

# 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  
29 GORFFENAF 2013

### MINUTES OF THE STANDARDS COMMITTEE MEETING

Held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
29 JULY 2013

10.00 – 11.10

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

Presennol yn y Cyfarfod/Present at Meeting:

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

AELODAU/MEMBERS: Cllr J Curtice, Cllr L Frayling,  
Mr M Jehu, Mr R Jenkins,  
Cllr R Llewellyn,

YMDDIHEURIADAU/APOLOGIES  
N BRESENNOL /IN ATTENDANCE: D Daycock, J Maunder, Cllr W E  
Evans (Observer)

## **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **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 Chair welcomed Cllr L Frayling to his first meeting, having been appointed to the Standards Committee on 9 July 2013 for a four year term of office in place of Cllr T J Richards.

A welcome was also extended to Cllr W E Evans who was in attendance at the meeting as an observer.

The Head of Corporate Communications and Democratic Services informed Committee that the Authority would be re-applying for the Welsh Local Government Association's Bronze Award Wales Charter for Member Support and Development during 2013. In line with the requirements of the Charter the Chair and Members of the Committee were duly provided with appropriate role descriptions to enable them to be aware of the requirements of their roles and responsibilities and the expectations placed upon them.

In response to a query from a Member, the Clerk and Monitoring Officer reported that minutes of each Standards Committee meeting were published in draft on the Service's website and a link to the draft minutes would be circulated to the Committee.

Consideration was given to the timings of meetings whereby Committee agreed to trial a start time of 10:30 for the next meeting.

Following a request from a Member it was agreed that an action list be provided at the end of the minutes which would enable Members to effectively monitor and address all required areas of work.

## **4 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 3 DECEMBER 2012**

The minutes of the meeting held on 3 December 2012 were received and approved as a true record of proceedings, subject to the following amendment:

Page 3, item 6 paragraph 3 – that the term 'for' be replaced with 'form'.

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

Item 5, paragraph 2 – At the request of Committee at its last meeting, the Head of Corporate Communications and Democratic Services provided copies of the Complaints Wales Signposting Service leaflets that had been produced by the Public Services Ombudsman for Wales.

Item 6, paragraph 3 – The Clerk / Monitoring Officer confirmed that requests for dispensation should be considered by a Standards Committee.

Item 8, paragraph 5 – in response to a query from Committee at its last meeting, enquiries had been made with the Public Services Ombudsman for Wales Office to establish the names of the individuals appointed onto the Advisory Panel, as follows:

- Ceri Stradling, former senior partner with the Wales Audit Office
- Margaret Griffiths – Emeritus Professor University of Glamorgan
- Bill Richardson, former Deputy Chief Executive at the office of the Parliamentary and Health Service Ombudsman
- Jan Williams, former Chief Executive of Cardiff and Vale University Health Board
- John Williams, former Director of Social Services for Conwy County Borough Council

## **5 TO RECEIVE A REPORT ON THE MEMBERS SELF REGULATORY PROTOCOL**

The Clerk / Monitoring Officer introduced the report on the Members' Self Regulatory Protocol in terms of putting in place local arrangements for dealing with lower level member on member complaints.

Committee were informed that the adoption of a self-regulatory protocol would offer internal mediation processes in order to strengthen and speed up accountability for member behaviour and to reduce the number of referrals to the Public Services Ombudsman for Wales of relatively low level matters.

The Clerk / Monitoring Officer explained that in January 2013, the then Minister for Local Government and Communities, Carl Sergeant issued a letter to all Local Authorities informing them that Welsh Government wished to see the implementation of a local approach for dealing with member on member and officer on member complaints. It was noted that at present any complaints regarding Member behaviour would be considered by the Standards Committee and there was currently no internal self regulatory dispute resolution process in place.

Committee were aware that The Lawyers in Local Government (LLG) group (formerly ACSeS) had been monitoring the progress being undertaken within Local Authorities in setting up self regulatory protocols and consideration was given to the appendices set out in the report which provided examples of the protocols that were being introduced in some Local Authorities.

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 to proactively produce a protocol in in the near future.

The Chair suggested that a task and finish group be set up to develop a draft protocol which would then be circulated to Committee Members prior to its consideration at the next Standards Committee meeting scheduled for 2 December 2013. Subject to Committee's endorsement, the protocol would then be recommended for approval at the Fire Authority on 10 February 2014.

## **RESOLUTION**

### **It was RESOLVED**

- 1. That the report be noted***
- 2. That a task and finish group be set up to develop a draft regulatory protocol for consideration at the next Standards Committee meeting scheduled for 2 December 2013. The Task and Finish Group be comprised of the Clerk / Monitoring Officer, Head of Corporate Communications and Democratic Services, Chair of Standards Committee and member of the Standards Committee Mr M Jehu.***

## **6 TO RECEIVE A REPORT ON THE ANNUAL STANDARDS CONFERENCE 2013**

The Clerk / Monitoring Officer reported that he had attended the Standards Conference Wales held on the 19th April 2013 at Venue Cymru in Llandudno, together with Councillor Roy Llewellyn, Chair of the Fire Authority and member of the Standards Committee, and Mr Hywel Jones, Chair of the Standards Committee and Mel Jehu and Gail Storr, lay members of the Authority's Standards Committee.

