



You are invited to attend a **MEETING** of the **FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY** to be held in **ROTHES HALLS, GLENROTHES** on **FRIDAY 26 JANUARY 2007** at **10.30 AM**.

Membership

Clackmannanshire Council

Councillor G Matchett

Falkirk Council

Councillor P McCafferty

Councillor J McNally

Councillor I Miller

Fife Council

Councillor H Blyth

Councillor A Keddie

Councillor M Kennedy

Councillor G Kay

Stirling Council

Councillor C McKean

Councillor Paterson

19 January 2007

BUSINESS

Intimate Apologies.

PART I

1. MINUTE

Submit Minute of Meeting of the Community Justice Authority held on 29 September 2006. **(Pages 3 to 4)**

2. UPDATE ON THE FIFE AND FORTH VALLEY AREA PLAN

Submit Report by the Acting Chief Officer. **(Pages 5 to 12)**

3. BACKGROUND NOTE ON THE IMPLEMENTATION OF MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)

Submit Report by the Acting Chief Officer **(Pages 13 to 14)**

4. BUDGET MONITORING REPORT 2006/07

Submit Report by Gillian Morrison, Accounting Manager **(Pages 15 to 17)**

5. CODE OF CONDUCT

Submit Report by Legal Services Manager, Falkirk Council. **(Pages 18 to 42)**

6. CORPORATE GOVERNANCE – SCHEME OF DELEGATION

Submit Report by Democratic Services Manager, Falkirk Council. **(Page 43)**

PART II

7. EXCLUSION OF PUBLIC

If so resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, exclude from the meeting the press and public for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A of the said Act.

8. HUMAN RESOURCE ISSUES

Submit Report by Human Resources Adviser. **(to follow)**

(Contact for further information – Iain Tough, 01324 506110)

3.

MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY held within ROTHES HALL, GLENROTHES, FIFE on FRIDAY 26 JANUARY 2007.

PRESENT: Councillors Blyth (Fife), Douglas (Fife) (Substitute for Councillor Keddie), Kay (Fife), McCafferty (Falkirk), McKean (Stirling), Miller (Falkirk) and Paterson (Stirling).

CONVENER: Councillor Miller.

APOLOGIES: Councillors Keddie (Fife), Kennedy (Fife) and Matchet (Clackmannanshire)

ATTENDING: M Anderson, Head of Service, Housing and Social Work Services, Falkirk Council; A Burnett, Fife Constabulary; D Cilliers, Social Work Services, Clackmannanshire Council; P Delargy, Senior Manager (Operations), SACRO; N Henderson, Human Resources Adviser, Fife Council; J Hewitt, Director of Community Services, Sirling Council; P Hughes, COPFS, Fife; J Knox, Acting Chief Officer; H Keir, Scottish Prison Service; A McCloskey, Victim Support Scotland; M Miller, Social Work Service, Fife Council; H Mennie; APEX Scotland; B Robertson, Procurator Fiscals Office, Fife; and I Tough, Democratic Services Manager, Falkirk Council.

CJA19. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Fife and Forth Valley Community Justice Authority held on 29 September 2006.

CJA20. UPDATE ON THE FIFE AND FORTH VALLEY AREA PLAN

With reference to Minute of Meeting of the Fife and Forth Valley Community Justice Authority held on 29 September 2006 (paragraph CJA16 refers), there was submitted Report (circulated) dated 18 January 2007 by the Acting Chief Officer (a) summarising progress on implementing the Area Plan for 2007/2008; (b) advising that the National Advisory Board had requested assurances with regards to certain aspects of the Plan, and (c) enclosing, as an appendix, a draft Action Plan for approval. The Acting Chief Officer also confirmed that approval of the Area Plan had been received from the Scottish Executive.

AGREED:-

- (1) to note the progress with implementing the Area Plan, and
- (2) to approve the draft Action Plan.

CJA21. BACKGROUND NOTE ON THE IMPLEMENTATION OF MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)

There was submitted Report (circulated) dated 18 January 2007 by the Acting Chief Officer advising on the establishment of Multi Agency Public Protection Arrangements (MAPPA) under Sections 10 & 11 of the Management of Offenders etc (Scotland) Act 2005 that require responsible authorities to jointly establish arrangements for the assessment and management of the risks posed by sexual and violent offenders and those others who are considered to pose a significant risk of harm.

