

<b>The report is not exempt</b>	
<b>Report for information</b>	
<b>REPORT TO :THE FIRE AUTHORITY</b>	<b>DATE: 10 DECEMBER 2018</b>

**SUBJECT: STANDARDS COMMITTEE ANNUAL REPORT 2017/18**

**SUMMARY:**

The remit of the Standards Committee is inter alia to oversee, maintain and strengthen high standards of conduct in public office and as part of its governance arrangements the Committee produces an Annual Report to the Fire Authority on the work it has carried out in the previous municipal year. The report at Appendix 1 sets out the work undertaken by the Standards Committee during 2017/18 for consideration by the Fire Authority.

**RECOMMENDATIONS:**

That the Standards Committee Annual Report 2017/18 be noted.

<b>REPORT APPROVAL</b>	
<b>Clerk:</b>	<b>Comments: Approved</b> <b>Date: 03.12.18</b>
<b>Director:</b>	<b>Comments: Not Applicable</b> <b>Date:</b>
<b>Finance/Treasurer:</b>	<b>Comments: Approved</b> <b>Date: 02.12.18</b>
<b>Chief Fire Officer</b>	<b>Comments: Approved</b> <b>Date: 02.12.18</b>

**BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT:**

The Standards Committee (Wales) Regulations 2001  
<http://www.legislation.gov.uk/wsi/2001/2283/contents/made>  
 The Standards Committees (Wales) (Amendment) Regulations 2006  
<http://www.legislation.gov.uk/wsi/2006/1849/contents/made>

<b>Presenting the Report:</b>	H Jones Chair of Standards Committee
<b>Report Author(s) and Designation</b> Date original report written	J Owens Democratic Services Officer 22 November 2018

<b>Mae'r Adroddiad Heb ei eithrio</b>	
<b>Adroddiad er gwybodaeth yw hwn</b>	
<b>ADRODDIAD I'R: AWDURDOD TÂN</b>	<b>DYDDIAD: 10 RHAGFYR 2018</b>

<b>TESTUN: ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU AR GYFER 2017/18</b>
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<b>CRYNODEB:</b>
Rhan o cylch gwaith y Pwyllgor Safonau ymhlith pethau eraill yw goruchwyllo, cynnal a nerthu safonau uchel o ymddygiad mewn swyddi cyhoeddus ac, fel rhan o'i drefniadau llywodraethu, mae'r Pwyllgor yn paratoi Adroddiad Blynyddol i'r Awdurdod Tân ar y gwaith a wnaethpwyd ganddo yn ystod y flwyddyn ddinesig blaenorol. Mae'r adroddiad blynyddol yn Atodiad 1 yn amlinellu gwaith y Pwyllgor Safonau yn 2017/18 i'w ystyried gan yr Awdurdod Tân.

<b>ARGYMHELLION:</b>
Bod Adroddiad Blynyddol y Pwyllgor Safonau ar gyfer 2017/18 yn cael ei nodi.

<b>CYMERADWYO'R ADRODDIAD</b>	
<b>Clerc:</b>	<b>Sylwadau: Cymeradwywyd</b> <b>Dyddiad: 03.12.18</b>
<b>Cyfarwyddwr:</b>	<b>Sylwadau: Ddim yn gymwys</b> <b>Dyddiad:</b>
<b>Cyllid / Trysorydd:</b>	<b>Sylwadau: Cymeradwywyd</b> <b>Dyddiad: 02.12.18</b>
<b>Prif Swyddog Tân</b>	<b>Sylwadau: Cymeradwywyd</b> <b>Dyddiad: 02.12.18</b>

<b>PAPURAU CEFNDIR A DDEFNYDDIWDYD WRTH BARATOI'R ADRODDIAD HWN:</b>
Rheoliadau Pwyllgorau Safonau (Cymru) 2001 <a href="http://www.legislation.gov.uk/wsi/2001/2283/contents/made">http://www.legislation.gov.uk/wsi/2001/2283/contents/made</a>
Rheoliadau Pwyllgorau Safonau (Cymru) (Diwygiad) 2006 <a href="http://www.legislation.gov.uk/wsi/2006/1849/contents/made">http://www.legislation.gov.uk/wsi/2006/1849/contents/made</a>

Yn cyflwyno'r adroddiad:	H Jones Cadeirydd y Pwyllgor Safonau
Awdur(on) yr Adroddiad a'u Swyddi Dyddiad yr ysgrifennwyd yr adroddiad gwreiddiol	J Owens Swyddog Gwasanaethau Democraataidd 22 Tachwedd 2018

**REPORT TO THE FIRE AUTHORITY  
10 DECEMBER 2018  
STANDARDS COMMITTEE ANNUAL REPORT 2017/18**

**1. Summary**

- 1.1 The remit of the Standards Committee is inter alia to oversee, maintain and strengthen high standards of conduct in public office and as part of its governance arrangements the Committee produces an Annual Report to the Fire Authority on the work it has carried out in the previous municipal year. The report at Appendix 1 sets out the work undertaken by the Standards Committee during 2017/18 for consideration by the Fire Authority.

