

**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  
7 Tachwedd 2011

**MINUTES  
OF THE STANDARDS COMMITTEE MEETING**

held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
7 November 2011

**11.00 – 12.35**

**71% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIR:	M Howells
IS-GADEIRYDD/VICE CHAIR:	H Jones
AELODAU/MEMBERS:	Cyng/Cllrs: A Davies, R Llewellyn, R Jenkins
YMDDIHEURIADAU/APOLOGIES	J Holmes, G Storr
YN BRESENNOL /IN ATTENDANCE:	D Daycock, J Maunder

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Ms G Storr and Councillor J Holmes.

**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.

**3 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 13<sup>TH</sup> JUNE 2011**

The minutes of the meeting held on 13<sup>TH</sup> June 2011 were received and approved as a true record.

**4 TO CONSIDER MATTERS ARISING FROM THE MINUTES**

At the last meeting, Mr Jones had made reference to a conference that would be held to discuss the abolition of the Standards Board for England but to date had been unable to find out any further detail. The Clerk mentioned that he would shortly be attending the ACSes Conference where he anticipated this subject would be discussed and would provide feedback at the next meeting. With reference to a discussion at the last meeting, the Clerk agreed to contact Neath Port Talbot Council in order to obtain a copy of their protocol on domestic abuse.

**5 TO RECEIVE THE ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2010 - 2011**

The Clerk introduced the Adjudication Panel for Wales Annual Report for the financial year 2010-11.

It was noted that during 2010-11, the Panel had received 10 new referrals from the Public Services Ombudsman for Wales and 2 appeals against the decisions of local authority Standards Committees. A further 9 cases had been brought forward from 2009-10.

The Adjudication Panel for Wales dealt with the most serious allegations of misconduct under the Members' Code of Conduct and also acted as an appellate body for appeals against decisions of Standards Committees.

The Clerk took Members through the individual cases within the Report and it was noted that in many cases the Adjudication Panel for Wales had stressed the importance of Councillors being able to demonstrate that they had received appropriate and adequate training from their Constituent Authorities to enable them to undertake their roles.

Members were particularly interested in an example which occurred at Monmouth

County Council where one of the recommendations made was that the County Council made arrangements to hold equality training for all its members following an allegation of a 'discriminatory, racist or inappropriate remark'. Standards Committee Members requested that the Clerk find out further details of the case from Monmouth's Monitoring Officer particularly in respect of a potential civil claim being brought and to discuss in further detail at the next meeting. An interest was also expressed in discussing similar scenarios at future meetings as a learning tool for Members.

## **RESOLUTION**

**It was RESOLVED**

*that the report be noted*

### **6 TO RECEIVE A REPORT ON THE STANDARDS CONFERENCE WALES**

The Clerk reported that he had attended the Standards Wales Conference held at the Metropole Hotel, Llandrindod Wells on the 5 October 2011, together with Councillor Roy Llewellyn, Councillor Andrea Davies and Mr Merion Howells, lay member and Chair of the Authority's Standards Committee. It was further noted that Mr Hywel Jenkins, Vice Chair of the Standards Committee, had also attended as a member of Dyfed Powys Police Authority.

One of the key issues that was raised by both Panel members and delegates, and was of particular interest to Members, was the issue of indemnities to Members for costs incurred in contesting allegations of breaches of the Code. Some participants argued that there should be no, or limited costs indemnities, whilst others felt that it should be a matter for individual Councils or Standards Committees.

The Standards Conference had been well attended, with over 150 delegates attending and provided an opportunity for Officers and members not only to hear directly from senior officials involved in the adjudication of Code of Conduct cases and to question them on matters of concern, but also to enable delegates to debate current issues regarding the Code of Conduct.

The Conference also enabled the delegates to meet and discuss matters relating to the Code with delegates from other Authorities and, through this facility to identify and benefit from good practice arising throughout Wales in the important areas of Standards and Probity

Members considered that attendance at future conferences at a cost of approximately £60 per delegate represented good value, and would clearly be of benefit to members of the Standards Committee and the Authority's Monitoring Officer.