A Burnett, Fife Constabulary advised of progress made in establishing joint arrangements and highlighted the success of associated initiatives in the Fife and Forth Valley area.

NOTED the contents of the Report.

CJA22. BUDGET MONITORING REPORT 2006/07

There was submitted Report (circulated) dated 18 January 2007 by Gillian Morrison, Community Services Accounting Manager, Stirling Council on the current financial position of the Authority.

AGREED:-

- (1) to note the projected year end budget position 2006/07, and
- (2) to note the potential additional cost for admission to the pension fund which could affect this and future budgets.

CJA23. CODE OF CONDUCT

There was submitted Report (circulated) dated 8 January 2007 by Colin Moodie, Legal Services Manger, Falkirk Council enclosing a draft Member's Code of Conduct for approval as required under the terms of the Ethical Standards on Public Life etc (Scotland) Act 2000.

AGREED:-

- (1) to adopt the draft Code of Conduct for submission to Scottish Ministers for approval;
- (2) to note the requirement for Members of the Authority to register interests following approval of the Code, and
- (3) that the Chief Officer act as the Standards Officer for the Authority.

5.

CJA24. CORPORATE GOVERNANCE – SCHEME OF DELEGATION

There was submitted Report (circulated) dated 17 January 2007 by Democratic Services Manager, Falkirk Council seeking delegated authority on a number of matters as part of the Authority's Corporate Governance arrangements.

AGREED:-

- (1) to authorise the Chief Officer to sign documents in pursuance of any decision taken by the Authority whether by the Authority itself or by the Chief Officer in terms of his delegated authority;
- (2) to delegate authority to the Chief Officer for the appointment of permanent and/or temporary employees within the approved budget of the CJA, and
- (3) to authorise the Chief Officer to purchase goods and services up to £1000 in value within the approved budget of the CJA

CJA25. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the said Act.

CJA26. HUMAN RESOURCE ISSUES

There was submitted Report (tabled) dated 25 January 2007 by the Human Resource Adviser, Fife Council providing an update on the Chief Officers' return to work.

AGREED:-

- (1) to note the likely return of the Chief Officer to work on a phased basis from early/mid February 2007, and
- (2) to delegate responsibility to the CJA's advisers, in consultation with the Convener and Vice Convener, to make such arrangements as are necessary to facilitate a phased return to work of the Chief Officer and associated withdrawal of the Acting Chief Officer.

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

UPDATE ON THE FIFE AND FORTH VALLEY AREA PLAN

AUTHOR: JO KNOX, ACTING FOR CHIEF OFFICER

1 RECOMMENDATIONS

- 1.1 That members note the content of this report.
- 1.2 That members approve the action plan at annex A

2 CONSIDERATIONS

2.1 At the last meeting of the Fife and Forth Valley Community Justice Authority, the members approved the Area Plan for 2007-2008. Following this, on 3 November, the acting chief officer attended a Scrutiny Panel comprised of members of the National Advisory Board. The purpose of this panel was to provide a report and advice on the area plans to the Minister and National Advisory Board, which provides strategic advice and oversight of the performance of the CJAs. The National Advisory Board met on 27 November and as a result of this certain assurances were requested with regard to:

- The preparation of an action plan;
- How key strategies are to be supported;
- How resources are to be allocated;
- How the focus of the plan will be widened to include partners;
- Measures being taken to increase capacity in light of the chief officer's absence.

A response has been submitted to the Scottish Executive on these matters as follows.

Action Plan

2.2 The draft action plan for Fife and Forth Valley CJA is attached to this paper for your approval. Although the plan is for 2007-2008, the timeline starts from now as much of what is in this action plan needs to be achieved by May/June at the latest, in preparation for the 2008-2011 plan which needs to be under consideration almost immediately.

Supporting Key Strategies

2.3 Although the CJA is at an early stage of development, key partners are already working closely with the acting chief officer both to assist with the difficulties arising out of the chief officer situation and also to develop mechanisms for working appropriately together across the CJA, particularly with regard to new initiatives. This builds on already established close links within the Forth Valley partnership.

2.4 A key national strategy is the development of Integrated Case Management (ICM) which ensures appropriate planning takes place for prisoners leaving prison. A key target is for criminal justice social workers to attend case conferences on prisoners in the prison. Overall the CJA is performing well and generally attending 84% of meetings, just below the target of 85%. The acting chief officer is working in close liaison with the SPS liaison manager and the local authorities within the CJA to address any issues arising from ICM.