**2 National/Wales Position**

- 2.1 The Standards Committee is a statutory committee and its functions are set out in legislation and each Welsh Fire Authority has a Standards Committee. Standards Committees will, as a matter of good practice, prepare an annual report outlining the work it has carried out.

**3 Mid and West Wales Fire and Rescue Service Current Position**

- 3.1 The Standards Committee considered and agreed its annual report at its meeting on 30 July 2018 and the report will be presented to the full Fire Authority on the 10 December 2018 by Mr Hywel Jones, the Independent Chair of the Standards Committee. The work undertaken by the Committee during 2017/18 is outlined in Appendix 1.

**4 Proposal**

- 4.1 Members of the Fire Authority are requested to note the information contained within the Annual Report for 2017/18 set out at Appendix 1.

**5 Financial/Procurement Implications**

- 5.1 Considered not relevant to this report.

**6 Risk Assessment/Legal Implications**

- 6.1 An effective Standards Committee will support and promote high Standards of Conduct and probity within the Authority.

**7 Equality and Diversity including Welsh Language**

- 7.1 Considered not relevant to this report.

**8 Human Resource and People Development**

- 8.1 Considered not relevant to this report.

**9 Information and Communications Technology (ICT)**

- 9.1 Considered not relevant to this report.

## **10 Estates**

10.1 Considered not relevant to this report.

## **11 Fire Authority Governance**

11.1 The remit of the Standards Committee, set out at Article 9 of the Constitution, is to oversee and strengthen high standards of conduct in public life, and the annual report demonstrates effective governance arrangements.

## **12 Service Delivery**

12.1 Considered not relevant to this report.

## **13 Consultation & Communication**

13.1 Members of the Standards Committee discussed and agreed the draft Standards Committee annual report at their meeting on the 30 July 2018.

## **14 Evaluation**

14.1 Considered not relevant to this report.

## **15 Well-being of Future Generations (Wales) Act 2015**

15.1 Probity in governance facilitates the objectives underpinning the Future Generations agenda.

## **16 Data Protection and Privacy Issues**

16.1 All personal information collected and stored as part of the Service's activities are processed in accordance with the General Data Protection Regulations and the Service's Data Protection Procedures.

## **17 Recommendations**

17.1 That the Standards Committee Annual Report 2017/18 be noted.

# Standards Committee Annual Report

2017 – 2018



## Rhagair gan y Cadeirydd

Mae'n bleser gennyf gyflwyno seithfed adroddiad blynyddol y Pwyllgor Safonau, sy'n rhoi trosolwg o'r gwaith a wnaed ganddo yn ystod 2017-2018. Ein nod a'n pwrpas yw parhau i hyrwyddo safonau uchel o ran ymddygiad o fewn yr Awdurdod Tân.

Er bod rôl Pwyllgor Safonau awdurdod lleol yn cynnwys ymdrin â chwynion yn erbyn aelodau, fel y'i pennir gan yr Ombwdsmon Gwasanaethau Cyhoeddus, mae'n bleser gennyf ddweud na chafodd unrhyw gwynion o'r fath eu cyfeirio atom eleni. Fodd bynnag, rydym wedi bod yn ystyried amrywiaeth o faterion sy'n ymwneud â'r Awdurdod Tân yn arbennig, a safonau moesegol yn gyffredinol.

Eleni, mae nifer o aelodau newydd wedi ymuno â'r Awdurdod, ac fe hoffwn yn arbennig ddiolch i'r rhai sydd wedi ymddeol ar ôl gwasanaethu ar y Pwyllgor Safonau dros y pedair blynedd diwethaf. Rwy'n sicr y bydd 2018-2019 yn flwyddyn ddi-ddorol i'r Pwyllgor Safonau, fe geisiwn fod yn flaengar yn ein hagwedd, gan ymdrin ag unrhyw faterion a all godi.

I gloi, hoffwn ddiolch i'm cyd-aelodau o'r Pwyllgor Safonau, a mynegi fy ngwerthfawrogiad o'u cefnogaeth a'u cyfraniadau gwerthfawr yn ystod y flwyddyn ddiwethaf. Hefyd, hoffwn ddiolch o galon i'r Swyddog Monitro a'i staff am eu harweiniad gwerthfawr a hwyliog.

