

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
08 RHAGFYR 2014

MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
08 DECEMBER 2014

10:30 – 11:50

100% PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIR: Mr H W Jones
IS-GADEIRYDD/DEPUTY CHAIR: Ms G Storr
Mr R Jenkins, Mr M Jehu

AELODAU/MEMBERS: Cllr L Frayling, Cllr R Llewellyn,
Cllr J Curtice

YMDDIHEURIADAU/APOLOGIES No Apologies

YN BRESENNOL /IN ATTENDANCE: D Daycock, C Jackson

1 APOLOGIES FOR ABSENCE

No apologies were necessary as all members of the Committee were in attendance.

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 Committee Members present declared a personal interest in relation to Agenda Item No 5.

The Clerk advised that a Committee Member could also declare an interest in any matters arising at a point where it became apparent during the meeting.

3 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS

The Chair welcomed Mrs Ceri Jackson to the meeting as Temporary Head of Corporate Communications and Democratic Services Department. The Clerk/Monitoring Officer stated that Mrs Jackson was also the Deputy Monitoring Officer.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 16TH JUNE 2014

The Chair brought Members attention to a grammatical error on Page 4, Item 7, fourth paragraph which should read:-

Furthermore, in order to prepare the Committee in resolving disputes the Clerk/Monitoring Officer provided Members with a draft procedure for determining hearings in the event of the matter going before the Committee.

The minutes of the meeting held on 16th June 2014 were received and approved as a true record of proceedings.

Matters Arising

With reference to Page 1, the Clerk/Monitoring Officer informed Members that unfortunately, the new Chief Fire Officer was unable to attend this meeting. However, he hoped to attend the next meeting.

The Clerk/Monitoring Officer informed Members that Ms Jacqui Maunder had left the Fire Service to work for another organisation. The Chair thanked Ms Maunder for her services to the Committee and wished her well in her new role.

The Clerk/Monitoring Officer reported that he had recently attended a Lawyers in Local Government (LLG) Conference where it was announced that the next Annual Standards Conference would be held in Cardiff in October 2015.

In reference to the query on Page 2 regarding the Independent Remuneration Panel for Wales (IRPW) the Clerk/Monitoring Officer informed the Committee that he had received a response from Mr Frank Cuthbert, Welsh Government which stated that there was no formal policy on this issue and that application of the payment of allowances would be left to the individual Authorities.

Further to the second paragraph, Item 7, Page 4 the Clerk/Monitoring Officer stated that the Ombudsman had found 'no breach' in relation to the matter, and that therefore the matter would not be presented to the Standards Committee for consideration. In light of this, the Clerk/Monitoring Officer stated that the necessary training would be provided to the Committee if and when required. M Jehu suggested that it would be beneficial to Members of the Committee that if necessary, training be provided closer to the time.

5 TO RECEIVE THE DRAFT ANNUAL REPORT OF THE INDEPENDENT PANEL FOR WALES 2015/16

The Clerk/Monitoring Officer presented the Draft Annual Report of the Independent Remuneration Panel for Wales relating to the payments to be made in 2015/16 to Members.

Members were informed that the Panel had requested to receive individual comments/representations regarding the IRPW Report directly to the Panel by 27th November 2014 which was relayed to Members of the Resource Management Committee.

The Clerk/Monitoring Officer highlighted to the Committee that this year the Panel had decided that there would be no increase in remuneration, given the continued constraints on local government spending.

The Committee was provided with an overview of Mid and West Wales Fire and Rescue Service's current position and the proposed IRPW Determinations for Welsh Fire and Rescue Authorities 2015/16.

Members were reminded that Fire Authorities could pay a senior salary to the Chair, Deputy Chair and up to two other Members. Furthermore, the Fire Authority, at its meeting on the 16th April 2012, resolved that the Fire Authority would not adopt senior salaries for committee chairs at that time. The matter was revisited at the Fire Authority meeting on 24 June 2013 whereby it was resolved to revoke the Senior Salary currently paid to the Deputy Chair of the Fire Authority, and that the decision not to pay Senior Salaries to the Deputy Chair be continue, and that the issue be revisited in the next municipal year. This matter was to be considered at the next Fire Authority meeting to be held on the 15th December 2014.

Councillor J Curtice referred to the reimbursement of mileage costs and informed the Committee that Fire Authority Members were currently being taxed on their mileage allowances. In particular, Councillor Curtice enquired why this was the case whilst it was stated on page 18, section 3.26 of the Annual Report that;

“The Panel notes that the UK Government has determined that a councillor’s place of work is his/her home and that there is no tax liability on expenses paid by local authorities for travel between home and council offices. It is clear that UK Government considers travel expenses should be payable from the member’s home for journeys on official business and the Panel expects that reimbursement of such expenses should be paid unless a member voluntarily decides not to claim”.