2.5 Other new developments, where the CJA has responsibilities for over-seeing arrangements though no direct operational role, is with regard to the MAPPA implementation and also VISOR. The implementation of these strategies is well underway with close co-operation between all those involved. There will be a further report on this at the CJA meeting.

Financial arrangements

2.6 The action plan sets out a time line for the establishment of a finance review group (objective 10). This group will consist of finance and management staff from each of the four local authorities and be chaired by the chief officer. The first task of this group will be to review the criminal justice social work spend of the four local authorities for the past year and to make recommendations to the Fife and Forth Valley CJA for allocations for 2007-2008. Preparation for this is currently underway.

2.7 The second task for the finance review group will be to review the expenditure across the CJA in parallel with the audit of service delivery. Consideration is being given to commissioning independent reviews to support this work. This work will then provide the information to enable decisions to be made about best use of resources, through realignment of services or finance where appropriate. This work, aimed for completion by May/ June 2007, will provide the business case for the Area Plan for 2008-11.

2.8 At present Stirling Council is acting as the lead authority for the Forth Valley grouping with regard to the grant allocations. Stirling Council is, also, administering the CJA budget. The Council has indicated that it may have difficulty in providing financial services to the CJA in the longer term. Alternative arrangements are under consideration and advice is being sought from COSLA, who is commissioning work on governance to support the CJAs. A report on this will be available for the CJA at the next meeting.

Partner Organisations

2.9 Work with partner organisations is being progressed at a number of levels. Firstly the acting chief officer has begun a series of meetings with all relevant partners and this work will continue in 2007. Secondly, the action plan seeks direct involvement with partners both in overseeing the plan as a whole, as well as in most elements of the task groups. The expectation that partners will play a full part in the work that is undertaken should ensure that the plan for 2008-11 has a much wider focus.

2.10 The anticipation is that, well before the 2008-11 plan, there will be a greater level of involvement from partners in the CJA. An early expression of this was a seminar before Christmas for practitioners from across the CJA which included representatives

from many of the partner agencies. At the seminar delegates had the opportunity to work together in examining the range of activity that is being carried out with offenders across the CJA and consider gaps and priorities for development. Training opportunities provide a good opportunity at an early stage for engaging partners across the CJA, and the audit of training need will identify and develop this potential.

Chief Officer Position

2.11 This matter is subject to a separate report. Clearly the current absence of the chief officer has created difficulties for Fife and Forth Valley CJA. This had a particular impact on the preparation of the Area Plan and has continued, to a degree, with the uncertainty of the on-going position. Since the end of September, the work of the chief officer has been undertaken on a part-time basis by Jo Knox. However, as it became clear the chief officer was unlikely to return to work in the near future, this input has been increased and from the beginning of January, it has been agreed that Jo Knox will continue acting as chief officer on a full time basis until the situation is resolved. The Scottish Executive has been kept up to date with the position and has agreed to support the approach taken financially should the continued absence of the chief officer place undue pressure on the CJA budget.

2.12 Fife and Forth Valley CJA has employed an administrative assistant through an agency, since August 2006. This has proved a very successful engagement and is currently being progressed to become a permanent appointment. Consideration is also being given to employ a further member of staff to provide both financial and other analytical support services to the CJA and the chief officer. Interim measures to support the work of the action plan are likely to include commissioning independent auditing of financial arrangements and service delivery.

Approval of Fife and Forth valley Area Plan

2.13 It is anticipated that formal approval of the Area Plan by the Minister for Justice will be received shortly.

3 CONSULTATION

3.1 Consultation has taken place with officers from the constituent local authorities and partners with regard to the draft action plan and the Community Services Accounting Manager with regard to finance issues.

