

# 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  
07 RHAGFYR 2015

### MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
07 DECEMBER 2015

10:30 – 13.00

#### **70% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

|                              |  |
|------------------------------|--|
| CADEIRYDD/CHAIR:             | Mr H W Jones                               |
| IS-GADEIRYDD/DEPUTY CHAIR:   | Ms G Storr                                 |
| AELODAU/MEMBERS:             | Cllr L Frayling, Cllr R Llewellyn,         |
| YMDDIHEURIADAU/APOLOGIES     | Mr M Jehu, Cllr J Curtice, Mr R<br>Jenkins |
| YN BRESENNOL /IN ATTENDANCE: | D Daycock, C Jackson                       |

## **1 APOLOGIES FOR ABSENCE**

Apologies were received from Mr Richard Jenkins, Mr Melvyn Jehu and Councillor Curtice.

## **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 Councillor Roy Llewellyn back to the Committee following a period of illness and noted that it was pleasing to see him looking so well. Miss Amy Richmond was welcomed to the meeting as Temporary Democratic Services Officer and the Chair also congratulated Mrs Julie Owens on the birth of her baby daughter Ila Mae. Councillor Llewellyn thanked the Chair for his kind comments and noted how pleased he had been to receive regular contact from Members of the Fire Authority during his period of illness.

## **4 TO RECEIVE AND CONSIDER THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 15 JUNE 2015**

The minutes of the meeting held on 15 June 2015 were received and approved as a true record of proceedings. The Chair commented on the fact that the minutes were comprehensive and detailed and read well.

### **Matters Arising**

The Clerk/Monitoring Officer referred Members to page 3, item 7 and confirmed that there had been potential changes to the role of the new Public Services Ombudsman for Wales, set out in the Local Government (Wales) Bill and draft Public Services Ombudsman Wales Bill, which was currently out for consultation. The Clerk/Monitoring Officer requested for Members to provide their comments and feedback on the bill independently. There were also changes to the members Code of Conduct that were likely to arise from the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order

Members were informed that the Clerk/Monitoring Officer had written to the Ombudsman regarding agenda item 6, requesting that future casebook reports be

enhanced to include all case outcomes. It was reported that a response in this regard was waiting to be received from the Ombudsman and would be circulated to Members once it had been received.

It was reported that the Standards Committee Annual report 2014/15 was to be presented by the Chair at the Fire Authority meeting taking place on Monday 14 December 2015, following the required amendments being made. The Clerk/Monitoring Officer informed Members that enquiries had been made with a former Local Government Lawyer, Mr Peter Keith – Lucas regarding providing a role play case scenario workshop to Members. It was also stated to the Committee that new details regarding potential Members Training programmes had been included within the new Bill. An update was provided to Members that following the approval of a request for a dispensation for Councillor Hale, it was reported that this was now being declared at all Committee Meetings by Councillor Hale.

## **5 TO RECEIVE AND NOTE THE DRAFT ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2016/17.**

The Clerk/Monitoring Officer presented the Draft Annual Report of the Independent Remuneration Panel for Wales (the Panel) relating to the payments to be made in 2016/17 to Members.

Members were informed that the Panel had requested to receive individual comments/representations regarding the IRPW Report directly to the Panel by 30th November 2015, which had been relayed electronically to all members of the Fire Authority, and in a report to Members of the Resource Management Committee.

The Clerk/Monitoring Officer highlighted to the Committee that the Resource Management Committee Panel had also recommended to the Fire Authority that there would be no additional senior salaries paid to the deputy Chair of the Fire Authority, or the Chairs of the Resource Management or Performance and Audit Committees, given the continued constraints on local government spending, which had been the same recommendation as that made for the previous year.

Members were referred to paragraph 2.2 and it was reported that the Local Government Wales Act had been introduced in November as it had received Royal Assent. The Clerk/Monitoring Officer also advised Members that the Independent Remuneration Panel for Wales (IRPW) had not been happy with changes of remuneration to the Chief Fire Officer's salary, and it was reported that recommendations in this regard would be provided to the Fire Authority who would make a final decision.

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 2016/17. The Clerk/Monitoring Officer reported that any changes made would be reflected in the Constitution and it was requested for Members to note the content of the draft report.

The Chair questioned if individual comments regarding the IRPW Report being

made directly to the Panel by 30<sup>th</sup> November 2015 was for the 2016/17 municipal year, to which the Clerk/Monitoring Officer confirmed that was correct. The Chair stated that his personal view was that due to the current financial circumstances that no adjustments should be made to the salaries of Committee Chairs and the Deputy Chair.

## **RESOLUTION**

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

### **6 TO RECEIVE THE CODE OF CONDUCT CASEBOOK ISSUE 5**

The Clerk / Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issue 5 which was attached to the report as Appendix 1. The Casebook set out cases involving breaches of Members Code of Conduct dealt with by the Public Services Ombudsman for Wales.

