

Committee(s): Professional Standards and Integrity Committee Police Authority Board	Dated: 7 th November 2023 22 nd November 2023
Subject: Notifiable Associations - Update	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1- People are safe and feel safe
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Commissioner of Police Pol 116-23	For Discussion
Report author: Head of Professionalism & Trust	

Summary

Members of both the Police Authority Board and the Professional Standards and Integrity Committee have at previous meetings voiced concerns regarding the potential risk of corruption associated with officers being members of private associations and groups, and how this risk is managed by CoLP.

The current position is that elected members of the City of London Corporation (CoL) are required to declare memberships of private groups and all CoL staff (including CoLP staff) are required to declare membership of private groups, but Police Officers are not currently required or regulated to make such declarations unless there is a conflict of interest or perceived conflict of interest under the Notifiable Associations Policy.

CoLP's commitment to be the most inclusive police service is underpinned by improving trust and confidence in policing. Recognising and valuing individuality within its work force ensuring communities perception of the police is one of commitment and transparency. It is recognised that there is currently a disparity between City of London Police Officers and City of London Police Staff, but that in itself is not unusual as both groups operate under very different employment terms and conditions.

The Chief Officer Team discussed this matter at their meeting in September and as a result the below recommendations were agreed:

- CoLP to further review its Notifiable Associations Policy to ensure there is better clarity around what a conflict, or a perceived conflict of interest is, when a member of any private group and provides practical examples.
- CoLP Professional Standards Department is continuing to monitor any national progress on this issue in terms of Associated Professional

Practice (APP) and/or change in legislation and will review the position at that time.

- The Chief Officer Team agreed to voluntarily declare their membership of private groups e.g. Freemason's, Liveries, etc. This 'register' would be subject to annual update (unless the situation changes within that timeframe) and encompass police officer and police staff Chief Officer Team members. The PSD will hold the register and administer the process.

There is an update on the position with regard to the above recommendation in the report which also outlines some of the historical background, inquiries and recommendations on this issue to date. It also covers current provision in Policy, Regulations and the legal position as provided by the City Solicitor.

Recommendation(s)

Members are asked to note the report.

Main Report

Background

1. This report is as a result of discussions at both Police Authority Board, and Professional Standards and Integrity Committee where Members have considered the City of London Police (CoLP) position and the potential for registering of employees who are members of private groups/associations.
2. There has historically been a number of inquiries into cases that have looked into and made recommendations around this issue.

West Midlands Serious Crime Squad, Birmingham pub bombings and Stalker-Sampson enquiry

3. In 1997 The Home Affairs Committee looked at the role of the judiciary, police and CPS as a result of the West Midlands Serious Crime Squad, Birmingham pub bombings and Stalker-Sampson enquiry. There was a recommendation that there should be a register of membership that was publicly available. ¹
4. It was decided at that time that such a register couldn't be legislated and so a voluntary register was implemented, but due to no requirement to declare membership, had limited effectiveness.

¹ [House of Commons - Home Affairs - First Report \(parliament.uk\)](#)
[House of Commons - Home Affairs - Second Report \(parliament.uk\)](#)

Hillsborough Inquiry

5. Following the Hillsborough inquiry in 2016, a register was also recommended in relation to MPS officers.
6. This was refused by Sadiq Khan, in his role as Mayor of London which holds responsibility for Policing in the capital (outside of the City of London)². This decision was based on case law following an ECHR judgement in 2007 that a requirement to declare membership of Freemasonry is a violation of article 11 and article 14³.

Daniel Morgan Independent Panel

7. More recently, the Daniel Morgan Independent Panel (DMIP) published a report in 2021 which contained 24 recommendations. Recommendation 14 in relation to Freemason Membership was progressed by a National working group. The work was undertaken by the National Police Counter Corruption Advisory Group (NPCCAG) which examined all counter corruption intelligence relating to Freemasonry which resulted in corruption.
8. Recommendation 14 stated - "All police officers and police staff should be obliged to register in confidence with the Chief Officer of their police force, at either their point of recruitment to the police force or at any point subsequent to their recruitment, their membership of any organisation, including the Freemasons, which might call their impartiality into question or give rise to the perception of a conflict of loyalties".
9. Work by the NPCCAG to date has included:
 - Producing an evidence base as to the issue of Freemasonry in policing - Data collection circulated nationally and collated. This found only one case of corruption linked to Freemasonry nationally.
 - Legal research into the requirement to 'register' membership of Freemasonry and its compatibility with ECHR.
10. On the 22 June 2023 the Home Secretary presented to Parliament the Government response to the report of the DMIP. As referenced above, Recommendation 14 was that police officers (and staff) should declare their membership of any organisation, which might call into question their impartiality/loyalties.
11. The response of the Home Secretary is that there is a current lack of evidence to suggest that legislation is required. Instead, this will remain under review by the College of Policing as part of the updating of the counter corruption Authorised Professional Practice (APP).

² [Sadiq Khan refuses to make London police declare if they are Freemasons after Hillsborough questions raised | The Independent | The Independent](#)

³ [ECHR \(coe.int\)](#) p33

Current Position

12. The CoLP position currently is that there is a Notifiable Associations Policy, which has recently been reviewed (April 2023). This is with the objective of safeguarding the integrity of all officers and staff and ensuring that all understand their responsibilities under the existing policy with regards to relationships and memberships of any group.
13. The refreshed Notifiable Associations Policy has been re publicised through the CoLP quarterly professional standards newsletter and highlights the requirements of the refreshed policy.
14. However, Members were keen that CoLP specifically consider if there is anything further it could do with regards to registering membership of private groups.

