

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
15 MEHEFIN 2015

MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
15 JUNE 2015

10:30 – 12:15

71% PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

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

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

YMDDIHEURIADAU/APOLOGIES Cllr R Llewellyn, Cllr J Curtice

YN BRESENNOL /IN ATTENDANCE: D Daycock

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr R Llewellyn and Cllr J 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 / Monitoring Officer declared a personal interest in relation to Item 7, Appendix 1, page 9 referring to a case in which he had provided legal representation.

The Clerk / Monitoring Officer 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 informed the Committee that Cllr R Llewellyn was currently absent from the Fire Authority for the foreseeable future due to a period of ill health. The Chair conveyed the Committee's good wishes for a speedy recovery following Cllr Llewellyn's recent operation.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 8 DECEMBER 2014

The minutes of the meeting held on 8 December 2014 were received and approved as a true record of proceedings, subject to the following amendments:

Page 5, item 8 to read: *9 February 2015.*

Page 5, item 9 to read: *the LLG had sought a leading Counsel's opinion on this matter.*

Matters Arising

The Chair drew Members' attention to page 3, item 5 of the minutes whereby the Clerk / Monitoring Officer clarified that the issue of Members being taxed on their mileage allowances had now been resolved, and Members had been reimbursed accordingly. The Clerk / Monitoring Officer reported that the issue could be reviewed in future, as appropriate.

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

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

Committee was informed that the Authority had resolved to only pay a senior salary to the Chair of the Fire Authority for 2015/16.

The Clerk/Monitoring Officer highlighted to the Committee that this year the Panel had decided that there would be no increase in remuneration to Members and Co-opted Members, given the continued constraints on local government spending, however the matter would be reviewed at an appropriate time in the future.

A discussion ensued regarding the determinations of the IRPW in respect of payments to co-opted Members for pre-meeting preparation, travelling time and pre determining length of meetings. The general view of the Committee was in favour that Members would only request reimbursement for half day meetings, other than in exceptional circumstances such as report writing. The Committee felt that there was no requirement for a formal policy in respect of this matter and the Clerk / Monitoring Officer highlighted that a pragmatic approach should be taken, with each individual determining the level of expenses incurred, based on factors such as reading times and distance from the meeting location etc.

RESOLUTION

It was RESOLVED *that the report be noted*

6 TO RECEIVE THE OMBUDSMAN'S CODE OF CONDUCT CASEBOOK ISSUE 4

The Clerk / Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issue 4 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.

Committee considered the cases contained within Appendix 1 and the Clerk/Monitoring Officer stated that the Ombudsman's office had conveyed a clear message over 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.

Mr M Jehu drew Members' attention to page 10 of Appendix 1 and provided Committee with an overview of a case relating to the disclosure and registration of interests that he had investigated as a Member of the Rhondda Cynon Taf County Borough Council Standards Committee.

The Chair noted that case outcomes were not routinely provided within the document and the Clerk / Monitoring Officer agreed to contact the Ombudsman's

office to request that future reports be enhanced to include all outcomes, which would provide a learning opportunity for Committee Members.

RESOLUTION

It was RESOLVED *that the report be noted.*

7 UPDATE ON OMBUDSMAN'S ISSUES 19 AND 20

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 19 and 20 which were attached to the report as Appendix 1 and 2 respectively, and which dealt with general maladministration issues.

The Chair reported that the National Assembly for Wales' Finance Committee had agreed to hold a Committee inquiry to consider extending the Public Services Ombudsman for Wales' powers to potentially support greater use of open data to drive openness and improvement. Committee noted that examples of such extended powers included the right of the Ombudsman to use his own initiative to investigate where there was an obvious problem but no complaints had been submitted or in cases where there appeared that the maladministration or service failure identified was likely to be systematic and affecting people other than the complainant.

Reference was made to a white paper which considered possible developments in the remit of Standards Committees, some of which would incur significant training implications. Committee were interested in receiving further updates in respect of this matter in due course.