It was reported that the theme of the Conference focussed on 'Balancing Rights and Responsibilities' and a key issue which was of particular interest to Members centered upon the impact of the Calver decision. The Public Services Ombudsman for Wales, Mr Peter Tyndell, also made clear his support for local dispute resolution and capping of indemnities. He also supported the maintenance of a formal Standards regime in Wales and contrasted this with the confused and changing system in England.

The Conference then proceeded, in a variety of sessions to look at a number of issues, including promoting standards proactively, conducting hearings and recording of interests and dispensations as well as looking specifically at Local Dispute Resolution protocols.. The later sessions looked at promoting Standards proactively, procedures at hearings and sanctions, and Standards issues for Town and Community Councils, and single purpose Authorities such as National Park Authorities.

Committee noted that the Standards Conference had been well attended and had 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 Committee were of the view that 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. Committee considered that the conference had been a useful networking opportunity and represented a worthwhile training opportunity, particularly for any new members of the Standards Committee.

Members of the Committee concluded 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, the Authority's Clerk and Monitoring Officer as well as the Authority's Deputy Monitoring Officer.

## **RESOLUTION**

### **It was RESOLVED**

*That the report be noted.*

#### **7 TO RECEIVE A REPORT ON PAYMENT OF SENIOR SALARIES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL FOR WALES**

The Clerk/ Monitoring Officer presented a report which summarised the findings contained within the Final Report of the Independent Remuneration Panel (IRPW) regarding members of Fire Authorities in Wales.

Members were informed that the Independent Remuneration Panel for Wales had published their annual report at the end of December 2012, under the requirements of the Local Government (Wales) Measure 2011. Under the powers provided by the measure the Panel had produced a new set of regulations (IRPW Regulations) which came into effect on 1 April 2012, and which applied to payments made to Members and co-opted Members of Local Authorities, National Park Authorities, and Welsh Fire & Rescue Authorities.

Committee noted that the Authority's existing Scheme of Members' Remuneration had been approved by the Fire Authority on 24 June 2013 when a resolution had been made not only to maintain the policy of not paying a senior salary to Committee chairs but also to remove the senior salary payable to the Deputy Chair of the Fire Authority and that this decision be re-visited in 12 months' time. It was confirmed that the Authority had approved payment to Co-opted Members as follows:

- Co-opted Chairperson of the Standards Committee - £256 daily fee, £128 half day fee.
- Co-opted ordinary Member of the Standards Committee - £198 daily fee, £99 half day fee.

The Clerk / Monitoring Officer clarified that a half day was defined as up to 4 hours, whereby Members could not claim for expenses in relation to travel or preparation time, whereas a full day was defined as over 4 hours. It was further noted that there would be no change to mileage rates that could be claimed for travel during 2013/14.

Members acknowledged the additional work involved in the role of the Deputy Chair of the Fire Authority, particularly in view of the fact that the Deputy Chair stood in for the Chair on many occasions and undertook duties in excess of those of a Chair of a Committee. Committee articulated the view that Authorities should not be permitted the discretion to revoke the recommendations set out in the Independent Remuneration Panel for Wales report.

## **RESOLUTION**

**It was RESOLVED *that the report be noted.***

### **8 TO RECEIVE THE PUBLIC SERVICES OMBUDSMAN FOR WALES' ANNUAL REPORT 2012/13**

The Clerk / Monitoring Officer reported that the Public Services Ombudsman for Wales (PSOW) had two specific roles that related to the Fire Authority. The first was to consider complaints made by members of the public who had suffered an injustice through maladministration or service failure on the part of a body in his jurisdiction; the second role being to consider complaints that members of local authorities had broken the Code of Conduct. He reported that the PSOW reviewed the work of his office in a series of annual reports.

Committee gave consideration to the 2012/13 annual report which centred upon the theme 'Putting Things Right, Driving Improvement' which mirrored the theme of the Public Services Ombudsman for Wales' new three year strategic plan.

The Clerk / Monitoring Officer highlighted that complaints concerning public services had risen 12% when compared with number received during 2011/12, and that the PSOW had received 2,906 queries which equated to an increase of 56% when compared with the same period last year. It was further noted that a total of 291 Code of Conduct Complaints had been received during the 2012/13 reporting period which represented a reduction of 29% since last year.

Committee drew attention to page 49 of the report whereby the Clerk / Monitoring Officer provided an overview of the two complaints which had been received against Mid and West Wales Fire and Rescue Authority. Committee were pleased to note that both cases had been successfully resolved within a satisfactory timescale.

