

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
31 Gorffennaf 2017

MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
31 July 2017

10:30 – 12:10

86% 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, Mr M Jehu, Mr R Jenkins, Cllr T Van-Rees
YMDDIHEURIADAU/APOLOGIES	Cllr J Curtice
YN BRESENNOL /IN ATTENDANCE:	D Daycock, C Jackson

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from 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 Number 5, namely the final report of the Independent Remuneration Panel for Wales 2017/18.

3 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS

The Chair reported that Councillor W E Evans had not stood during the recent local elections and would therefore not be returning as a Member of the Fire Authority. It was requested that a suitable letter of thanks be issued to Mr Evans for his contribution to the work of the Standards Committee during his term of office.

The Committee welcomed Councillor T Van-Rees to his first meeting, having been appointed to the Standards Committee on 7 June 2017 for a four-year term of office.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 5 DECEMBER 2016

The minutes of the meeting held on 5 December 2016 were approved as a true and accurate record of proceedings.

Matters Arising

The Clerk/Monitoring Officer provided Members with an update on the actions from the meeting of the 5 December 2016.

Page 5, Item 10, paragraph 4 - In response to a query from the Clerk / Monitoring Officer, Councillor T Van-Rees confirmed that he had received relevant Standards Committee training during his tenure on the Standards Committee for Powys County Council, however refresher training would be welcome, if considered relevant and appropriate.

Page 5, Item 10, paragraph 4 – A discussion ensued regarding the importance of Members having an understanding of the Model Code of Conduct, in order to avoid potential breaches and complaints being made to the Ombudsman. It was agreed that in order to provide the Standards Committee with assurances that all Fire Authority Members had received training on the Code of Conduct from their respective Constituent Authorities, an email be issued to Members to request

confirmation of their attendance in this regard.

5 TO RECEIVE AND NOTE THE FINAL ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2017/18

The Clerk/Monitoring Officer presented the Annual Report of the Independent Remuneration Panel for Wales (IRPW) relating to the payments to be made in 2017/18 to Members and Co-opted Members of the Fire Authority.

Consideration was given to the determinations of the IRPW in respect of Fire and Rescue Authorities and it was noted that there would be no changes to the payments for Co-opted Members. It was reported that an increase of £15 on the basic salary for Members of Fire and Rescue Authorities would be provided from the date of the Authority's Annual General Meeting.

The Clerk/Monitoring Officer highlighted to the Committee that the Fire Authority had resolved that a senior salary would only be paid to the Chair of the Fire Authority at this time.

RESOLUTION

It was RESOLVED that the report be noted.

6 TO RECEIVE THE CODE OF CONDUCT CASEBOOK ISSUES 11 & 12

The Clerk/Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issues 11 & 12 which were attached to the report as Appendices 1 and 2. The Casebooks set out cases involving breaches of Members Code of Conduct dealt with by the Public Services Ombudsman for Wales (PSOW). The Clerk/Monitoring Officer reported that there was an overall decrease in the number of complaints considered by the PSOW, which indicated that the introduction of local resolution of complaints over the last two years for county councils, where low level councillor against councillor complaints were referred to the Authority's Monitoring Officer in the first instance, was taking effect.

The Committee was provided with an overview of the relevant cases contained within the Appendices and the Clerk/Monitoring Officer was pleased to note that there had been no breaches found or reported against Members of the Fire Authority for Mid and West Wales Fire and Rescue Service.

The Committee expressed their disappointment that the PSOW had resolved that no further action was required in a case whereby a Councillor had tendered his resignation during the course of an investigation as this determination would not prohibit the Councillor in standing for election at a later date. The Committee expressed the view that as a matter of good governance, all investigations undertaken by the PSOW should conclude whether a breach of the Code of Conduct had occurred.

RESOLUTION

It was RESOLVED that the report be noted.

7 TO RECEIVE THE OMBUDSMAN'S CASEBOOK (MALADMINISTRATION) ISSUES 27 AND 28

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 27 and 28 which were attached to the report as Appendix 1 and 2 respectively, and which dealt with general maladministration issues.

In considering the casebook summaries, the Clerk/Monitoring Officer stated that there were no cases relating to the Fire Service or Fire Authority and that the majority of cases within the casebooks related to Health Boards and Unitary Authorities.