4 RESOURCE IMPLICATIONS

4.1 The resource issues are covered in the Financial Report submitted to the CJA.

Jo Knox

Acting for Chief Officer

Fife and Forth Valley Community Justice Authority

18 January 2007

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

**BACKGROUND NOTE ON THE IMPLEMENTATION OF MULTI AGENCY
PUBLIC PROTECTION ARRANGEMENTS (MAPPA)**

AUTHOR: JO KNOX, ACTING FOR CHIEF OFFICER

1 RECOMMENDATIONS

1.1 That members note the content of this briefing paper.

2 CONSIDERATIONS

2.1 Multi Agency Public Protection Arrangements (MAPPA), which currently operate in England and Wales, have been established in Scotland by Sections 10 & 11 of the Management of Offenders etc, Scotland, Act, 2005. This requires responsible authorities (Police, Local Authorities, SPS,) to jointly establish arrangements for the assessment and management of the risks posed by sexual and violent offenders and those others who are considered to pose a significant risk of harm. MAPPA are to be implemented from 2 April 2007;

2.2 The responsible authorities are required to make a joint report on the discharge of their functions under the Act, to publish the report, and submit the report the Community Justice Authority on an annual basis. The Community Justice Authority is required to send a copy of the report to Scottish Ministers.

2.3 The key purpose of MAPPA is public safety, the protection of victims and the reduction of serious harm from sexual and violent offences. MAPPA acknowledges the complex nature of serious offending behavior and recognises that a coordinated multi-agency approach to risk management, combining the skills and expertise of a number of agencies offers the best chance of achieving public safety.

2.4 Because Fife and Forth Valley has two police forces, two coordinator posts have been funded by the Scottish Executive and implementation groups have been established in Forth Valley and Fife in order to build on the existing arrangements for the management of sex offenders. However, both groups are working in close co-operation with each other to ensure consistency of approach. Progress is good for both groups with positive involvement from relevant partners such as NHS and housing. The MAPPA co-ordinator and admin assistant posts have been advertised and both implementation groups are on target to be operational by 2 April.

3 CONSULTATION

3.1 There has been extensive consultation across the CJA between the local authorities, police, SPS , relevant partners, the Scottish Executive and the acting chief officer,

4. RESOURCE IMPLICATIONS

4.1 The Scottish executive has provided funding for the co-ordinator posts and administrative support.

Jo Knox
Acting for Chief Officer
Fife and Forth valley CJA

18 January 2007

FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY

**THIS REPORT RELATES
TO ITEM
ON THE AGENDA**

26 January 2007

NOT CONFIDENTIAL

BUDGET MONITORING REPORT 2006/07

1 RECOMMENDATION(S)

- 1.1 That the CJA notes the projected year end budget position for 2006/07.
- 1.2 That the CJA notes the potential additional costs for admission to the pension fund which could affect this and future years budgets.

2 CONSIDERATIONS

- 2.1 All Community Justice Authorities have received £190,000 as a budget from the Scottish Executive this financial year to provide for their initial running costs and any set up expenditure that they may have.
- 2.2 This money has been paid to Stirling Council as lead authority on Finance until the CJA has the facility to manage its own finances.
- 2.3 Appendix 1 shows the projected financial position of the CJA based on information as at the end of December 2006.
- 2.4 Currently the CJA is forecasted to spend £182,000 of the £190,000 resulting in an anticipated underspend of £8,000. This takes into account the salaries for the Chief Officer, the consultant Chief Officer, Interim Support Officer and the administrative agency employee. It also includes conference costs, overheads for the CJA and a charge for professional advice from officers from the CJA for services provided on its behalf – for Legal, Finance and HR support. These projected costs do not take account of an estimated cost of £20,000 for pension costs which are being indicated by Fife Council as being due for 2006/07 to cover the deficit on the pensions fund from 1 July 2006 to 31 March 2007. The size of the contribution sought by Fife Council is currently the subject of discussion between the authority's advisers and the pension scheme managers. At this stage no agreement has been made with the pension scheme. A more detailed report will be made to a future meeting.
- 2.5 The Executive has also indicated that any surplus that exists at the end of the financial year cannot be carried forward into future financial years and will have to be repaid once the accounts have been audited unless a case for exceptional circumstances arises. Consideration is being given as to whether

Fife and Forth Valley CJA has a case in this respect in the event that the chief officer position is not resolved before the end of the financial year.

- 2.6 The CJAs have been invited to bid for next year's budget. It is proposed to seek a further £190,000, which under normal circumstances will allow for the staffing costs of the chief officer, and administrative assistant plus the option of a further member of staff to provide both financial and other analytical support services.

3 CONSULTATION

- 3.1 The CJA Chief Officer and officers from the constituent local authorities.

4 RESOURCE IMPLICATIONS

- 4.1 The resource implications are outlined throughout the paper.

