

AWDURDOD TÂN CANOLBARTH A GORLLEWIN CYMRU



MID AND WEST WALES FIRE AUTHORITY

NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE STANDARDS COMMITTEE AT ITS NEXT MEETING

COFNODION CYFARFOD Y PWYLLGOR SAFONAU

Pencadlys Y Gwasanaeth Tân, Heol Llwyn Pisgwydd
Caerfyrddin
18 Rhagfyr 2017

MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
18 December 2017

10:30 – 12.05

100% PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIR: Mr H W Jones
IS-GADEIRYDD/DEPUTY CHAIR: Ms G Storr

AELODAU/MEMBERS: Cllr J Curtice, Cllr L Frayling, Cllr T
Van-Rees, Mr M Jehu, Mr R Jenkins

YMDDIHEURIADAU/APOLOGIES

YN BRESENNOL /IN ATTENDANCE: D Daycock, K Jones

1 APOLOGIES FOR ABSENCE

There were no formal apologies received.

2 DECLARATION BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS

All Local Authority Members present declared that they had a personal interest regarding any matters that related to or were likely to affect their own Constituent Authorities.

All Committee Members present declared a personal interest in relation to the Independent Remuneration Panel for Wales report.

3 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS

The Chair congratulated Cllr J Curtice on her appointment as Deputy Chair of the Fire Authority for the 2017/18 municipal period.

The Chair was pleased to report that during recent months, all Independent Members of the Standards Committee had been reappointed for a second and consecutive term of office, in line with the Standards Committees (Wales) (Amendment) Regulations 2006.

The Committee agreed that the order of business would be reconfigured to enable the Whistleblowing procedure report to be brought forward and considered as item 5 of the agenda.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 31 JULY 2017

The minutes of the meeting held on 31 July 2017 were approved as a true and accurate record of proceedings.

Matters Arising

The Clerk/Monitoring Officer provided Members with an update on the actions from the meeting held on 31 July 2017. The action list was updated accordingly.

Page 6, Item 14 – The Clerk reported that the next Standards Conference Wales would be held on 15 September 2018. Further details would be promulgated in due course.

5 (formerly item 9) TO RECEIVE AND APPROVE A REPORT ON THE WHISTLEBLOWING PROCEDURE

The Temporary Director of Resources presented a report on the Whistleblowing procedure which contained a copy of the Authority's Whistleblowing procedure guidance document, which aimed to encourage employees to raise issues of

wrongdoing without fear of receiving detrimental treatment following disclosure. Members were reminded that the Procedure had been revised significantly in 2013 to incorporate the amended provisions of the Employment Rights Act 1996 following the introduction of ss.17-20 of the Enterprise and Regulatory Reform Act 2013, and that it had been presented to them in order to, if appropriate, review and update.

The Temporary Director of Resources drew Members' attention to the Whistleblowing Procedure set out at Appendix 1 to the report and confirmed that no changes had been made to the document since the Committee's last review in December 2016. Committee was informed that the Procedure was last utilised in 2009 which could, in the main be attributable to the alternative avenues available to employees to raise concerns in the form of grievance or discipline procedures. Members were assured that the Whistleblowing procedure provided members of staff a means of reporting serious wrongdoings within the workplace and emphasised the importance of dealing with issues which had been reported in a prompt, efficient manner through the appropriate channel.

In response to a query from Mr R Jenkins, the Temporary Director of Resources confirmed that each concern or complaint received was evaluated and categorised as appropriate, and noted that personal issues affecting an individual tended to be addressed within the realms of the Service's grievance procedure whereas concerns relating to the culture of an organisation would be dealt with through the Whistleblowing procedure.

A discussion ensued regarding the term 'whistleblowing' which the Deputy Chair considered to be very emotive and, as such, could discourage employees from reporting sensitive complaints within the workplace. Consideration was also given to the terminology surrounding alleged wrongdoings with a 'malicious and vexatious' motive which the Deputy Chair felt discouraged reporting of issues. Other Members however, expressed the view that the procedure offered sufficient level of protection for the complainant and the accused and that clear and concise terminology was required in this regard to discourage malicious or vexatious allegations. The Clerk/Monitoring Officer further clarified that the term 'allegation' which was used in the procedure, was appropriate terminology within the document which would enable the instigation of an adjudicatory process to determine the facts. Furthermore, a requirement to establish something as a 'fact' prior to a complaint, may be unduly onerous, and also put off staff from bringing examples of wrongdoing into the open.