The Clerk/Monitoring Officer and Mrs Ceri Jackson agreed that they would make further enquiries and provide a response to Members.

RESOLUTION

It was RESOLVED that the report be noted

6 TO RECEIVE THE OMBUDSMAN’S CODE OF CONDUCT CASEBOOK ISSUE 3

The Clerk / Monitoring Officer provided the Committee with an overview of the Ombudsman’s Casebook Issue 3 which was attached to the report as Appendix 1. The Casebook set out significant cases involving breaches of Members Code of Conduct dealt with by the Public Services Ombudsman for Wales.

Whilst the Committee considered the cases contained within Appendix 1 the Clerk/Monitoring Officer stated that during the recent Lawyers in Local Government (LLG) meeting a Senior representative from the Ombudsman’s office had conveyed a clear message that the Ombudsman had concerns regarding the unacceptable high number of vexatious complaints that had been being received by his office. The Ombudsman was reported as having a ‘dim’ view of such complaints and would take a ‘hard line’ in investigating them. Furthermore, this matter would be addressed in some depth at the Annual Standards Conference.

The Clerk/Monitoring Officer referred to page 5 of Appendix 1 and highlighted the case relating to Mid and West Wales Fire and Rescue Service regarding Integrity. Members were informed that the Acting Ombudsman had concluded that the evidence gathered was not suggestive of a breach of the Code of Conduct.

In relation to the number of cases which related to equality, M Jehu enquired if Councillors within Local Authorities receive specific training on equality and diversity issues. Councillor J Curtice stated Councillors within Neath Port Talbot Constituent Authority had received training provided by the Welsh Local Government Association (WLGA). The Clerk/Monitoring Officer added that Constituent Authorities usually provide their Members with training as and when it was deemed necessary on significant issues of concern.

The Committee went on to consider cases that had been referred to Standards Committee's. The Chair stated that the topic of social media in relation to the Code of Conduct was relevant but unfortunately was a proving to be a difficult issue. The Clerk/Monitoring Officer offered to draft a letter to the LLG stating that it would be beneficial that a break-out session specifically relating to social media be included at the next Annual Standards Conference.

RESOLUTION

It was RESOLVED that the report be noted.

7 UPDATE ON OMBUDSMAN'S ISSUES 17 (JULY 2014) AND 18 (OCTOBER 2014)

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 17 and 18 which were attached to the report as Appendix 1 and 2 respectively, and which dealt with general maladministration issues.

Members provided an overview of the complaint against Mid and West Wales Fire and Rescue Service which was outlined on page 64 of Issue 17, Appendix 1. The Fire Service had accepted that the complaint in relation to a disclosure of personal information was not dealt with appropriately and subsequently made a payment of £100 to the complainant and also made amendments to their complaints process which the Ombudsman considered to be a reasonable settlement.

The Clerk/Monitoring Officer stated that there were no more cases relating to the Fire Service or Fire Authority and that the majority of cases within the Appendices related to Health Boards and Unitary Authorities. However, Members were provided the opportunity to discuss any of the cases outlined in the Appendices.

Mr M Jehu enquired if there was a system whereby Fire Authority members were made aware of any complaints made against the Service. The Clerk/Monitoring Officer stated that the Performance, Audit and Scrutiny Committee receive a quarterly report on complaints and compliments. Mr Jehu suggested that it would be beneficial for an update of the complaints be provided to the Standards Committee at the end of each the performance year. The Clerk/Monitoring Officer agreed and stated that this would provide good probity and governance.

RESOLUTION

It was RESOLVED that the Committee note the report.

8 TO CONSIDER THE STANDARDS COMMITTEE ANNUAL REPORT 2013/14

The Chair stated that a Standards Committee Annual Report 2013/14 would be drafted and presented to the Fire Authority on the 9th February 2015.

The Chair provided Members with a brief resumé of the last Committee meetings to be included in the Work Programme 2013-2014 for their consideration. The Chair added that he would also draft a further resumé based on this Committee meeting and forward the report in its entirety by e-mail to Members early in 2015 for their approval.

The Clerk/Monitoring clarified that the Standards Annual Report would also include the Standards Committee Meeting held on 2nd December 2013.

The Chair stated that the forward work plan for 2015/16 would be updated and would include monitoring effective governance.