Author

Name	Designation	Signature
Gillian Morrison	Community Services Accounting Manager, Stirling Council	

Date 18th January 2007

Reference _____

Appendix 1: Summary Financial Statement at 31st December 2006

Projected Expenditure to end of 2006-07	£
Salary/agency/consultant costs	108,070
Members' Expenses	10,000
Property Costs	9,800
Office Expenses	17,300
Conferences	18,760
Professional Fees - HR, Finance and Legal Support	17,630
Total projected costs 2006-07	<u>181,560</u>
Budget for 2006-07	190,000
Total Projected Underspend	<u>8,440</u>

Note - the figures do not include a potential cost of £20,000 for admission to the Fife Pension fund for the Chief Officer

The Fife and Forth Valley Community Justice Authority
Members' Code of Conduct

The Fife and Forth Valley Community Justice Authority Members' Code of Conduct

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties for the public body. You must meet those expectations by ensuring that your conduct is above reproach.
- 1.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provides for new Codes of Conduct for local authority councillors and members of relevant public bodies; imposes on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of codes.
- 1.3 This code covers members of the Fife and Forth Valley Community Justice Authority. As a member of the Community Justice Authority, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.

Guidance on the Code of Conduct

- 1.4 You must observe the rules of conduct contained in this Code. It is your personal responsibility to comply with these and review regularly, and at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Code of Conduct.
- 1.5 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. The Standards Commission may also issue guidance. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from the Community Justice Authority. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

Enforcement

- 1.6 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 sets out the provisions for dealing with alleged breaches of this Code of Conduct and the sanctions that shall be applied if the Standards Commission find that there has been a breach of the Code. Those sanctions are outlined in Annex A.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The general principles upon which this Code of Conduct are based are:

Duty and Public Service

You have a duty to act in accordance with the core tasks and in the interests of the Community Justice Authority of which you are a member.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out public business.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merit, taking account of the views of others and must ensure that the Community Justice Authority uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

Respect

You must respect fellow members and employees to the Community Justice Authority and the role they play, treating them with courtesy at all times.

- 2.2 You should apply the principles to this Code to your dealings with fellow members of the Community Justice Authority, its employees and employees of a local authority which are performing a function for the Community Justice Authority.

SECTION 3: GENERAL CONDUCT

Relationship with Employees of the Community Justice Authority

- 3.1 You will treat any staff employed by the Community Justice Authority or employed by a local authority and performing a function for the Community Justice Authority with courtesy and respect. It is expected that employees will show you the same consideration in return.

Allowances

- 3.2 You must comply with any rules of the Community Justice Authority regarding remunerations, allowances and expenses.

Gifts and Hospitality

- 3.3 You must never canvass or seek gifts or hospitality
- 3.4 You are responsible for your decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the Community Justice Authority. As a general guide, it is usually appropriate to refuse offers except:
- (a) isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary, or other simple items of office equipment of modest value;
 - (b) normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse; or
 - (c) gifts received on behalf of the Community Justice Authority.
- 3.5 You must not accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public. You must not accept repeated hospitality from the same source.
- 3.6 You must record details of any gifts and hospitality received and the record must be made available for public inspection.
- 3.7 You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision the Community Justice Authority may be involved in determining, or who is seeking to do business with your organisation, and which a person might reasonably consider could have a bearing on your judgement. If you are making a visit to inspect

equipment, vehicles, land or property, then as a general rule you should ensure that the Community Justice Authority pays for the costs of these vehicles.

Conduct in the Chamber or in Committee

- 3.8 You must respect the chair, your colleagues, Authority employees, representatives of partner organisations and any members of the public present within the Chamber during Authority or Committee meetings or other formal proceedings of the Authority. You must comply with rulings from the chair in the conduct of the business of the Authority.

Confidentiality Requirements

- 3.9 There may be times when you will be required to treat discussions, documents or other information relating to the work of the Community Justice Authority in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. There are provisions in legislation on the categories of confidential and exempt information and you must always respect and comply with the requirements to keep such information private.
- 3.10 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purpose of personal or financial gain, or used in such a way as to bring the Community Justice Authority into disrepute.

Use of Public Body Facilities

- 3.11 Members of the Community Justice Authority must not misuse facilities, equipment, stationary, telephony and services, or use them for party political or campaigning activities. Use of such equipment and services, etc must be in accordance with the Community Justice Authority policy and rules on their usage.