It was reported by the Clerk/Monitoring Officer that it was pleasing to note that the content of the Code of Conduct Casebook had decreased in size, and it was noted that it would appear that less complaints were being made about breaches to the Members Code of Conduct. The Committee was referred to the social media case investigated against Torfaen Council and the Clerk/Monitoring Officer advised Members to be cautious with written and electronic communication, as once it was made, it was difficult to retract, and also has the potential to be misinterpreted by the reader. The Chair stated that this topic had been discussed at the recent Standards Committee Conference.

Following the contents of the cases contained within the Casebook, a discussion ensued regarding public confidence and the public perception of some Local Authority's as it appeared to some members to be very low. Following a recent case with Rhondda Cynon Taf County Borough Council, the Clerk/Monitoring Officer emphasised that Members should ensure all statements made in any fora are factually correct, as incorrect and false statements can be a breach of the Code and / or have the potential to result in legal action. The Deputy Chair seconded the Clerk/Monitoring Officer's comments and reiterated that once a comment has been made it is extremely difficult to retract it and that on many occasions individuals may not be made aware that the comments made are unsubstantiated.

## **RESOLUTION**

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

## **7 TO RECEIVE THE OMBUDSMAN'S CASEBOOK ISSUES 21 AND 22**

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 21 and 22 which were attached to the report as Appendix 1 and 2 respectively, and which dealt with general maladministration issues.

The Clerk/Monitoring Officer stated that there were no cases relating to the Fire Service or Fire Authority in the casebooks and that the majority of cases within the related to Health Boards and Unitary Authorities, which were unlikely to decrease due to the number of budget cuts being imposed on the Health Boards and Unitary Authorities. It was reported to Members that the identified organisations who had received a high number of complaints regarding maladministration had been assigned an Improvement Officer, it was confirmed that Ceredigion Council had been identified as having been allocated an Improvement Officer. Members were provided the opportunity to discuss any of the cases outlined in the Appendices.

The Clerk/Monitoring Officers stated to Members that the upheld investigated complaints had generally received small amounts of compensation however; particular attention was drawn to the compensation amount of £75,000 that had been awarded against the Welsh Government, following an upheld complaint handling case. It was reported to Members that an increase in noise nuisance complaints had also been noted. In response to a query raised by G Storr the Clerk/Monitoring Officer confirmed that it was difficult to determine matters of noise pollution and it was stated to Members that the Ombudsman appeared comfortable in looking at areas relating to issues of professional competence, should there be a failure to comply with legal obligations.

The Chair stated that the compensation levels appeared to be higher where delays had been experienced with the processing of complaints, and in many cases, he felt the complainants would be looking for reassurance that any matters raised would be rectified and therefore similar instances not incurred by other individuals.

### **RESOLUTION**

**It was RESOLVED that the Committee note the report.**

## **8 TO RECEIVE FEEDBACK FROM THE STANDARDS CONFERENCE 2015**

The Chair commented that the Standards Conference 2015 took place on the 20 October 2015 in Cardiff and was well represented by Independent Members.

The Clerk/Monitoring Officer informed Members that contact had been made with the Ombudsman and conference organisers in order to obtain feedback following the Standards Conference and it was reported that no feedback had been received as yet, but that if it were, any documentation would be circulated. The Clerk/Monitoring Officer stated that he had felt the Conference had not been quite as beneficial as it had been in previous years and it was felt that a key changes update would have been advantageous to Committee Members for the purposes of

raising awareness and to allow for any views or feedback to be given. G Storr responded and confirmed that in previous conferences discussion topic notes had been made available and had been well received.

G Storr updated Members on attendance at the Whistleblowing workshop with nothing progressive being reported. G Storr informed Committee Members that she had raised comments on the use of the term “Whistleblowing” as it was felt to be an emotive term with an element of disloyalty. A number of others had also reported a similar view on the term “Whistleblowing”. A further update was provided to Members on Nolan principles being valid following a general consensus being made at a further workshop attended by the Deputy Chair, which had confirmed that the principles and values were still relevant and valid, and it was reported that qualities of leadership were extremely relevant.

The Chair commented that he had felt there had been a lack of organisation on arrival at the Conference; he stated that he felt the group preferences could have been better communicated to the attendees. The Chair confirmed to Members that a guide on Social Media produced by Welsh Local Government Association had been extremely informative and was a very useful document for Councillors. It was also noted by Members that the lack of feedback received following the Conference was not satisfactory.

The Chair/Monitoring Officer felt that an opportunity had been overlooked for Members to be provided with an update on the changes to the role of the Ombudsman. It was also noted that no agenda had been circulated prior to the Conference taking place in order for suggestions of possible agenda items to be made. G Storr also commented on the lack of Conference information circulated prior to the Conference taking place. The Clerk/Monitoring Officer confirmed that these comments had been noted and would be raised with Local Government Group (LLG).