RESOLUTION

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

8 TO RECEIVE A REPORT ON COMPLIMENTS AND COMPLAINTS FOR THE PERIOD 1 APRIL 2014 – 31 MARCH 2015

The Clerk / Monitoring Officer provided Committee with an overview of the Compliments and Complaints report for the period 1 April 2014 – 31 March 2015, which had been prepared in line with the Code of Corporate Governance. Members were informed that a total of 41 complaints had been received and investigated during the reporting period, 18 of which were determined as 'upheld', 18 of which were 'not upheld', 4 complaints were withdrawn and 1 complaint was ongoing.

Members' attention were drawn to the 39 compliments received during the reporting period, which provided a valuable tool in identifying best practice and acknowledging the sterling work of the Service.

Committee commended the report which demonstrated that the Authority had a robust internal complaints management process in place.

RESOLUTION

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

9 TO CONSIDER THE STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2014/15

The Chair introduced the draft Standards Committee Annual Report for 2014/15 which set out the work undertaken by the Committee during the reporting period.

Upon consideration of the draft report, Committee agreed on the following amendments:

- The Chair to provide an updated photograph
- The Member photographs to be condensed to 1 page
- The forward work plan for 2015/16 to include '*To incorporate training as and when required*'

The Chair requested that any further amendments be submitted to the Democratic Services Officer prior to the report being submitted to the next meeting of the Fire Authority.

RESOLUTION

It was RESOLVED that the report be submitted to the Fire Authority meeting on 21 September 2015, subject to the amendments outlined above.

10 TO RECEIVE AND DETERMINE NOMINATIONS FOR THE ANNUAL STANDARDS CONFERENCE WALES 2015

The Clerk/Monitoring Officer informed Members that the Standards Conference Wales 2015 would be held in City Hall, Cardiff on Tuesday 20 October 2015. The conference would provide an opportunity for Members and Officers to hear directly from senior officials involved in the adjudication of the Code of Conduct, to question them on matters of concern and to enable delegates to debate current issues on the Code of Conduct.

Expressions of interest were received by Mr R Jenkins, Mr H Jones, Ms G Storr, Clerk/ Monitoring Officer and the Deputy Monitoring Officer. The Chair, supported by a number of other Members, felt that all nominations could be supported given that the locality of the conference would not incur additional costs in the form of overnight accommodation. Furthermore it was suggested that, pending further information being promulgated, anyone wishing to attend the pre-conference event could do so at their own expense in order to keep costs to a minimum.

RESOLUTION

It was RESOLVED that Mr R Jenkins, Mr H Jones, Ms G Storr, Mr D Daycock and Mrs C Jackson be nominated to represent the authority at the Annual

Standards Conference Wales 2015

11 TO RECEIVE AND NOTE A REPORT ON REVISED GUIDANCE ISSUED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON THE MODEL CODE OF CONDUCT

The Clerk / Monitoring Officer introduced a report on the revised guidance issued in April 2015 by the Public Services Ombudsman for Wales, which provided an overview of the model code of conduct introduced in 2008.

Members were informed that the revised guidance explained for the first time the revised two stage test that the Ombudsman would consider when deciding to investigate or to continue with an investigation of a breach of the Code to the stage of referring the matter to a standards committee or the Adjudication Panel for Wales. The Clerk / Monitoring Officer provided a detailed overview of the guidance, including local resolution protocols, equality, vexatious complaints and political expression.

Committee welcomed the revised guidance which would provide assistance to Members on the issue of interests.

RESOLUTION

It was RESOLVED that the report be noted.

12 TO REVIEW THE STANDARDS COMMITTEE TERMS OF REFERENCE

The Clerk / Monitoring Officer reported that it was considered good governance to review the Committee's terms of reference periodically as a means of ensuring that its remit remained relevant and up to date. Suggestions were also welcome from the Committee as to possible additions to its responsibilities.

Upon consideration of the Committee's wide ranging set of responsibilities and functions Members expressed the view that the current terms of reference were adequate and appropriate, and as such no amendments were required.

Mr M Jehu queried whether Members of the Standards Committee could observe or participate in hearings or other cases being considered by other Authorities as a learning and development opportunity. The Clerk / Monitoring Officer clarified that attendance would be possible in cases considered in open session and the Authority could facilitate the arrangements in this regard if required. Furthermore, the Clerk / Monitoring Officer referred to role play workshops which had taken place at previous Standards Conferences as a means of providing valuable experience and development to Standards Committee Members. The Clerk / Monitoring Officer agreed to make further enquiries with the LLG.