In the light of the concerns raised by the Deputy Chair, she agreed to meet with the Temporary Director of Resources in the new year to further discuss the terminology utilised within the Procedure. Any possible amendments arising could then be the subject of further consideration by the committee.

RESOLUTION

It was RESOLVED that the current version of the Whistleblowing Procedure be approved.

The Temporary Director of Resources departed the meeting at this point.

6 (formerly
item 5)

TO RECEIVE AND NOTE THE DRAFT ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2018/19

The Clerk/Monitoring Officer presented the Draft Annual Report of the Independent Remuneration Panel for Wales (IRPW) relating to the payments to be made in 2018/19 to Members and Co-opted Members of the Fire Authority.

It was reported to Members that the IRPW had determined that there was to be an increase of £30.00 on the basic salary for Members of Fire and Rescue Authorities, which would equate to £1,745 per basic salary, made payable from the date of the Authority's Annual General Meeting 2018. It was noted that there would be no increases to the allowances for Standards Committee Members for 2018/19.

Members were also informed that the Fire Authority, at its meeting on 11 December 2017 had resolved to reinstate a senior salary of £5,445, allowable under the IRPW guidelines, to the Deputy Chair of the Fire Authority, made payable from the date of the Authority's Annual General Meeting 2018.

RESOLUTION

It was RESOLVED that the report be noted.

7 (formerly
item 6)

TO RECEIVE THE CODE OF CONDUCT CASEBOOK ISSUES 13 & 14

The Clerk/Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issues 13 & 14 which were attached to the report as Appendices 1 and 2 and which set out cases involving breaches of Members Code of Conduct dealt with by the Public Services Ombudsman for Wales (PSOW).

The Committee was provided with an overview of the relevant cases contained within the Appendices and it was reported by the Clerk/Monitoring Officer that it was pleasing to note that there had been no breaches found or reported against Mid and West Wales Fire and Rescue Authority. In discussing the casebooks, the Committee expressed their disappointment in 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.

RESOLUTION

It was RESOLVED that the report be noted.

8 (formerly
item 7)

TO RECEIVE THE OMBUDSMAN'S CASEBOOK (MALADMINISTRATION) ISSUES 29 AND 30

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 29 and 30 which were attached to the report as Appendix 1 and 2

respectively, and which dealt with general maladministration issues.

The Clerk/Monitoring Officer stated that it was pleasing to note that there were no cases relating to the Mid and West Wales Fire and Rescue Authority in the casebooks and that the majority of cases within the casebooks related to Health Boards and Unitary Authorities.

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 Public Services Ombudsman for Wales.

The Chair thanked the Clerk/Monitoring Officer for the update provided which was useful in keeping Committee abreast of pertinent cases of maladministration and learning outcomes from the Public Services Ombudsman for Wales which would strengthen the work of the committee in seeking to uphold high standards of conduct in public office.

RESOLUTION

It was RESOLVED *that the Committee note the report.*

9 (formerly
item 8)

TO RECEIVE THE PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2016/17

The Clerk / Monitoring Officer presented the Public Services Ombudsman for Wales Annual Report 2016/17 to Members. Attention was drawn to Appendix 1 of the report whereby consideration was given to the synopsis of enquiries, public body complaints and code of conduct complaints addressed by the Public Services Ombudsman for Wales during 2016/17.

RESOLUTION

It was RESOLVED *that the Committee note the report.*

10

TO RECEIVE A VERBAL UPDATE ON RELEVANT LEGISLATIVE STANDARDS ISSUES

The Clerk/Monitoring Officer provided a synopsis of the Statutory Inspection of Avon Fire and Rescue Authority pursuant to section 10 of the Local Government Act 1999 (as amended by the Local Audit and Accountability Act 2014). The report concluded that Avon Fire Authority had not met its statutory duty to make arrangements to secure continuous improvement in the way in which its functions were exercised as a result of inadequate governance arrangements and failings within the leadership and culture of the organisation. Committee Members were pleased to note that these matters were being addressed and highlighted the importance of transparency in the dealings of public bodies, together with robust governance procedures, and a culture of respect.