Current provisions

15. Owing to the ECHR decision there is no legal framework to enforce the declaration of association with private groups. It would require new legislation.
16. Additionally, to make officers be 'obliged to register' goes beyond that which is in place currently within Police Regulations, Standards of Professional Behaviour, Code of Ethics and the CoLP specific Notifiable Association policy.

College of Policing

17. The College of Policing are not considering registration of specific private groups in the Counter Corruption Authorised Professional Practice (APP) but have been asked to keep this under review by the Home Secretary as referenced in the DMIP section. The approach the College has adopted is to increase the awareness of conflicts of interest by affiliation to an organisation or group that would amount to notifiable associations. In doing so this ensures it covers a broad spectrum of these types of association without singling out any specific club, membership, association etc. They state that any force policy on notifiable associations should reflect this, and this is what the CoLP policy is based on.

City of London Corporation (CoL)

18. The contractual provisions that apply to all City of London employees, including civilian employees within the City of London Police, are set out in the Code of Conduct and Conflicts of Interest Policy. The key provisions referring to conflicts of interest are as follows:

“Employees and other workers must declare membership of any organisation not open to the public (with formal membership and commitment of allegiance); which has secrecy about rules and / or membership, and / or conduct. For example, the Freemasons, a Society / Trust or an organisation with regular gatherings or meetings not open to members of the public who are not a member of the organisation.”

19. Elected members of CoL are required to disclose memberships which is available to the public, allowing transparency to those who hold such positions.
20. In this regard the CoL policy is more specific in its requirements than the current Force Policy. This does not and currently cannot, apply to Police Officers.

Consultation with the City Solicitor

21. A view from the City Solicitor was sought on the legal position and is shown in below.

Declarations made by employees are not made public and are retained in confidence.

The current position for police officers is that they cannot be compelled to disclose membership of such groups.

The relevant provisions re: restrictions are contained in regulation 6 of the Police Regulations 2003. In particular, reg 6(2) provides as follows:

6(2) No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief officer on the private life of members of a police force except—
(a) such as may temporarily be necessary, or
(b) such as may be approved by the Secretary of State after consultation with the Police Advisory Board for England and Wales.

22. In relation to 6(2)(b) there is currently no legislation requiring a declaration to be made.
23. In conclusion, whilst police staff are required to make declarations under the terms of their employment contracts, the same cannot be said for police officers, who are office holders and, under the principle of policing by consent, are subject to professional standards instead, by virtue of the Police Regulations 2003.
24. In terms of voluntary disclosure, I can see no legal reason why such disclosures cannot be invited. However, this would need to be carefully worded to avoid any conflict with current Standard Operating Schemes (SOPs) within CoLP for registering declarable interests and associations.

Consultation with Police Federation and Superintendent's Association

25. Consultation with both the local Police Federation representative and the Superintendent's Association Chair has been undertaken.
26. In summary, whilst acknowledging the risk around associations with private and other groups, they are of the view that as there is currently no legal framework to enforce declaration of membership of groups and a lack of real evidence of any link between membership of groups and potential corruption, the suggestion of introducing any voluntary register is not supported, as without recourse to any enforcement it would be of little, if any benefit.

Chief Officer Team position

27. At the CoLP Chief Officer Team meeting on the 13th September 2023, a report outlining recommendations for consideration on the current position were discussed. As a result the recommendations below were agreed, and an updated position is included for Members information:

- CoLP is further reviewing its Notifiable Associations Policy to ensure there is better clarity around what a conflict, or a perceived conflict of interest is, when a member of any private group and provides practical examples.

Update: *The policy is reviewed on an annual basis or in cases of legislation or procedural changes. The policy was amended in April 2023 to clarify inappropriate associations and to formalise the reporting of attempts to obtain police information inappropriately through associations.*

- CoLP Professional Standards Department is continuing to monitor any national progress on this issue in terms of Associated Professional Practice (APP) and/or change in legislation and will review the position at that time.

Update: *The force has an extensive network both regionally and nationally with other professional standards departments and the college of policing. It prides itself on remaining at the forefront of any legislative or procedural changes and ensure they are reflected in force policy.*

- The Chief Officer Team agreed to voluntarily declare their membership of private groups e.g. Freemason's, Liveries, etc. This 'register' would be subject to annual update (unless the situation changes within that timeframe) and encompass police officer and police staff Chief Officer Team members. The PSD will hold the register and administer the process.

Update: *The Chief Officer team at the City of London Police recognise the importance of operational transparency particularly with the numerous public private partnerships the Force holds. To secure the ongoing confidence and trust of all CoLP communities and partners the Chief Officer Team has volunteered to disclose their membership of any private, public group or charitable organisations, including livery companies. The details of which will be retained on a confidential system within the Professional Standards Department, therefore open to scrutiny and maintained in a manner consistent with being a member of the police service. In the cases of new memberships, the Chief Officer will contact the Counter Corruption Unit to record the membership. The name, address, date, and purpose of the group will be logged and placed in a separate file within a secure folder. Due to the voluntary nature of*

this process no further action will be taken unless a notification takes place.

If a Chief Officer has a notifiable association as consequence of being a member of a group they will follow the procedure within the Notifiable Associations policy, disclosing membership of any group does not impact this process. The policy follows national guidance and enables the risk assessment of the association which services not only to protect the City of London Police, but the officer and their family.

Conclusion

28. Differing terms of employment underpinned by legislation and police regulations does not currently allow for consistency across both police officers and police staff. This is subject to ongoing review by College of Policing and as mentioned will be monitored by CoLP in terms of any future APP for police officers.
29. However, noting the current drive for transparency and building trust and confidence in the Police Service, the Chief Officer Team will now declare membership of private groups as described.