

# 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  
11 Ebrill 2011

### MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
11 April 2011

2.00 – 4.05

### **100% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIR: M Howells  
IS-GADEIRYDD/VICE CHAIR: H Jones

AELODAU/MEMBERS: G Storr, R Jenkins  
Cyng/Cllrs: R Llewellyn, A Davies,  
J Holmes

YN BRESENNOL /IN ATTENDANCE: D Daycock

**1 DECLARATION BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS**

All Members present declared that they had a personal interest regarding any matters that related to or were likely to affect their own constituent authorities.

**2 TO APPOINT A CHAIR**

Mr Meirion Howells was proposed and duly seconded. There were no other nominations.

Upon being put to the vote,

***It was RESOLVED that Mr Meirion Howells be elected Chair of the Standards Committee***

**3 TO APPOINT A VICE CHAIR**

Mr Hywel Jones was proposed and duly seconded. There were no other nominations.

Upon being put to the vote,

***It was RESOLVED that Mr Hywel Jones be elected Vice Chair of the Standards Committee***

**4 CHAIR'S ANNOUNCEMENTS / PERSONAL MATTERS**

The Chair reported the passing of Meirion Maunder, the father of Jacqui Maunder, Head of Corporate Communications and Member Support, whom he had known since childhood. The Chair passed on his personal condolences to the family together with those of the Standards Committee.

The Clerk reported that since the last meeting, three of the Independent Members had stood down. As the Committee had not had the opportunity to formally thank Mr Richard Martin, it was agreed to send a letter and token of thanks to Mr Martin to formally acknowledge the professionalism and diligence he had brought to the role.

**5 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 29<sup>TH</sup> NOVEMBER 2010**

The minutes of the meeting held on 29<sup>th</sup> November 2010 were received and approved as a true record.

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

**4 – To Receive a Report on the Standards Conference Wales 2010**

The Clerk reported that the Government had announced the abolition of Standards for England (formally the Standards Board for England) and that accordingly English Councils were no longer required to have a local Standards Committee nor a Code of Conduct for elected members. Councils were however being allowed to adopt voluntary Codes of Conduct and thereby broadly regulate member behaviour if they so wished.

In the absence of a voluntary Code, Regulation of members would be by means of the existing criminal and civil law provisions.

The Clerk would provide a more detailed update at the next meeting.

**7 TO RECEIVE THE CUSTOMER FEEDBACK ANALYSIS FOR THE PERIOD 1<sup>ST</sup> OCTOBER – 31<sup>ST</sup> MARCH 2011**

Members were given a report which provided a 6 monthly update on complaints and compliments received during the period 1<sup>st</sup> October 2010 to 31<sup>st</sup> March 2011.

A total of 12 complaints were received, of which 3 were upheld. Members noted that the standard of complaint acknowledgement and investigation performance remained generally good. A number of queries relating to the detail of particular complaints were raised and it was agreed that these could be discussed in further detail at the next meeting when further information would be available. Councillor Davies noted that a new Local Authority protocol had been developed in respect of domestic abuse and agreed to forward a copy to the Clerk for information.

Members were informed that a total of 41 compliments were received which covered a wide range of activities undertaken by the Service.

It was noted that the new Independent Members of the Standards Committee had been issued with a copy of the Service's Compliments, Comments and Complaints Procedure in their information pack, together with the 'We are Listening' leaflet which explained the Authority's complaints process.

**RESOLUTION**

*It was RESOLVED that*

*The report be noted*

**8 TO RECEIVE A COPY OF GUIDANCE USED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES GUIDANCE- THE CODE OF CONDUCT FOR MEMBERS OF LOCAL AUTHORITIES IN WALES**

The Clerk reported that the Ombudsman had published his final guidance 'The Code of Conduct for Members of Local Authorities in Wales – Guidance from the Public Services Ombudsman for Wales' in April 2010.

Members were reminded that English authorities had dispensed with the National Code of Conduct for elected members but that English Councils were being allowed to adopt voluntary Codes of Conduct. Members noted that the Welsh

Police Authorities had been subject to the English Code of Conduct and the issue was raised as to which Code would be used by Police Authority members in future. The Clerk advised that it was not yet clear, but that it could be the Welsh Code as a default provision.

The Clerk took Members through the Guidance providing examples of actual cases where appropriate. The following areas were highlighted:

### **Part 2 – General obligations under the Code of Conduct Equality**

It was considered that the Guidance could be further clarified if it stated that the test for harassment was how the recipient of the harassment considered how he/she had been treated.

### **Treating others with respect and consideration**

Of particular note was that chairs of meetings had an important part to play in managing debate within reasonable parameters and that they were 'expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct' and that members should raise issues at this point rather than refer a complaint to the Ombudsman.

### **Part 3 – Personal and prejudicial interests Ward and electoral division issues**

Particular concern was expressed regarding paragraph 10(2)(b) of the Code which stated that members had an interest, which could be prejudiced if 'a member of the public might reasonably perceive a conflict between your (a member) role in taking a decision upon that business on behalf of the Authority as a whole and ... in representing the interests of constituents in your ward or electoral division'

The guidance specifically stated that the reference to Wards meant in relation to members of authorities that did not have wards, their constituent authority area.

The Guidance stated that it would be subject to supplementary guidance in relation to the interpretation of the paragraph which was to be given by the Adjudication Panel for Wales in a pending case. However no such interpretation had been given, other than to state that in the case in question (involving Ceredigion Council) the member had been found in breach for failure to declare and that it was also a prejudicial interest.

Finally it was suggested that it would be beneficial to receive training in the area of dispensations, and that in so doing, Members could be provided with various scenarios upon which they could deliberate and seek advice. The Clerk agreed to provide these for a future meeting.

## **RESOLUTION**

***It was RESOLVED that***

***The Guidance of the Public Services Ombudsman be noted***

**9 TO RECEIVE THE DRAFT AGENDA FOR THE STANDARDS CONFERENCE 2011**

Consideration was given to the draft agenda for the Standards Conference Wales which was due to be held on Wednesday 5<sup>th</sup> October 2011 in Powys. Members welcomed the possibility of role play being included in the Agenda. It was suggested that Member attendance would be confirmed at the next meeting.

**RESOLUTION**

*It was RESOLVED that:*

*The report be noted*

**10 TO RECEIVE A VERBAL UPDATE ON RECENT DEVELOPMENTS CONCERNING THE CODE OF CONDUCT AND ETHICAL FRAMEWORK**

The Clerk reported that the Head of Legal Services for Cardiff, Kate Berry, had recently retired but would be undertaking part time work on the Adjudication Panel for Wales.

The Clerk also referred to the following specific cases determined by the Adjudication Panel for Wales:

1. Councillor Adams-Lewis – Ceredigion  
Breach of paragraph 10(2)(b) – finding that there was both a personal and prejudicial interest in this context. The member was partially suspended for 3 months.  
Concern was expressed at the potential implications for participation by members in the democratic process.
2. Councillor Wildgust – Torfaen  
Breaches of paragraph 4 – Member suspended for 12 months. The Clerk also mentioned a libel case brought against Councillor Estbury (Caerphilly) in which he was liable to pay £3000 damages plus costs.

The next meeting of the Standards Committee would be held in two to three months time at a date to be agreed.