RESOLUTION

It was RESOLVED that;

- 1. the Committee considered the report*
- 2. the Chair formulate a Draft Annual Standards Committee Report*
- 3. the Clerk/Monitoring Officer to circulate the Draft Annual Standards Committee Report to Committee Members for their final comments in readiness for reporting to Fire Authority.*

9 TO RECEIVE A VERBAL UPDATE ON ISSUES RELATING TO THE STANDARDS COMMITTEE

The Clerk/Monitoring Officer informed Members that on the 5th December 2014 he had attended a meeting of the Lawyers of Local Government Group (LLG). Members were informed that the meeting had been very useful and that attendees were able to draw from each other's experience and gain feedback. Furthermore, the meeting enabled a good interface with the Ombudsman/Ombudsman's representatives.

Members were informed that the Annual Standards Conference would continue to be a bi-annual event (i.e. held every two years).

The Clerk/Monitoring Officer reported that there was a considerable divergence in the law between England and Wales which was causing difficulties in identifying the correct legal provisions applicable to a matter. Members were informed that this was one of the themes that Monitoring Officers were raising with the Welsh Government.

Members were also informed that the Wales Audit Office were advising Authorities that Chief Executive Officers should take care not to attend meetings and be seen to influence where their remunerations were being determined. However, it was reported that this was a difficult area, and that the LLG had sought a leading Counsel's opinion on this matter.

Due to the complexity of an ever changing environment, Mr Jehu stated that it may be beneficial for the Committee to meet more frequently. Members considered the request. The Clerk/Monitoring Officer agreed that it was area that was changing and developing however, the main focus of change, at this time was probably in for Local Authorities and not Fire Authorities, and therefore felt that the Committee's current schedule would suffice. All Members agreed to continue with the present system this time, but to review at a later date, should it be necessary.

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.

The Clerk/Monitoring Officer reported that the Ombudsman was seeking feedback on his proposals to change his Public Interest Test by January 2015. The Chair agreed to take this as an urgent item as it required feedback by Members to a new Public Interest Test by January 2015.

At this point the Clerk/Monitoring Officer provided each Committee Member with a hand out of the Guidance on the Code of Conduct for Local Authority Members – Public Interest Test. Members were duly provided time to digest the handout.

The Chair stated that the new Ombudsman had a new approach to his Public Interest Test, which enhanced the existing test.

Members were informed that the Ombudsman also requested to receive feedback from the Monitoring Officer as well as Standards Committee Members.

The Clerk/Monitoring Officer stated that the Ombudsman's proposal was to expand upon the existing two stage test and to go on to consider whether an investigation or a referral to the Adjudication Panel or a Standards Committee is required in the public interest. The Clerk/Monitoring Officer provided an outline of the 7 public interest factors within the proposed guidance.

The Clerk/Monitoring Officer stated that it would also be helpful if the guidance as part of the Public Interest Test to be relevant to sentencing criteria an appropriate 'sentence'. Members were informed that the Clerk/Monitoring Officer would be inviting the Ombudsman to refine the factors provided in the guidance.

A discussion took place regarding the factors provided within guidance.

The Chair stated that it would be valuable to provide a corporate response to the Ombudsman. It was agreed that Members would forward their individual feedback to Mrs Ceri Jackson. The Clerk/Monitoring Officer would formulate a response which would be forwarded to Members for their final approval.

RESOLUTION

It was RESOLVED that:

- 1. *the Committee note the verbal update***
- 2. *Committee Members forward their feedback to Mrs Ceri Jackson***
- 3. *the Clerk/Monitoring Officer would formulate the draft response and circulate to Members of the Committee for their final approval before sending to the Ombudsman.***

The meeting closed at 11:50.

ACTION LIST – STANDARDS COMMITTEE – 08 DECEMBER 2014

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

Agenda Item	Action	Responsible Officer	Progress
3	Chief Fire Officer to attend the next Standards Committee	Democratic Services Officer	
6	The Clerk/Monitoring Officer to draft a letter to the LLG stating that it would be beneficial that a break-out session specifically relating to social media be included at the next Annual Standards Conference.	Clerk/ Monitoring Officer	Complete
7	Complaints report to be provided to the Standards Committee at the end of each the performance year (next meeting in June)	Democratic Services Officer Clerk/ Monitoring Officer	
9	Formulate the Annual Standards Committee Report	Chair of Committee/ Clerk/ Monitoring Officer	
9	Circulate the Annual Standards Committee Report to Members of the Committee for their final comments in readiness to be presented to Fire Authority in February.	Democratic Services Officer	Complete
10	Collate Standards Committee feedback on the Public Interest Test	Deputy Monitoring Officer	Complete
10	Formulate a collective response from the Standards Committee incorporating Members comments. Circulate to Members of the Committee for their final approval.	Clerk/Monitoring Officer Democratic Services Officer	