## Foreword by the Chairman

I am pleased to present the seventh annual report of the Standards Committee, to provide an overview of its work during 2017-2018. Our aim and purpose is to continue to promote high standards of conduct within the Fire Authority.

Whilst the role of a local authority Standards Committee includes dealing with complaints against members as determined by the Public Services Ombudsman, I am pleased to say that no such complaints have been referred to us again this year. We have nevertheless been active in considering a range of issues concerning the Fire Authority in particular and ethical standards principles generally.

This year has seen the election of new members to the Authority, and I would like to thank in particular the retiring members who have served on the Standards Committee over the past four years. I am sure that 2018 - 2019 will be an interesting year for the Standards Committee; we will again seek to be proactive in our approach, and will deal with any issues that might arise.

In closing, I would like to express my thanks and appreciation to my fellow members of the Standards Committee for their support and their valued contributions over the past year, and to offer my sincere thanks to the Monitoring Officer and his staff, for their invaluable and good humoured guidance.

# Members of the Committee

The Standards Committee is composed of three Authority Members and four independent people who have no connection with the Authority or local government ('Independent Members'), one of whom will chair the committee.

## Independent Members



Mr Hywel Wyn Jones  
from 7 February 2011  
Chair since April 2012  
(serving second term of  
office)



Ms Gail Storr  
from February 2011,  
Deputy Chair since  
April 2012  
(serving second term of  
office)



Mr Richard Jenkins  
from 7 February 2011  
(serving second term of  
office)



Mr Mel Jehu  
from 26 April 2012  
(serving second term of  
office)

## Fire Authority Members



Cllr Tim Van-Rees  
Standards Committee Member  
since 7 June 2017



Cllr Jan Curtice  
Standards Committee Member  
since 6 June 2012



Cllr Lyndon Frayling  
Standards Committee  
Member since 9 July 2013

# The Committee's Work

The Committee's main role is to promote and maintain high standards of conduct by elected and co-opted members of Mid and West Wales Fire Authority and to assist them to observe the Members' Code of Conduct.

## **The Committee has the following role and functions:**

1. Promoting and maintaining high standards of conduct by Councillors/Independent Members;
2. Assisting to observe and monitor the operation of the Members' Code of Conduct;
3. Advising the Authority on adopting or revising the Members' Code of Conduct or other Authority internal procedures relating to Members, including Standing Orders and any other procedures regulating the conduct of meetings;
4. Advising, training or arranging to train Councillors and Independent Members on matters relating to the Members' Code of Conduct;
5. Granting dispensations from requirements relating to interests set out in the Members' Code of Conduct;
6. Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to that officer by the Public Services Ombudsman;
7. Considering Public Services Ombudsman matters;
8. Overseeing the Authority's 'whistle-blowing' procedure;
9. To supervise the register of Members' interests required under section 81(1) of the Local Government Act 2000, including the Authority's register for declarations of interests by members and the register for the recording of gifts and hospitality s;
10. To consider and act upon any matters relating to probity, ethics and the Code of Conduct as deemed appropriate.



# Standards Committee Work Program 2017-18

The work program undertaken by the committee during 2017-2018 is set out below:

## 18th December 2017

1. The Committee considered the draft Annual Report of the Independent Remuneration Panel for Wales which set out the rates of payments applicable for 2018/19.
2. The Committee received the 13<sup>th</sup> and 14<sup>th</sup> issues of the Public Services Ombudsman for Wales (PSOW) Code of Conduct Casebook. There were no cases relating to the Mid and West Wales Fire and Rescue Authority within the casebooks. The Committee highlighted what appeared to be an inconsistent approach in some cases in addressing alleged breaches, and felt that these could be the subject of debate at the next Standards conference.
3. Issues 29 and 30 of the PSOW 's casebook (maladministration) were also received. There were no cases relating to the Mid and West Wales Fire and Rescue Authority within the casebooks. In considering the casebook summaries, reference was made to the local resolution protocol whereby Committee concluded that early resolution appeared to be the best course of action and that it had led to a reduced number of complaints investigated by the PSOW.
4. The Committee received a legislative update, which comprised valuable feedback from the Clerk/Monitoring Officer on issues discussed by the Lawyers in Local Government (LLG) Group. An update on the PSOW Bill was also provided which sought to strengthen the Ombudsman's role, including the powers to initiate investigations, full discretion for the PSOW to decide how complaints could be made; a statutory complaints handling role for public bodies; and extending the PSOW's jurisdiction to enable investigation into the whole complaint in respect of public and private healthcare providers.
5. The Committee undertook a review of the Authority's whistleblowing procedure.
6. Consideration was given to the PSOW Annual report for 2016/17 which had seen a 14% decrease in the number of code of conduct complaints, compared with the previous reporting period. The majority of complaints received during 2016/17 related to matters of promotion of equality and respect which accounted for 37% (compared to 41% in 2015/16) of the complaints made. 23% related to failure to disclose or register interests; 18% related to failure to act with integrity; 14% related to failure to be objective or act with propriety and 4% related to accountability and openness.