RESOLUTION

It was RESOLVED that the Committee note the report.

8 TO RECEIVE AND NOTE A REPORT ON COMPLIMENTS AND COMPLAINTS FOR THE PERIOD 1 APRIL 2016 – 31 MARCH 2017

The Head of Corporate Communications and Business Development provided Committee with an overview of the Compliments and Complaints report for the period 1 April 2016 – 31 March 2017.

Consideration was given to the 26 complaints which had been received and investigated during the reporting period in terms of their nature/type, outcome and location. Members were also informed that a further 11 areas of concern had been recorded but not progressed.

The Committee was informed that the Complaints procedure had recently been reviewed with the aim of providing further distinction and clarity between general corporate complaints and matters specifically relating to employee conduct.

Consideration was given to the 62 Compliments recorded during the reporting period, though it was recognised that the number of unrecorded compliments was likely to be significantly higher. It was hoped that digital platforms such as social media, which provided other avenues for publishing compliments, would lead to an increase in the number recorded in future.

Councillor T Van-Rees requested a synopsis of the compliments received which could be utilised by Members to showcase the array of work undertaken by the Service.

In response to observations made by the Committee, the Head of Corporate Communications and Business Development confirmed that a 'comments' category would be added to the Compliments and Complaints procedure.

The Committee commended the positive report which had to be evaluated in the context of the low number of complaints received when compared against the 13,000 number of incidents attended on average per year.

RESOLUTION

It was RESOLVED that the report be noted.

9 TO RECEIVE AND APPROVE THE STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2016/17

The Chair introduced the Standards Committee Draft Annual Report for 2016/17 which set out the work undertaken by the Committee during the reporting period.

The Chair confirmed that the report would be updated to reflect the business conducted by the Standards Committee at its meeting on 31 July 2017. Members were informed that the Chair of the Standards Committee would present the final report at a future meeting of the Fire Authority.

RESOLUTION

It was RESOLVED that the Committee approve the report, for recommendation to the Fire Authority.

10 TO RECEIVE A REVIEW OF 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.

RESOLUTION

It was RESOLVED that the current version of the Standards Committee Terms of Reference be approved.

11 TO RECEIVE AND NOTE THE ADJUDICATION PANEL WALES ANNUAL REPORT 2014-15 / 2015-16

The Clerk / Monitoring Officer introduced the Adjudication Panel for Wales Annual Report 2014-15 / 2015-16.

In considering the breakdown of the types of cases considered, Committee were interested to note that the most common types of cases put before the Adjudication

Panel for Wales related to allegations concerning failure to disclose personal and prejudicial interests.

Attention was drawn to Section 2 of the report which outlined the Panel's Performance and Progress levels over a 5 year period, together with the case summaries outlined in Section 3 of the report. The Clerk / Monitoring Officer declared a personal interest in a case relating to Llanfihangel ar Arth Community Council by virtue of the legal services provided to the Councillor who had breached the Code of Conduct.

RESOLUTION

It was RESOLVED that the report be noted.

12 TO RECEIVE AND CONSIDER A VERBAL REPORT ON A FORUM FOR STANDARDS COMMITTEE CHAIRS

The Chair reported that he attended an informal meeting in October 2016, convened by the Chair of Ceredigion Ethical Standards Committee, to consider the possibility of establishing a Forum of Chairs, to discuss Standards issues of common interest. Members were informed that there had been no general consensus for such a Forum within Mid and West Wales, but a similar Forum of Chairs and Vice-chairs did exist in North Wales, and its members had indicated that they would be supportive of any request by Authorities in Mid and West Wales to join it.

The Deputy Chair indicated that she would be interested in attending such a forum as a means of gaining further experience in her role and a discussion ensued regarding the purpose and outputs expected from such a forum.

The Chair reported that, should the Committee deem it appropriate for him to represent the Authority's Standards Committee on the Forum, he would be prepared to do so on a voluntary basis. In response, Mr M Jehu, commented that any representation from the Authority on such a forum should be done on a formal basis and appropriately remunerated. These sentiments were echoed by a number of other Members.

