

**HAMPSHIRE POLICE AUTHORITY
STANDARDS ASSESSMENT SUB-COMMITTEE MEETING - 21 JUNE 2011**

NON-CONFIDENTIAL WRITTEN SUMMARY OF DECISION

1 The Complaint

- 1.1 The written complaint is that a Member of Hampshire Police Authority (“the Member”) failed to comply with unspecified aspects of the Members’ Code of Conduct.
- 1.2 There are two parts to the complaint. It is alleged as follows:
 - 1.2.1 That the Member used their position as a Member of the Hampshire Police Authority to sign off emails to the Complainant whilst responding to the Complainant (an elector) in the lead up to the local elections on 5 May 2011 (Allegation 1).
 - 1.2.2 That the Member made an unfounded and insulting personal attack on the Complainant (the elector) in alleging that the elector had sent anonymous correspondence (Allegation 2).
 - 1.2.3 This complaint was considered by the Standards Assessment Sub-Committee on 21 June 2011. Their task was to assess whether the complaint was capable of amounting to a failure to comply with the Code, should the allegations be proven in due course, and if so, whether any action should be taken. The Sub-Committee did not hear from the Complainant, Member, or any potential witnesses at this early stage.

2 Potential Breaches of The Code Identified

- 2.1 It is not clear from the complaint as to the basis on which it is alleged any of the allegations may amount to a breach of the Members’ Code of Conduct. In considering whether there was a potential breach of the Code the Sub-Committee needed to establish if the Member was acting as a representative of the Police Authority.

3 Decision

- 3.1 The Sub-Committee considered both parts of the complaint and were not satisfied that either allegation fell within the Authority’s jurisdiction to deal with. It was not the role of the Sub-Committee, however, to make any findings of fact on any of the allegations at this stage. In respect of each allegation the Sub-Committee considered whether the alleged conduct, if proven in due course, may amount to a failure to comply with the Code of Conduct.

4 Allegation 1

- 4.1 The Sub-Committee's decision, further to S.57A(2)(c) of the Local Government Act 2000, was that this allegation did not disclose any potential breach of the Code and that, therefore, no action should be taken in respect of it.
- 4.2 The Sub-Committee agreed however that as part of best practice Members should be advised to use the signature block appropriate to the subject matter in emails. Reference to the Authority should only be made when dealing with Authority business.

5 Allegation 2

- 5.1 The Sub-Committee's decision, further to S.57A(2)(c) of the Local Government Act 2000, was that this allegation did not disclose any potential breach of the Code and that, therefore, no action should be taken in respect of it.

6 Right of Review

- 6.1 At the written request of the Complainant, the Standards Committee can review and change a decision in respect of an allegation. A different Sub-Committee to that involved in the original decision would undertake the review. This right exists in relation to the findings made by the Sub-Committee on Allegations 1 and 2.
- 6.2 Should the Complainant wish to request a review, the request should be made in writing within 30 days of the date of this Notice, explaining in detail the grounds on which the decision should be reviewed. The request should be submitted to: The Independent Chair, Standards Committee, Hampshire Police Authority, Westgate Chambers, Staple Gardens, Winchester, Hants SO23 8AW.
- 6.3 If a request for review is received, it will be dealt with within a maximum of three months of receipt. The Complainant and the Member will be notified of the outcome of any such review.

7 Legislative Background and Terms of Reference

- 7.1 The Local Government and Public Involvement in Health Act 2007 has amended the Local Government Act 2000, to provide for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of Authority Members and the requirements for dealing with this.
- 7.2 The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations

2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

- 7.3 The Authority's Standards Committee has established the Standards Assessment Sub-Committee to receive and assess allegations that a Member has failed to comply with the Members' Code of Conduct, and to determine what action, if any, should be taken on the matter.

8 This Written Summary

- 8.1 This is a non-confidential summary of the Sub-Committee's decision, with names and key details, capable of identifying the Member and the Complainant removed. It is made available in compliance with Regulation 8(5) of the Standards Committee (England) Regulations 2008.
- 8.2 An unedited Decision Notice has been given to the Member and the Complainant. It is confidential and is not for any wider dissemination or publication by the Member or the Complainant.

Signed.....

**Mrs Jane Thomson, Independent Chair,
Standards Assessment Sub-Committee**

Date: *27* June 2011