## **RESOLUTION**

**It was RESOLVED**

*that the report be noted*

**7 TO RECEIVE THE PUBLIC SERVICES OMBUDSMAN WALES ANNUAL REPORT 2010-2011**

The Clerk presented the Public Services Ombudsman Wales Annual Report 2010-2011 from which it was noted that following on from the considerable increase in complaints about Local Authority Members in 2009/2010, the Public Services Ombudsman, Mr Peter Tyndall, had highlighted a 21% decline in new complaints regarding Local Authority members.

**RESOLUTION**

**It was RESOLVED**

*that the report be noted*

**8 TO RECEIVE A REPORT ON AMENDMENTS TO THE AUTHORITY'S CONSTITUTION**

The Clerk reported that the Constitution set out in a single place and in clear language how the Authority worked and how it made its decisions. The Constitution provided the Authority with an operational framework to enable it to do its job, including:

- the rules and procedures to be followed by the Authority and its committees when conducting its business
- the decision making powers of the Committees
- the financial and contract regulations
- the scheme of delegation to chief officers
- the rights of the public to inspect reports and background documents
- Codes of Conduct for Members and Officers
- Members' interests and Members' allowances

The Clerk and the Deputy Monitoring Officer had recently undertaken a review of the Fire Authority's Constitution in its entirety, and whilst the review was not yet complete it had been considered important that the Standards Committee were kept updated on progress. It was noted that the Member Development Working Group had considered the draft amendments to the Constitution at their last meeting on 31<sup>st</sup> October 2011. The Constitution had last been reviewed in its entirety and updated in 2009.

Committee were aware that the Constitution was a lengthy and complex document that required time and consideration to complete the review. As part of the review the contents had been benchmarked against other Local Authority constitutions and key internal stakeholders would be consulted prior to the revised document being submitted to full Fire Authority for approval.

The Standards Committee had responsibility for reviewing the Constitution on behalf of the Fire Authority through advice from the Monitoring Officer. As it was considered to be an important element of their role, Members agreed that it would be useful to convene an additional meeting of the Standards Committee prior to the Fire Authority meeting on 6<sup>th</sup> February in order to have the opportunity to review the Constitution in its entirety.

Detailed consideration was given to the Whistleblowing Policy and Members were of the view that the number of people to whom an employee could raise concerns to in respect of this policy should be extended. Members also wished to consider other aspects of the Whistleblowing Policy and it was agreed that these would be discussed in detail at the next scheduled meeting on 26<sup>th</sup> March 2012.

## **RESOLUTION**

*It was RESOLVED*

*that the report be noted*

9

### **TO RECEIVE A REPORT ON SELF REGULATORY PROTOCOLS**

The Standards Committee at their meeting on 13<sup>th</sup> June 2011 had requested that a report on Members self regulatory protocols be discussed at a future Standards Committee meeting to learn more about the internal mediation processes being adopted by some Local Authorities to strengthen accountability for member behavior and reducing the role of referral to the Public Services Ombudsman for Wales.

The Welsh Association of Council Secretaries and Solicitors (ACSES) group were currently considering the use of self regulatory protocols across Welsh Local Authorities, and had looked at protocols produced by Swansea Council and Denbighshire County Council. The Standards Committee Members were requested to consider whether the Authority should adopt such a protocol.

It was noted that at present any complaints in regard to Fire Authority Members behaviour would be referred directly to the Ombudsman and that there was no internal grievance resolution process in place.

Members noted that the introduction of an All Wales Self Regulatory protocol had been discussed at the recent Standards Conference and they welcomed this as a basis on which the Fire Authority could produce a protocol in due course.

## **RESOLUTION**

*It was RESOLVED*

*that the report be noted*

## **10 RETIREMENT OF CHAIR**

The Clerk reported that this would be the last meeting for the Chair of the Standards Committee as his tenure of office had come to an end. Mr Meirion Howells had been in Office since 2001 when the Standards Committee had been formed and he was thanked for the dedication, professionalism and common sense approach he had brought to the role. The Clerk presented Mr Howells with a small token of appreciation on behalf of the Fire Authority and joined with Members in wishing him well for the future.

An advertisement would be placed for a new member of the Standards Committee in due course.