The Clerk/Monitoring Officer also provided a synopsis of the relevant legislative Standards Issues which had been discussed at a recent Lawyers in Local Government (LLG) meeting.

The Committee noted the update on the Public Services Ombudsman for Wales Bill which sought to strengthen the Ombudsman's role, including the powers to initiate investigations, full discretion for the Ombudsman to decide how complaints could be made (such as oral complaints); a statutory complaints handling role for public bodies; and extending the Ombudsman's jurisdiction to enable investigation into the whole complaint when a combination of treatment had been received by public and private healthcare providers and when that treatment had been initiated in the NHS.

11 TO RESOLVE, THAT PURSUANT TO SECTION 100A (4) OF THE LOCAL GOVERNMENT ACT 1972, THAT THE PRESS AND PUBLIC BE EXCLUDED FROM THE MEETING FOR THE REASON, THAT IF THEY WERE PRESENT, IT IS LIKELY THAT THERE WOULD BE DISCLOSURE TO THEM OF EXEMPT INFORMATION WITHIN THE DESCRIPTION OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972, NAMELY:

PARAGRAPH 12: INFORMATION RELATING TO A PARTICULAR INDIVIDUAL

PARAGRAPH 14: INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THAT INFORMATION).

RESOLUTION

It was RESOLVED that the press and public be excluded.

The Clerk / Monitoring Officer reported that at its meeting on 15 June 2015, the Standards Committee granted a dispensation for Cllr J Hale to stay and speak on matters relating to the UNISON Trade Union. The request for dispensation was resubmitted on 31 July 2017 due to the establishment of the new Fire Authority following the Local Government Elections in May 2017. Whilst Members approved the request, it was highlighted that further details pertaining to the nature of the dispensation would have been beneficial. . For the sake of completeness, and to the credit of Councillor Hale, a new application had been submitted with further information.

Committee considered the request for dispensation in respect of his UNISON membership in line with section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. Specifically, the request had been made on the basis that the participation of the Member was justified by virtue of his particular role and expertise in this regard. Members were informed that a previous request had been granted to stay and speak on any matters relating to UNISON, however permission had not been granted to vote.

The Committee felt that Cllr Hale should be permitted to stay and speak on any

matters relating to UNISON, however it was felt that it would be inappropriate to permit Cllr Hale to vote on UNISON related matters. Such an arrangement would enable Cllr Hale to contribute positively to discussions and also afford a level of protection against any accusations inappropriate conduct.

RESOLUTION

It was RESOLVED that a dispensation be granted for Cllr J Hale to stay and speak on matters relating to the UNISON Trade Union under paragraph 2 (d) and (f) of section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

Open session resumed.

TO CONSIDER ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

There were no items of urgent business. The meeting closed at 12:05

ACTION LIST – STANDARDS COMMITTEE – 18 DECEMBER 2017

The action list is provided for Officers and Members to enable them to be aware of the main actions from the meeting, together with individual requests from Fire Authority Members

Agenda Item	Action	Responsible Officer	Progress 18.12.17
4 (meeting 31.07.17)	An email be issued to Members to request confirmation of their attendance at Code of Conduct related training.	Democratic Services Officer	Complete. Responses being collated (18.12.17)
14 (meeting 31.07.17)	Further details regarding the joint Standards Committee training for Mid and West Wales and South Wales to be promulgated to Members in due course.	Clerk/Monitoring Officer / Democratic Services Officer	To be pursued in the new year.
Agenda Item 5	Ms G Storr to contact the Temporary Director of Resources in the new year to further discuss the terminology utilised within the Whistleblowing Procedure.	Ms G Storr	
Agenda Item 11	Write to Cllr J Hale confirming that a dispensation has been granted to stay and speak (but not vote) on matters relating to the UNISON Trade Union under paragraph 2 (d) and (f) of section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001	Clerk/Monitoring Officer / Democratic Services Officer	Complete 21.12.17