Appointments to Partner Organisations

- 3.12 You may be appointed, or nominated by the Community Justice Authority, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.
- 3.13 Members who become directors of companies as nominees of the Community Justice Authority, will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the Community Justice Authority. It is your responsibility to take advice on your responsibilities to the Community Justice Authority and to the company. This will include questions of declarations of interest.

SECTION 4: REGISTRATION OF INTERESTS

- 4.1 The following paragraphs set out the kinds of interests, financial and otherwise which you have to register. These are called “Registerable Interests”. You must, at all times, ensure that these interests are registered, when you are appointed and whenever your circumstances change in such a way as to require change or an addition to your entry in the Community Justice Authority Register.
- 4.2 This Code sets out the categories on interest which you must register. Annex B contains key definitions to help you decide what is required when registering your interest under any particular category. These categories are listed below with explanatory notes designed to help you decide what is required when registering your interests under any particular category.

Category One: Remunerations

- 4.3 You have a registerable interest where you receive remuneration by virtue of being:
- Employed;
 - Self-employed;
 - The holder of an office;
 - A director of an undertaking;
 - A partner in a firm; or
 - Undertaking a trade, profession or vocation or any other work.
- 4.4 In relation to 4.3 above, the amount of remuneration does not require to be registered and remuneration received as a Member does not have to be registered.
- 4.5 If a position is not remunerated it does not need to be registered under this category. However unremunerated directorships may need to be registered under category two, “Related Undertaking”
- 4.6 If you receive any allowances in relation to membership of any organisation, the fact that you receive such allowance must be registered.
- 4.7 When registering employment, you must give the name of the employer, the nature of its business, and the nature of the post held in the organisation.
- 4.8 When registering self-employed, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.
- 4.9 Where you undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication, and frequency of the articles for which you are paid.

- 4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and the nature of its business.
- 4.11 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Relating Undertakings

- 4.12 You must register any directorship held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remuneration directorship.
- 4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.
- 4.14 The situations to which the above paragraph apply are as follows:
- you are a director of a board of an undertaking and receive remuneration – declared under category one – and
 - you are a director of a partner or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

- 4.15 You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 5.8 below) have made a contract with the Community Justice Authority of which you are a member:
- (i) under which goods or service are to be provided, or works are to be executed; and
 - (ii) which has not been fully discharged.
- 4.16 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Houses, Land and Buildings

- 4.17 You have a registerable interest where you own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the Community Justice Authority.
- 4.18 The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interest in houses, land and buildings could potentially affect your responsibilities to the

organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making. If in doubt, you may consult with the Standards Commission.

Category Five: Shares and Securities

- 4.19 You have a registerable interest where you have an interest in shares which constitute a holding in a company or organisation which may be significant to, of relevance to, or bear upon, the work and operation of the Community Justice Authority. You are not required to register the value of such interests.
- 4.20 The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in shares and securities could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making.

If in doubt, you may consult with the Standards Commission/

Category Six: Non-Financial Interests

- 4.21 You may also have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the Community Justice Authority. It is important that relevant interests such as membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described.
- 4.22 The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any non-financial interest could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making. If in doubt, you may consult with the Standards Commission.

SECTION 5: DECLARATION OF INTERESTS

Introduction

- 5.1 the key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement for you to declare certain interests in proceedings of the Community Justice Authority. Together with the rules on registration of interests, this ensures transparency of your interests which might influence, or be thought to influence, your actions.
- 5.2 Public bodies inevitably have dealings with a wide variety of organisations and individuals and this Code indicates the circumstances in which a business or personal interest must be declared. Public confidence in the Community Justice Authority and its members depends on it being clearly understood the decisions are taken in the public interest and not for any other reason.
- 5.3 In consideration whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must keep in mind that the test is whether a member of the public, acting reasonably, might think that a particular interest could influence you.
- 5.4 If you feel that , in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussions and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. You may also seek advice from the Standards Commission.

Interests which Require Declaration

- 5.5 Interests which require to be declared may be financial or non-financial. They may or may not be interests which are registerable under this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration.

Financial Interests

- 5.6 Any financial interest which is registerable must be declared. If, under category one of section 4 of this Code, you have registered an interest a Councillor where the Council has appointed you as a Member of the Community Justice Authority you do not, for that reason alone, have to declare that interest.