RESOLUTION

It was RESOLVED that the Standards Committee Terms of Reference outlined

in Article 9 of the Constitution remain unchanged.

13 TO RECEIVE AND NOTE THE ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2013/14

The Clerk / Monitoring Officer introduced the Adjudication Panel for Wales Annual Report for 2013/14. Members were informed that during the reporting period, only one case had been referred to the Panel by the Public Services Ombudsman for Wales (PSOW). However, the Panel adjudicated upon a further two references from the PSOW and three appeals against the determination of Standards Committees that were carried over from the previous reporting year.

Attention was drawn to Section 2 of the report which outlined the Panel's Performance and Progress levels over a 5 year period. In considering the breakdown of the types of cases considered, Committee were interested to note that Equality/Bullying/respect and bringing the Authority into disrepute were two emergent themes.

RESOLUTION

It was RESOLVED that the report be noted.

14 TO RESOLVE, THAT PURSUANT TO SECTION 100A (4) OF THE LOCAL GOVERNMENT ACT 1972, THAT THE PRESS AND PUBLIC BE EXCLUDED FROM THE MEETING FOR THE REASON, THAT IF THEY WERE PRESENT, IT IS LIKELY THAT THERE WOULD BE DISCLOSURE TO THEM OF EXEMPT INFORMATION WITHIN THE DESCRIPTION OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972, NAMELY:

PARAGRAPH 12: INFORMATION RELATING TO A PARTICULAR INDIVIDUAL

PARAGRAPH 14: INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THAT INFORMATION).

The Clerk / Monitoring Officer advised that upon consideration of the above public exclusion notice, and in the interest of demonstrating openness and transparency, Committee could consider the report in open session.

RESOLUTION

It was RESOLVED that the request for dispensation be considered in open session.

15 TO RECEIVE AND CONSIDER A REQUEST FOR DISPENSATION

Committee considered a request for dispensation submitted by Cllr J Hale in respect of his UNISON membership in line with section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

RESOLUTION

It was RESOLVED that a dispensation be granted for Cllr J Hale to stay and speak on matters relating to the UNISON Trade Union under paragraph 2 (d) and (f) of section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

- 16 **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 were no any other items of business to be considered.

The meeting closed at 12:15.

ACTION LIST – STANDARDS COMMITTEE – 15 JUNE 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

Agenda Item	Action	Responsible Officer	Progress
4	Minutes of meeting 8 December 2014 to be updated as follows: Page 5, item 8 to read: 9 February 2015 Page 5, item 9 to read: the LLG had sought a leading Counsel's opinion on this matter	Democratic Services Officer	Complete
6	Clerk to contact the Ombudsman's office to request that future Casebook reports be enhanced to include all case outcomes, which would provide a learning opportunity for Committee Members.	Clerk/ Monitoring Officer	
9	Draft annual report to be amended as follows: <ul style="list-style-type: none"> • updated photograph of the Chair • Member photographs to be condensed to 1 page • Forward work plan for 2015/16 to include <i>'To incorporate training as and when required'</i> 	Democratic Services Officer	Complete
9	Final Standards Committee annual report to be sent to Fire Authority meeting 21 September 2015	Democratic Services Officer / Clerk/ Monitoring Officer	Complete - Being sent to Fire Authority meeting 14 December 2015
10	Book place on Standards Conference Wales 2015 for Mr R Jenkins, Mr H Jones, Ms G Storr, Mr D Daycock and Mrs C Jackson	Democratic Services Officer	Complete
12	Clerk to make enquiries with LLG as to the possibility of providing role play case scenario workshops at Standards Conference	Clerk/ Monitoring Officer	
12	Clerk to contact Cllr Hale to explain the decision of the Standards Committee in respect of the request for dispensation. Democratic Services Officer to write to Cllr Hale outlining Committee's decision.	Clerk/ Monitoring Officer Democratic Services Officer	Complete