board? | S53 LGA 2000 | | Letter sent to Standards Board 16.01.06 (copy on file C/20/11/1) |
| 7 | Has the Authority adopted the members Code of Conduct locally? | S52 LGA 2000 | | Yes - 3 May 2002 |
| 8 | Have all members signed the Code? | S52 LGA 2000 | | Check each members form – check with CX position re Lay Justices |
| 9 | Has the member code been changed from the model code in any way? | | | Yes - a footnote was added “ throughout this document the terms 'he', 'him' and 'his' should be interpreted as meaning 'he or she', 'him or her' and 'his and hers' “ |
| 10 | Have any linkages been made between the Code, the Human Rights act, the Freedom of Information Act? | | | Talk to GD |
| 11 | Are copies of the code available to the public at the office at all reasonable hours? | S51 LGA2000 | Yes | The code is available on the Authority's website and the originals are filed in the Police Authority office |
| 12 | Has the adoption of the Code been published in at least one local newspaper? | S 52 LGA 2000 | | Yes - Western Morning News 12 July 2002. Copy on C/20/11/3 |
| 13 | Was a copy of the Code sent to the Standards Board? | S51 LGA 2000 | | Yes letter dated 14.06.02 (file C/20/11/1) |
| 14 | Has the Standards Committee undertaken an assessment of the standards of conduct within the authority? | | | |

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| 15 | Has the Standards Committee given consideration to how it might use internal and external auditors or committee administration to promote higher ethical standards across the Authority? | | | |
| 16 | What mechanisms does the Standards Committee have in place to publicise guidance / case rulings published by the Standards Board? | | | All Members of the Authority are sent copies of the Standards Board for England "Bulletin" |
| 17 | Have all members received adequate training about the requirements and expectations of the Code of Conduct? | | | Training was provided for Members when the Code was first introduced. Information about the Code of Conduct is given to all new Members as part of the Members Induction handbook. |
| 18 | What provision is made for training for new members of the Authority? | | | Training will be organised for all members following the appointment of new members in April 2007. |
| 19 | Do Members of the Standards Committee participate in networking and training opportunities? | | Yes | The Authority is an active member of the Cornish Ethical Standards Forum. Independent Members attend meetings of the South West Independent members Group. The Authority has sent Officers and Members to the Standards Board for England National Conference. The authority was represented at the Standards Board roadshows / consultation on the new Code of Conduct in 2005. |

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| 20 | Does the Standards Committee have mechanisms in place to promote high standards of ethical behaviour amongst members? | | | |
| 21 | Do employees who provide support to members understand the Code of Conduct and the role of the Monitoring Officer? | | | |
| 22 | Does the Standards Committee play a proactive role in communicating the themes of the Code of conduct to all members? | | | |
| 23 | Does the Standards Committee proactively communicate themes of the code to its external stakeholders / partners / clients / communities? | | | A leaflet is being prepared to explain the Committee's role- this is based on the format of a similar leaflet published by Cornish local authorities. |
| 24 | Has the Standards Committee given any consideration to how it will carry out investigations, should it receive a referral from the Standards Board? | | | <p>Procedures for the Hearing Panel have been agreed by the Standards Committee and are available on the Authority's website. (Other local authorities have requested copies so they can include some of the content in their own procedures.)</p> <p>Members of the Standards Committee have attended training in hearing procedures. (The training was organised by the police authority and</p> |

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| | | | | offered to other Police authorities in the South West and other public bodies in Devon, Cornwall and the Isles of Scilly) |
| 25 | Has a register of interests been set up? | S81 LGA2000 | Yes | Yes |
| 26 | Is the register open to public scrutiny and easily accessible? | | Yes | Copies of each Members' register of interest form are available at the Authority's office. In addition many members have consented to their completed form being posted on the Authority's website. |
| 27 | Has a public register for gifts and hospitality been set up? | | Yes | Yes there is one for Members and Officers |
| 28 | Does the register of interest form require members to record <ul style="list-style-type: none"> • Their jobs • The name of their employer • The name of any company of which they are a director or a partner • The name of any person who has made payment to them in respect of their appointment as a member or expenses they have incurred in carrying out their duties • The name of any corporate body in which they have a shareholding of more than £25K (face value) or have a stake of more than 1/100th in | | Yes | Yes |

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| | <p>the company</p> <ul style="list-style-type: none"> • Landholdings in the area • Land leased or licensed from the Authority • Membership of, or position of control or management in: <ul style="list-style-type: none"> ○ Other bodies where they represent the authority ○ Other public authorities ○ Companies, industrial and provident societies and charitable bodies ○ Private clubs ○ Bodies whose main purpose is to influence public policy or opinion ○ Trades unions or professional associations ○ | | | |
| 29 | Do members understand the difference between personal and prejudicial interests? | | | |
| 30 | How rigorously are declarations of interest applied and monitored? | | | <p>Every meeting agenda has a standard item for declarations of interest.</p> <p>Members are reminded annually of the need to update their register of interest forms.</p> |

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| 31 | Is it clear if members can seek a dispensation allowing them to take part in meetings where they have a prejudicial interest? | The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2001. – where over 50% of the members of the authority or Committee would be prevented from taking part because of prejudicial interests. | Yes | The granting of dispensations is contained within the terms of reference for the Standards Committee |
| 32 | Has any thought been given to the role of the Monitoring Officer in investigations? | | | It is understood that the Monitoring Officer could not both conduct an investigation and advise the Standards Committee in the same case. There is some limited scope within the Police Authority for being able to undertake both the investigation and advice roles. It is likely that external assistance would be sought either from a Council within the area (possibly through the Cornwall Standards Forum) or from a firm of solicitors. |