## **RESOLUTION**

***It was RESOLVED that;***

- 1. the Committee note the verbal update***

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

The Clerk/Monitoring Officer made Members aware of two new pieces of legislation being introduced and it was reported that paragraph 10, (2) (b) of the Code of Conduct was to be removed as it had been causing confusion, it was confirmed that Members were to now declare personal interests and this would be made both verbally and in writing.

It was reported to Members that draft legislation was in the process of being

introduced, the draft Public Services Wales Ombudsman Bill and the Model Code Amendment Order which would be finalised in February 2016. The Clerk/Monitoring Officer requested that Members provide their responses and comments to the consultation individually for ease of reference. An overview of the changes being made within the Public Service Ombudsman Bill was provided to Committee Members which confirmed that the revised Bill would allow for the Ombudsman to investigate matters without needing a written complaint or on his own volition, and would therefore not have to wait for complaints to be made, and/or made in writing. In response to a query from G Storr, it was confirmed that these matters may be raised by the Media, Social Media or by Monitoring Officers. Clerk/Monitoring Officer reported to Committee that the Ombudsman would now have the power to refer cases to the High Court. Members were advised that the Ombudsman would have a wider remit and more powers with regards to the handling complaints across all Public Sector organisations.

The Chair enquired if the Ombudsman had statutory powers to investigate the Fire and Rescue Service for flooding incidents and Road Traffic Collisions. It was confirmed by the Clerk/Monitoring Officer and the Head of Corporate Communications and Business Development that powers had been awarded to investigate maladministration by the Fire and Rescue Service and that complaints had been received previously for flooding incidents. The Head of Corporate Communications and Business Development informed Committee that a statutory role on flooding incidents had been included within the new framework document.

The Clerk/Monitoring Officer presented Members with copies of the Local Government (Wales) Bill and reported that a number of changes were being proposed which would have an effect on elected Members as well as the Fire and Rescue Service's Standards Committee. It was confirmed that further duties had been made which included a duty to publish a Constitution guide and a duty for all Members to have official electronic and postal addresses for contact to be made by members of the public. It was also stated that it could be a requirement for members to attend all relevant meetings, but it was confirmed that a Member is not in breach of the duty if the Member has good reason for not complying with the duty. The Clerk/Monitoring Officer also confirmed, that further clarification would be sought regarding the meaning of relevant meeting and for what is to be considered as good reason. There was also a requirement for members to hold a surgery at least four times in every relevant twelve-month period.

Members were advised of the requirement to respond to all correspondence received at his/her official address within 14 days of receipt, it was also reported of the requirement for Members to complete training and to make annual reports. Members were informed that failure to comply with these requests may result in being brought before the Standards Committee. The Clerk/Monitoring Officer advised Committee of the requirements for deciding on whether to investigate possible breaches of performance duties which would be determined by the Monitoring Officer and the Chair of the Standards Committee.

The Clerk/Monitoring Officer reported to Members that further clarification would be sought regarding complaints about Member's non-compliance with the above

duties, together with what duties were relevant to the Fire and Rescue Service, which would be reported back to Members. The Chair thanked the Clerk/Monitoring Officer for the update and for bringing the changes in legislation to Members attention.

## **RESOLUTION**

**It was RESOLVED *that the Committee note the update and await any further guidance from the Clerk/Monitoring Officer.***

- 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.**

**NONE**

The meeting closed at 12:20

**ACTION LIST – STANDARDS COMMITTEE – 07 DECEMBER 2015**

**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> |
|--------------------|--|--|-----------------|
| 1                  | Send well wishes from the Committee to Councillor Jan Curtice.   | Democratic Services Officer                              | Complete        |
| 6                  | The Clerk/Monitoring Officer to draft a letter to the LLG stating that it is important for consistency to be applied by the Ombudsman whilst undertaking Conduct investigations. | Clerk/ Monitoring Officer                                |                 |
| 7                  | Further clarification to be sought on Members receiving feedback following the Standards Conference.   | Democratic Services Officer<br>Clerk/ Monitoring Officer |                 |
| 8                  | The Clerk/Monitoring Officer to provide Members feedback to LLG, regarding the organisation of the Standards Conference.   | Clerk/ Monitoring Officer                                |                 |
| 9                  | The Clerk/Monitoring Officer to seek further clarification on Draft Government (Wales) Bill and what is applicable to the Fire and Rescue Service to report back to Members.     | Clerk/ Monitoring Officer                                |                 |
| 10                 | Include Deputy Chair of Standards Committee, G Storr on all future pre-meetings and the Fire Authority Meeting taking place on Monday, 14 December 2015.                         | Democratic Services Officer                              | Complete        |
|                    |  |  |                 |