The Committee agreed that further dialogue be undertaken in this regard on a regional basis at the next Standards Conference Wales.

RESOLUTION

It was RESOLVED that the verbal update be noted and further dialogue to take place at the next Standards Conference Wales.

13 TO RECEIVE A VERBAL UPDATE ON RELEVANT LEGISLATIVE STANDARDS ISSUES

The Clerk/Monitoring Officer provided a synopsis of the relevant legislative

Standards Issues which had emanated from the Lawyers in Local Government (LLG) meeting attended on 16 June 2017. The Committee noted the update which had been provided by the Ombudsman's Office in terms of their intention to establish a 'Sounding Board' Committee which would comprise a collaborative approach to discuss prospective issues with the aim of improving working practices.

The Clerk/Monitoring Officer referred to a best value inspection of Avon Fire Authority whereby a number of failings had been identified and documented within the media over recent weeks. The Committee was interested to note that the Authority did not have adequate governance arrangements in place which had contributed to the failings and requested a synopsis of the report to be considered at a future meeting of the Standards Committee and Fire Authority, if appropriate.

14 TO RECEIVE A VERBAL UPDATE ON TRAINING ISSUES

A verbal update was provided to Members on training issues and the Clerk/Monitoring Officer stated that enquiries had been made with an experienced training provider to develop a bespoke training package to be delivered jointly to Mid and West Wales and South Wales Standard Committee Members. Members were informed that the arrangements and costings were being finalised, following which further details would be promulgated to Members.

RESOLUTION

It was RESOLVED that the verbal update be noted.

15 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).

RESOLUTION

It was RESOLVED that the press and public be excluded for the reasons outlined above.

16 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. Specifically, the request had been made on the basis that the participation of the Member was justified by virtue of his particular role and expertise in this regard. Members were informed that a previous request had been granted to stay and speak on any matters relating to UNISON, however permission had not been granted to vote.

The Committee felt that Cllr Hale should be permitted to stay and speak on any matters relating to UNISON, however the Committee felt that it would be inappropriate to permit Cllr Hale to vote on UNISON related matters. The Committee further expressed the view that further information should have been provided in his request and it was noted that any future requests should be completed with sufficient information pertaining to the nature of the dispensation sought and further details regarding the prejudicial interest in this regard.

RESOLUTION

It was RESOLVED that a dispensation be granted for a period of 12 months for Cllr J Hale to stay and speak on matters relating to the UNISON Trade Union under paragraph 2 (f) of section 81(4) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

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 items of urgent business. The meeting closed at 12:10

ACTION LIST – STANDARDS COMMITTEE – 31 JULY 2017

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
Action from item 7 of the minutes 05.12.16	discussion ensued regarding data protection issues within the healthcare sector in respect of the possibility of Health Boards disclosing patient records to other organisations such as PPI companies. Councillor W Evans agreed to make further enquiries through the Community Health Council and report back to the Standards Committee at its next meeting.	Action transferred from Cllr W E Evans to the Clerk / Monitoring Officer	
3	A suitable letter of thanks be issued to Mr Evans for his contribution to the work of the Standards Committee during his term of office.	Democratic Services Officer	
4	Councillor T Van-Rees confirmed that he had received relevant Standards Committee training during his tenure on the Standards Committee for Powys County Council, however refresher training would be welcome, if considered relevant and appropriate.	Clerk/Monitoring Officer	
4	An email be issued to Members to request confirmation of their attendance at Code of Conduct related training.	Democratic Services Officer	
8	Councillor T Van-Rees requested a synopsis of the compliments received which could be utilised by Members to showcase the array of positive work undertaken by the Service.	Democratic Services Office	
8	Add a 'comments' category to the Compliments and Complaints procedure.	Head of CCBBD / Democratic Services Officer	
9	Chair of the Standards Committee to present the final report at a future meeting of the Fire Authority.	Chair	
13	Synopsis of the Best Value Inspection report to be considered at a future meeting of the Standards Committee and Fire Authority, if appropriate.	Clerk/Monitoring Officer	
14	Further details regarding the joint Standards Committee training for Mid and West Wales and South Wales to be promulgated to Members in due course.	Clerk/Monitoring Officer / Democratic Services Officer	