

**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  
2 Ebrill 2012

**MINUTES  
OF THE STANDARDS COMMITTEE MEETING**

held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
2 April 2012

**10.00 – 12.05**

**83% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

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

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from 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.

All Members present declared an interest in Agenda Item 9 namely The Independent Remuneration Panel for Wales Annual Report

**3 TO APPOINT A CHAIR OF THE STANDARDS COMMITTEE**

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 Chair of the Standards Committee***

**4 TO APPOINT A DEPUTY CHAIR OF THE STANDARDS COMMITTEE**

Ms Gail Storr was proposed and duly seconded. There were no other nominations.

Upon being put to the vote

***It was RESOLVED that Ms Gail Storr be elected Deputy Chair of the Standards Committee***

**5 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS**

Mr Jones reported that following the cessation of the term of office of the previous Chair and Independent Member of the Standards Committee, an Appointments Panel had been held on 27<sup>th</sup> March 2012 to facilitate the appointment of a new Independent Member to the Standards Committee.

The Panel, which had included the Chair Mr H Jones and Councillor DR Llewellyn, had interviewed five applicants and had unanimously agreed to recommend the appointment of Mr M Jehu to the Fire Authority at its next meeting on 16<sup>th</sup> April 2012.

Following the ratification of the appointment, the Clerk would provide the new Independent Member with appropriate training in his new role as soon as possible.

**6 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 7<sup>th</sup> NOVEMBER 2011**

The minutes of the meeting held on 7<sup>th</sup> November 2011 were received and approved as a true record.

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

**4 – Matters Arising from the minutes of the meeting held on 13<sup>th</sup> June 2011**

With reference to a discussion at the last meeting, Councillor A Davies confirmed that she would obtain a copy of Neath Port Talbot's protocol on domestic abuse for consideration at a future meeting

**5 – Adjudication Panel for Wales Annual Report**

At the last meeting Members had been particularly interested in a situation which had arisen at Monmouth County Council where the County Council had made arrangements to hold equality training for all its members following an allegation of a 'discriminatory, racist or inappropriate remark' by one Councillor. As requested at the last meeting, the Clerk provided further details of the case for information.

An interest was expressed in discussing similar scenarios at future meetings as a learning tool for Members and it was agreed to include this as a future agenda item.

Following the Fire Authority's Annual General Meeting in June, the Clerk reported that he would be seeking views of all Fire Authority Members as to how they wished to undertake training on the Code of Conduct, bearing in mind that they would also have received training through their own Constituent Authorities.

**6 – Standards Conference Wales**

Members were aware that one of the key issues that had been raised at the recent Standards Conference Wales by both Panel members and delegates was the issue of indemnities to Members for costs incurred in contesting allegations of breaches of the Code of Conduct. 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 Clerk reported that debate on this issue was still ongoing and he would keep Members informed of any developments.

It was noted that the Standards Conference 2013 would take place in North Wales.

**9 – Report on Self Regulatory Reform**

The Standards Committee 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 behaviour and to reduce the role of referral to

the Public Services Ombudsman for Wales.

The Clerk reported that the Welsh Association of Council Secretaries and Solicitors (ACSES) group were currently considering the use of self regulatory protocols across Welsh Local Authorities and that the debate was still on going. Members would be informed of any developments at future meetings.

## **8 TO RECEIVE THE WHISTLEBLOWING POLICY**

The Clerk reported that the Standards Committee, as part of its terms of reference, had responsibility to oversee the Authority's Whistle Blowing Policy and Members gave consideration to the Authority's current guidance.

Along with the Constitution, the various policies which included the Whistle Blowing Policy in operation by the Authority formed an integral part of its overall governance arrangements and were fundamental to the effective delivery of the Authority's services. The Clerk reminded Members of the importance of such Policies being undertaken in an open and transparent manner so that stakeholders could have confidence in the decision making and management process.