### **30 July 2018**

1. The Committee considered the final Annual Report of the Independent Remuneration Panel for Wales, setting out the rates of payments applicable for Members and Co-opted Members for 2018/19.
2. The 15<sup>th</sup> and 16<sup>th</sup> issues of the Ombudsman's Code of Conduct Casebooks were received, and the issues arising from the reported cases were scrutinised by the Committee. There were no cases relating to the Mid and West Wales Fire and Rescue Authority within the casebooks.
3. Issues 31 and 32 of the Ombudsman's Casebook (maladministration) were received and issues of particular interest to the Committee were highlighted. There were no cases relating to the Mid and West Wales Fire and Rescue Authority within the casebooks.
4. In order to demonstrate good probity and governance, consideration was given to the external compliments and complaints received by the Service during the period 1 April 2017 to 31 March 2018. A total of 24 complaints were received and investigated during the reporting period, and a further 12 areas of concern, dissatisfaction or general comments/feedback were recorded during the reporting period but not progressed due to a variety of reasons. A total of 52 compliments had been received during the reporting period.
5. A review of the Committee's terms of reference was undertaken to ensure that the Committee's role and remit remained relevant and reflective of legislative requirements. This review demonstrated effective governance arrangements within the Authority.
6. The Committee considered the Adjudication Panel for Wales (APW) Annual Report for the financial year 2016/17 which dealt with the most serious allegations of misconduct under the Members' Code of Conduct and provided an appellate body for appeals against decisions of Standards Committees. During the tribunal year, from the 1st April 2016 to 31st March 2017, the APW received 1 reference and 2 appeals, whilst 2 references and 2 appeals were decided.
7. The Committee received a legislative update, which comprised valuable feedback from the Clerk/Monitoring Officer on issues discussed by the Lawyers in Local Government (LLG) Group and a review of the WLGA Social Media Guidance for Members
8. The Committee considered the APW Sanctions guidance which set out the approach to be taken in case, appeal and interim tribunals of the APW, and as such could also supplement the policies and procedures of the Standards Committee in determining the appropriate sanctions regarding breaches of the Members' Code of Conduct.

## **Standards Committee Forward Work Program 2018/19**

1. Indemnities for Members and Officers- to consider the issue of granting indemnities and voluntary capping of expenditure;
2. Independent Remuneration Panel for Wales – to consider the draft annual report and make any representations to the Panel;
3. To consider any requests for dispensations;
4. Compliments and complaints policy- undertake a review of the existing policy;
5. To consider the Annual report of the Adjudication Panel for Wales;
6. To receive the Ombudsman’s Code of Conduct Casebook issues and consider any matters relevant to Committee;
7. To present the Standards Committee Annual Report of the Fire Authority;
8. To consider any amendments to the Constitution, as appropriate and recommend for approval by the Fire Authority;
9. To consider the Annual report of the Public Services Ombudsman for Wales;
10. To monitor effective governance arrangements for the Authority;
11. To consider and act upon any matters relating to probity, ethics and the Code of Conduct.
12. To undertake Training and Development sessions, as and when required.

## **Dispensations**

The Members' Code of Conduct provides that a member cannot take part in a discussion if he/she has a 'prejudicial interest' under the Code of Conduct. However, the member does have the right to make an application to the committee for permission to take part in the discussion despite the existence of the interest, i.e. to be granted a dispensation.

The Committee received and approved 1 application for dispensation during 2017-2018.

## **Allegations against Members**

The Committee did not receive any allegations from the Ombudsman that any members had breached the Code of Conduct.

# Useful Contacts

## Clerk and Monitoring Officer to the Fire Authority



Dave Daycock, LLB (Wales), LLM (Bristol) Barrister

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Tel: 0370 60 60 699

**[www.mawwfire.gov.uk](http://www.mawwfire.gov.uk)**

## Public Services Ombudsman for Wales

[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

## Adjudication Panel for Wales

[www.apw.gov.wales](http://www.apw.gov.wales)