

# 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 GORFFENNAF 2012

### MINUTES OF THE STANDARDS COMMITTEE MEETING

Held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
2 JULY 2012

13.30 – 15.00

#### **71% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

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

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from G Storr.

**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 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS**

The Committee welcomed Mr M Jehu and Councillor J Curtice to their first meeting, having been appointed to the Standards Committee on 16 April and 27 June 2012 respectively for a four year term of office.

It was also noted that Councillor T J Richards had been appointed onto the Committee for a four year term of office on 6 June 2012.

**4 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 2 APRIL 2012**

The minutes of the meeting held on 2 April 2012 were received and approved as a true record.

**TO CONSIDER MATTERS ARISING FROM THE MINUTES**

Item 5– The Clerk / Monitoring Officer confirmed that following the appointment of new Members to the Standards Committee, appropriate training had been provided to Mr M Jehu and Councillor J Curtice.

Item 7 – The Chair emphasised the importance of all Fire Authority Members receiving training on the Code of Conduct within their respective Constituent Authorities as a means of raising awareness of the conduct expected of Members and strengthening accountability for Member behaviour. The Clerk / Monitoring Officer reported that official notification would be sought from each Constituent Authority Monitoring Officer that relevant training had been undertaken.

The Clerk / Monitoring Officer reported that the Standards Conference 2012 would be held in North Wales and would provide delegates with the opportunity to benefit from good practice arising throughout Wales in the important areas of Standards, Probity and Ethics. Expressions of interest to attend the conference would be sought in due course, once the date had been determined.

The Clerk / Monitoring Officer mentioned the issue of indemnities to Members for costs incurred in contesting allegations of breaches of the Code of Conduct, which arose at last year's Standards Conference. Some delegates considered that there should be no, or limited costs indemnities, whilst others felt that it should be a matter for individual Councils or Standards Committees. Initial indications from the Public Services Ombudsman for Wales was that individual Councils should be provided with an involuntary cap of approximately £20,000. The Clerk / Monitoring Officer reported that debate on this issue was still ongoing and Members would be informed of any developments. The Chair suggested that the issue of indemnities could form a subject of debate as part of the scenarios training that would be provided to the Committee at their next meeting as a useful learning tool.

Item 8 – The Clerk / Monitoring Officer confirmed that the Whistle Blowing Policy had been amended to take account of the recommendations provided by the Standards Committee.

Item 10 - The Clerk / Monitoring Officer confirmed that the Fire Authority, at its meeting on 16 April 2012, had considered the annual report of the Independent Remuneration Panel for Wales and had resolved that senior salaries would not be paid to the Chairs and Deputy Chairs of Committee in light of the current economic climate. The Clerk / Monitoring Officer extended the Authority's gratitude for the input and observations provided by the Standards Committee and noted that the situation would be reviewed in approximately one year.

Item 11 - The Clerk / Monitoring Officer reported that the Fire Authority had resolved to adopt the Constitution at their meeting held on 16 April 2012, following a process which had resulted in nine re-drafts of the document. It was highlighted that the Constitution was a living document which would regularly require revisions in light of new legislation and guidance to remain fit for purpose. Committee were informed that there could be further statutory guidance under the Local Government Wales Measure 2011, and as such the Standards Committee could be required to consider further amendments to the Constitution in due course.

## **5 TO RECEIVE THE STANDARDS COMMITTEE ANNUAL REPORT FOR 2011/12**

The report set out a summary of the work undertaken by the Committee during 2011/12. The Clerk / Monitoring Officer explained that the report contained a broad analysis of business that had been transacted at the three meetings held during the reporting period and noted the appointment of three new members, namely Mr M Jehu on 16 April 2012, Councillor T J Richards on 6 June 2012 and Cllr J Curtice on 27 June 2012. Members paid tribute to Mr M Howells who had stood down from the Standards Committee following the cessation of his term of office and also expressed their gratitude to Councillors Holmes and Davies who had not returned to the Fire Authority in 2012. It was agreed that the report be updated to reflect that Mr H Jones had been appointed as Chair and G Storr as Deputy Chair of the Standards Committee at its meeting on 2 April 2012.