Reference was made to the use of Social Media whereby the Head of Corporate Communications and Democratic Services confirmed that the Service was proactive in the use of facebook and twitter and also took opportunities to promote the work of the Standards Committee on the Service's website. It was agreed that the introduction of an App would be investigated, taking cognisance of time and cost implications.

In response to a query from Members the Clerk / Monitoring Officer confirmed that the Authority would be adopting the Model Complaints policy in due course which would contribute to attaining a single streamlined approach across the public sector in Wales.

## **RESOLUTION**

**It was RESOLVED that the report be noted**

### **9 TO RECEIVE THE OMBUDSMAN'S CASEBOOK ISSUES 11 & 12**

The Clerk / Monitoring Officer provided Committee with an overview of the Ombudsman's Casebook Issues 11 and 12 which was attached to the report for Members' information and which set out notable cases dealt with by the PSOW. Committee noted that the casebook focussed in the main on high level maladministration cases within the Health Authority and Unitary Authorities.

Reference was made to the quick fix approach which aimed to resolve complaints in a timely manner to achieve desirable and appropriate outcomes without the need to undertake an investigation and write a report.

Committee were pleased to note that following initial contradictory advice provided by the Public Services Ombudsman for Wales they had since confirmed that it was in fact within the PSOW's jurisdiction to investigate complaints against Fire Authorities which it was felt would provide assurance to the public that the Authority demonstrated transparency and impartiality in dealing with such issues.

A discussion ensued regarding the Ynys Mon Assembly Council elections and Members were particularly interested to establish in due course whether there had been a correlation between the number of complaints and the election process. The Clerk / Monitoring Officer agreed to raise the matter at a future Lawyers in Local Government (LLG) group meeting.

Reference was made to the Standards Committee annual report 2012/13 which would contain a broad analysis of the business that had been transacted during the reporting period, in addition to a forward work programme which would ensure that all required areas of work were addressed. It was agreed that the report be circulated to Committee members for approval prior to being submitted to the Fire Authority for consideration at its meeting scheduled for 23 September 2013. Committee expressed the view that the attendance of the Chair of the Standards Committee at the Fire Authority meeting was considered imperative in order to demonstrate probity and governance, as well as raising the profile of the Committee.

## **RESOLUTION**

**It was RESOLVED *that the report be noted***

- 10 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 was no items of urgent business to be discussed.

The meeting closed at 11:10.

**ACTION LIST – STANDARDS COMMITTEE – 29 JULY 2013**

**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**

<b>Agenda Item</b>	<b>Action</b>	<b>Responsible Officer</b>	<b>Progress</b>
3 – Chairs Announcements	Code of Conduct Training to be provided to Cllr L Frayling following his recent appointment to the Standards Committee	Clerk and Monitoring Officer	
3 – Chairs Announcements	Committee be provided with a link to the website page containing draft minutes of the Standards Committee, once published.	Democratic Services Officer	
3 – Chairs Announcements	Consideration was given to the timings of meetings whereby Committee agreed to trial a start time of 10:30 for the next meeting scheduled for 2 December 2013.	Democratic Services Officer	
5 – Self Regulatory Protocol	<p>A task and finish group to be set up to develop a draft self regulatory protocol which would be comprised of the Clerk / Monitoring Officer, Head of Corporate Communications and Democratic Services, Chair of Standards Committee and member of the Standards Committee Mr M Jehu. The Democratic Services Officer to arrange a suitable date to meet.</p> <p>Subject to Committee's endorsement, the protocol would then be recommended for approval at the Fire Authority on 10 February 2014.</p>	Head of CCDS / Clerk / Democratic Services Officer	
6 – Annual Standards Conference	The report of the Annual Standards Conference 2013 be presented at the next Fire Authority meeting scheduled for 23 September 2013	Clerk and Monitoring Officer	
8 – Ombudsman's Annual Report 2012/13	Reference was made to the use of Social Media whereby it was agreed that the introduction of an App would be investigated, taking cognisance of time and cost implications.	Head of CCDS	

Agenda Item	Action	Responsible Officer	Progress
9 - Ombudsman's casebook issues 11 & 12	A discussion ensued regarding the Ynys Mon Assembly by-election and Members were particularly interested to establish in due course whether there had been a correlation between the number of complaints and the election process. The Clerk / Monitoring Officer agreed to raise the matter at a future Lawyers in Local Government (LLG) group meeting.	Clerk and Monitoring Officer	
9 - Ombudsman's casebook issues 11 & 12	Reference was made to the Standards Committee annual report 2012/13 which would be circulated to Committee members for approval prior to being submitted to the Fire Authority for consideration at its meeting scheduled for 23 September 2013.	Head of CCDS / Democratic Services Officer	
9 - Ombudsman's casebook issues 11 & 12	Chair of Standards Committee to attend Fire Authority meeting scheduled for 23 September 2013 to present the Committee's annual report 2012/13	Chair of Standards Committee / Democratic Services Officer	