Under the Section 'How to Raise a Concern', the Clerk asked whether the Committee were content with the process on how to raise a complaint and asked whether Fire Authority Members should be added to the list as an additional first point of contact. Following consideration it was agreed not to include Fire Authority members but that the Section 101 Officer should be added to the Policy as a named point of contact.

## **RESOLUTION**

**It was RESOLVED**

***that the report be noted***

## **9 TO RECEIVE A REPORT ON THE OMBUDSMANS CASEBOOK**

The Clerk reported that the Standards Committee as part of its terms of reference had responsibility to oversee matters relating to the Public Services Ombudsman for Wales. Peter Tyndall was the Public Services Ombudsman for Wales and had legal powers to look into complaints about public services in Wales and could also look into complaints that Local Authority members had broken their Authority's code of conduct. It was noted that Mr Tyndall was independent of all government bodies and the service that he provided was impartial and free of charge

The Ombudman's Casebook Issue 7 was attached to the report for Members' information.

## **RESOLUTION**

**It was RESOLVED**

***that the report be noted***

**10 TO RECEIVE THE INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2011**

Members were informed that a report on the implications of the Final Report of the Independent Remuneration Panel (The Panel) had been considered by the Member Development Working Group (MDWG) at their recent meetings

The report set out various options for reconfiguration of the structure of the Fire Authority to enable Members to comply with or accommodate the findings of the Panel. The major findings of the Panel were reported to the Fire Authority on the 6th February 2012. However, they did not determine to whom they wished to pay Senior Salaries for specified responsibilities. The Fire Authority had requested that further work on this be undertaken and the Member Development Working Group had met on the 20th February 2012 to consider the options in more detail.

During that meeting Members had requested that a feasibility study be undertaken into the possibility of amalgamating two of the three Authority committees and that following consideration by the MDWG a report be presented to the Fire Authority meeting of 16th April 2012 for consideration in the light of the Fire Authority's decision not to introduce senior salaries for Committee Chairs.

The Clerk took Members through the Report, highlighting the changes, and in particular the section relating to amendments to co-optees remuneration.

**RESOLUTION**

**It was RESOLVED**

***that the report be noted***

**11 TO RECEIVE A REPORT ON THE DRAFT REVISED CONSTITUTION**

The Clerk reported that the Fire Authority were required to regularly monitor and evaluate the operation of its Constitution to ensure effective governance. The Constitution set out how the Authority operated, the decision making process and the procedures to be followed.

The Authority had formally adopted its Constitution in 2003 and it had last been reviewed in its entirety in 2008, where particularly reference had been made to its governance arrangements. The Clerk/Monitoring had overall responsibility for ensuring the Constitution was fit for purpose and in light of the fact that a new Fire Authority would be created following the Local Government elections in 2012, the decision had been made to review the Constitution in its entirety to ensure effective governance.

The Standards Committee had responsibility for reviewing the Constitution on behalf of the Fire Authority through advice from the Monitoring Officer, and the views of the Standards Committee would be set out in the report to the Fire Authority on 16<sup>th</sup> April.

As the constitution was a complex document, an overview had been provided for Members which summarised the amendments made.

The following areas were highlighted:

- Reference was made to the section concerning Fire Authority Members undertaking visits to Commands and other Service sites and of the need for them to be accompanied on such visits. Concern was expressed by one Member that this was putting constraints on Members and that they should be allowed to make visits without having to be officially accompanied. There was a variety of viewpoints from the Committee but they suggested that a common sense approach should be adopted.
- Councillor Davies suggested that it would be helpful to sending copies of the Constitution to all Chief Executive Officers of Local Authorities to provide them the opportunity to comment prior to the Fire Authority meeting.
- To add in the section relating to the roles and responsibilities of Members that they undertake a Scrutiny role
- Members requested that the section on the Internet which had not been written would be agreed by the Standards Committee once it had been completed.

Generally the Standards Committee commended the Constitution as being well written, providing clear guidance to Members and Officers.

## **RESOLUTION**

***It was RESOLVED***

***that the Constitution be recommended to the Fire Authority for approval***