Committee noted that no complaints had been made against Members in respect of their role as members of the Fire and Rescue Authority and accordingly, the Committee did not have to meet to consider or determine any matters referred to it by the Public Services Ombudsman for Wales. Furthermore, it was reported that no dispensations had been granted by the Standards Committee during the reporting period; nevertheless the important role of the Standards Committee was emphasised, with its key responsibility to promote and maintain the high standards of conduct of Members of the Fire Authority.

The Clerk / Monitoring Officer noted that the Standards Regime for England had been abolished and therefore English Authorities were no longer required to enforce a mandatory Code of Conduct for Members. The Clerk / Monitoring Officer reported that Wales continued to adopt a robust and consistent mechanism for its Standards Regime and assured Committee that the situation in England would be monitored over the coming months, and any significant issues reported to the Committee.

## **RESOLUTION**

**It was RESOLVED**

***That the report be recommended to the Fire Authority for approval.***

## **6 TO RECEIVE THE PUBLIC SERVICES OMBUDSMAN FOR WALES GUIDANCE ON THE CODE OF CONDUCT FOR MEMBERS OF LOCAL AUTHORITIES IN WALES**

The Clerk / Monitoring Officer advised that the Public Services Ombudsman for Wales had jurisdiction over all Constituent Authorities, community Councils, Fire and Rescue Authorities and National Park Authorities in Wales.

The Committee reviewed the revised guidance from the Public Services Ombudsman for Wales which would raise awareness of Members' obligations under the Model Code of Conduct introduced in 2008. Of particular interest to the Committee was the guidance concerning 'twin hatted' Members which clarified that Members could undertake different roles whilst participating in the same matters e.g. an individual who was both a member of the community council and a county council. The Chair highlighted that Members should consult with the Clerk / Monitoring Officer for advice in such circumstances.

## **RESOLUTION**

**It was RESOLVED**

***That the report be noted***

## **7 TO RECEIVE THE OMBUDSMAN'S CASEBOOK**

The Clerk / Monitoring Officer referred to the Ombudman's Casebook Issue 8 which was attached to the report for Members' information, which focussed in the main on maladministration cases within the Health Authority and Unitary Authorities.

### **RESOLUTION**

*It was RESOLVED*

*That the report be noted*

## **8 TO RECEIVE THE MONITORING OFFICER'S VERBAL UPDATE ON STANDARDS ISSUES**

The Clerk / Monitoring Officer provided Committee with an overview of a case concerning a Councillor from Manorbier Community Council. Committee were informed that the Councillor had been found in breach of the Code by the Standards Committee which found that he had failed to show respect and consideration for members of the community council in Manorbier, Pembrokeshire, and which had also brought the Authority and the Member into disrepute.

The Adjudication Panel for Wales upheld the standards committee's ruling and the case was subsequently referred to the High Court which ruled that the Councillor's right to freedom of expression as enshrined within article 10 of the European Convention of Human Rights had been infringed.

Mr Justice Beatson further noted that the Adjudication Panel for Wales had taken an "over-narrow view" of what amounted to "political expression" in dismissing the Councillor's appeal and accepted that it was necessary to bear in mind the "traditions of robust debate", which might include "some degree of lampooning of those who place themselves in public office".

The Clerk / Monitoring Officer stated that this was a significant case which showed that the Code of conduct decisions could be challenged in the courts and highlighted the following issues for consideration by the Standards Committee:

- the extent of latitude for politicians making comments in a political sphere;
- that Standards Committee should take into account wider issues such as Article 10 of the European Convention of Human Rights in making determinations.

He also mentioned that many Authorities in Wales had adopted 'informal local resolution' protocols for lower level complaints between members, though other Authorities had chosen not to. There was no uniform practice. It was agreed that this issue would be considered further following attendance at the All Wales Standards Conference in the Autumn.

## **RESOLUTION**

***It was RESOLVED***

***That the Monitoring Officer's verbal update be noted.***

The meeting closed at 15:00