Shares and Security

- 5.7 You may have to declare interests in shares and securities, over and above those registerable under category five of section 4 of this Code. You may, for

example, in the course of employment or self-employment, be engaged in providing professional advice to a person whose interests are a component of a matter to be dealt with by a board.

5.8 You have a declarable interest where an interest becomes of direct relevance to a matter before that body on which you serve and you have shares comprised in the share capital of a company or other body and the nominal value of the shares is:

(i) greater than 1% of the issued share capital of the company or other body; or

(ii) greater than £25,000.

5.9 You are required to declare the name of the company only, not the size or nature of the holding.

Houses, Land and Buildings

5.10 Any interest in houses, land and buildings which is registerable under category four of section 4 of this Code must be declared, as well as any similar interests which arise as a result of specific discussions or operations of the Community Justice Authority.

Non-Financial Interests

5.11 If you have a registered non-financial interest under category six of section 4 of this Code you have recognised that it is significant. There is therefore a very strong presumption that this interest will be declare where there is any link between a matter which requires your attention as a member of the Community Justice Authority and the registered interest. Non-financial interests include membership or holding office in other public bodies (but not in the Council which has appointed you to the Community Justice Authority), clubs, societies, trade unions and organisations including voluntary organisations. They become declarable if and when members of the public might reasonably think they could influence your actions, speeches or votes in the decisions of the Community Justice Authority.

5.12 You must serve on other bodies as a result of express nomination or appointment by the Community Justice Authority or otherwise by virtue of being a member of the Community Justice Authority. You must always remember the public interest toward transparency particularly where there is a possible divergence of interest between different public authorities.

5.13 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a member of the Community Justice Authority. In the context of any particular matter you will have to decide whether to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstance, the interest is irrelevant or without significance. In reaching a view you should consider whether

the interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting in a reasonably in a different light because it is the interest of a person who is a member as opposed to the interest of an ordinary member of the public.

Interests of Other Persons

- 5.14 The Code requires only your interests to be registered. You may, however, have to consider whether you should declare an interest in regard to the financial interests of your spouse or cohabitee which are known to you. You may have to give similar consideration to any known non-financial interests of a spouse of cohabitee. You have to ask yourself whether a member of the public acting reasonably would regard these interests as effectively the same as your interests in the sense of potential effect on your responsibilities as a member of Community Justice Authority.
- 5.15 The interests known to you, both financial and non-financial, of relatives and close friends may have to be declared. The Code does not attempt the task of defining “relative” or “friend”. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a member of the Community Justice Authority.

Making a Declaration

- 5.16 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issues of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.
- 5.17 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words “I declare an interest”. The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Effect of Declaration

- 5.18 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting. A declaration of a non-financial interest involves a further exercise of judgement on your part. You must consider the relationship between the interests which have been declared and the participation matter to be considered and relevant individual circumstances surrounding the particular matter.
- 5.19 In the final analysis the conclusive test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the

public acting reasonably would consider that you might be influenced by the interest in your role as a member of the Community Justice Authority and that it would therefore be wrong to take part in any discussion or decision-making. If you, in conscience, believe that your continued presence would not fall foul of this objective test, then declaring your interest will not preclude your involvement in discussion or voting. If you are not confident about the application of this objective yardstick, you must play no part in discussion and must leave the meeting room until discussion of the particular item is concluded.

Dispensation

- 5.20 In very in very limited circumstances dispensation can be granted by the Standards Commission in relation to the existence of financial and non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before your public body and its committees. Applications for dispensations will be considered by the Standards Commission and should be made as soon as possible in order to allow proper consideration of the application in advance of meetings where dispensation is sought. You should not take part in the consideration of the matter in question until the application has been granted.**

SECTION 6: LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

- 6.1 In order for the Community Justice Authority to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Community Justice Authority conducts its business.
- 6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

- 6.3 You must not, in relation to conduct with any person or organisation who lobbies, do anything which contravenes the Code of Conduct or any other relevant rule of the public body or statutory provision.
- 6.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the Community Justice Authority.
- 6.5 The public must be assured that no person or organisation will gain better access to, or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the Community Justice Authority.
- 6.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation who is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.
- 6.7 You should not accept any paid work
- (a) which would involve you lobbying on behalf of any person or organisation or any clients of a person or organisation
 - (b) to provide services as a straight, adviser or consultant, for example, advising on how to influence the Community

Justice Authority and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the Community Justice Authority, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

- 6.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek guidance of the Community Justice Authority.

SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE

- (a) Censure – the Commission may reprimand the member but otherwise take no action against them;
- (b) Suspension – of the member for a maximum period of a one year from attending one or more, but not all, of the following:
 - i) all meetings of the Community Justice Authority
 - ii) all meetings of one or more committees or sub-committees of the Community Justice Authority
 - iii) all meetings of any other public body on which that member is a representative or nominee of the public body of which they are a member
- (c) Suspension – for a period not exceeding one year, of the member’s entitlement to attend all of the meetings referred to in (b) above;
- (d) Disqualification – removing the member from membership of the Community Justice Authority for a period of no more than five years.

Where a member has been suspended, the Standards Commission may direct that any remuneration or allowance received from membership of the Community Justice Authority be reduced, or not paid.

Where the Standards Commission disqualifies a member of the Community Justice Authority, it may go on to impose the following further sanctions:

- (a) where the member of the Community Justice Authority is also a councillor, the Standards Commission may disqualify that member (for a period of no more than five years) from being nominated for election as, or from being elected, a councillor. Disqualification of a councillor has the effect of disqualifying that member from Community Justice Authority and terminating membership of any committee, sub-committee, joint committee, joint board or any other body on which that member sits as a representative of their local authority.
- (b) direct that the member be removed from membership and disqualified in respect of membership, of any other devolved public body (provided the members’ code applicable to that body is then in force) and may disqualify that person from office as the Water Industry Commissioner.**

Full details of the sanctions are set out in Section 19 of the Act

Definitions

1. **“Remuneration”** includes any salary, wage, share of profit, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car and travel expenses by an employer.
2. **“Undertaking”** means:
 - a) a body corporate or partnership; or
 - b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. **“Related Undertaking”** is a parent or subsidiary company of a principle undertaking of which you are also a director. You will receive remuneration for a principal undertaking through you will not receive remuneration as director of the related undertaking.
4. **“Parent Undertaking”** is an undertaking in relation to another undertaking, a subsidiary undertaking, if
 - a) it holds a majority of the voting rights in the undertaking;
 - b) it is a member of the undertaking and has the right to appoint or remove a majority of its directors; or
 - c) it has the right to exercise a dominant influence over the undertaking
 - (i) by virtue of provisions contained in the undertaking’s memorandum or articles or
 - (ii) by virtue of a control contracts; or
 - d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. **“Grouping of companies”** has the same meaning as “group” in section 262 (1) of the Companies Act 1985. A “group”, within section 262(1) of the Companies Act 1985, means a parent undertaking and its subsidiary undertaking.
6. **“Public bodies”** means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000
7. **“A person”** means a single individual or legal person and includes a group of companies.
8. **“Any person”** includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. **“Spouse”** includes a civil partner. It does not include a former spouse or a spouse who is living separately and apart from you.

10. **“Cohabitee”** includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.

26 January 2007

CORPORATE GOVERNANCE - SCHEME OF DELEGATION

1. RECOMMENDATIONS

- 1.1 That members of the Community Justice Authority agree to:-
- a. authorise the Chief Officer to sign documents in pursuance of any decision taken by the authority whether by the authority itself or by the Chief Officer in terms of his delegated authority;
 - b. delegate authority to the Chief Officer for the appointment of permanent and/or temporary employees within the approved budget of the CJA, and
 - c. authorise the Chief Officer to purchase goods and services up to £1000 in value within the approved budget of the CJA

2. CONSIDERATIONS

- 2.1 At its inaugural meeting in April, 2006, the CJA adopted Standing Orders relating to meetings and also agreed to arrangements for provision of legal services, finance services and human resource services from the constituent authorities. As part of ensuring robust corporate governance arrangements are in place for the CJA, there is a requirement to develop a Scheme of Delegation to Officers. It is suggested that that the scheme be developed in conjunction with the Chief Officer when he is back in post. In the meantime the suggested delegation will allow for the employment decisions to be taken and for the purchase of goods or services of a small value. The appointment of the Chief Officer as authorised signatory for any formal documents will provide for the execution of documents such as the entrance agreement to the Fife Council Pension Scheme.
- 2.2 It expected that a wider Schem of Delegation will be reported to a future meeting of the CJA for consideration.

Name	Designation	Tel No
Iain Tough	Democratic Services Manager, Falkirk Council	01324 506110

Date: 17 January 2007