

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
10 Rhagfyr 2018

**MINUTES
OF THE STANDARDS COMMITTEE MEETING**

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
10 December 2018

14:00 – 14:53

71% PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

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

AELODAU/MEMBERS: Cllr J Curtice, Cllr L Frayling, Mr R
Jenkins, Cllr T Van-Rees

YMDDIHEURIADAU/APOLOGIES Ms G Storr, Mr M Jehu

YN BRESENNOL /IN ATTENDANCE: D Daycock, C Jackson

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms G Storr and Mr M Jehu.

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 6, namely the final report of the Independent Remuneration Panel for Wales Draft Annual Report 2019/20.

3 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS

There were no Chair's announcements or matters of personal interest.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 30 JULY 2018

The minutes of the meeting held on 30 July 2018 were approved as a true and accurate record of proceedings.

Matters Arising

The Clerk/Monitoring Officer confirmed that he had been in contact with Ms Olwen Dutton of Anthony Collins Solicitors, who was available to provide Standards Committee training to Members of both Mid and West and South Wales Fire and Rescue Services. Members welcomed the opportunity and suggested that invitations to the training course be extended to Members of Standards Committees within the Local Constituent Authorities in order to reduce costs. The Clerk agreed to explore this option further.

The Chair confirmed that there had not been a meeting of the North/Mid Wales Standards Chairs Forum since the last meeting of the Authority's Standards Committee, and as such there was no update to be provided.

The Clerk/Monitoring Officer confirmed that in line with Members' desire to support the Authority's sustainability policy by reducing printing and postage costs, the Independent Remuneration Panel for Wales Draft Annual Report 2019/20 and the Casebook summaries included on the Agenda, had been circulated electronically to Members ahead of the meeting.

5 TO RECEIVE AND NOTE A FEEDBACK REPORT REGARDING THE STANDARDS CONFERENCE WALES 2018

The Clerk/Monitoring Officer provided Members with an overview of the Standards Conference Wales 2018, held on Friday 14 September 2018 at Aberystwyth University. Members were pleased to note the high levels of attendance at the conference and the positive feedback received in respect of the workshops facilitated by the Clerk/Monitoring Officer and Chair of the Standards Committee, entitled *The Only Way is Wales?*, detailed at Appendix 1.

Members agreed that it would be beneficial for Members of the Authority to be represented at the next Standards Conference which is scheduled for 2020. The Chair also stated that he would welcome the opportunity to discuss inconsistencies in the approach to Standards issues across Wales, within a workshop style environment with the Ombudsman.

RESOLUTION

It was RESOLVED *that the report be noted.*

6 TO RECEIVE AND APPROVE A REPORT ON THE INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT 2019/20

The Clerk/Monitoring Officer presented the Draft Annual Report of the Independent Remuneration Panel for Wales (IRPW) 2019/20 regarding Members' allowances and remuneration.

Consideration was given to the determinations of the IRPW in respect of Fire and Rescue Authorities and it was noted that whilst there would be no changes to the payments for Co-opted Members, there would be an increase of £35.00 on the basic salary awarded to Members of Fire and Rescue Authorities, made payable from the date of the Authority's Annual General Meeting in 2019.

The Clerk/Monitoring Officer further informed Committee that the Fire Authority, at its meeting on 10 December 2018, had resolved not to institute senior salaries to the Chairs of the Resource Management Committee and the Performance, Audit and Scrutiny Committee.

RESOLUTION

It was RESOLVED *that the report be noted.*

7 TO RECEIVE AND NOTE THE OMBUDSMAN'S CODE OF CONDUCT CASEBOOK ISSUE 17

The Clerk/Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issue 17, which had been made available to Members electronically, as Appendix 1, prior to the meeting. The Casebook set out cases

involving breaches of Members Code of Conduct dealt with by the Public Services Ombudsman for Wales (PSOW).

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

In considering the cases presented, the Chair raised concern around examples which seemed to suggest that a breach had not been the subject of a sanction, because the prejudicial interest in question had not, in the view of the Ombudsman affected the final decision. Members echoed the Chair's concerns, especially in terms of ensuring a consistency of approach across Wales.

RESOLUTION

It was RESOLVED that the report be noted.

8 TO RECEIVE THE OMBUDSMAN'S CASEBOOK (MALADMINISTRATION) ISSUE 33

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issue 33, which had been made available electronically to Members, as Appendix 1, prior to the meeting, and which dealt with general maladministration issues relating to public bodies.

In considering the casebook summaries, the Clerk/Monitoring Officer was again pleased to report that there were no cases relating to the Fire Service or Fire Authority and that the majority of cases within the casebook related to Health Boards.

RESOLUTION

It was RESOLVED that the Committee note the report.

9 TO RECEIVE AND NOTE THE PUBLIC SERVICE OMBUDSMAN ANNUAL REPORT 2017/18

The Clerk/Monitoring Officer presented the Ombudsman's Annual Report 2017/18, as attached at Appendix 1, and highlighted that page 14 of the report detailed the Ombudsman's delight at a 10% reduction in the number of complaints received in relation to County Councils.

The Chair referred to page 21 of the report, which acknowledged a 14% increase in Code of Conduct complaints, compared to 2016/17, with the majority of complaints relating to matters of 'promotion of equality and respect'.

The Chair also drew Members' attention to page 25 of the report which detailed the decision times for concluding Code of Conduct investigations and acknowledged

that fewer cases were concluded within the three month period – 10% compared to 34% in 2016/17.

RESOLUTION

It was RESOLVED that the report be noted.

10 TO RECEIVE AND APPROVE A REPORT ON THE WHISTLEBLOWING PROCEDURE

The Clerk/Monitoring Officer referred Members to the Service’s Whistleblowing procedure and reminded Members that in line with their role and remit as a Standards Committee, as set out in Article 9 of Mid and West Wales Fire and Rescue Authority’s Constitution, it is considered good governance for Members of the Standards Committee to review the Whistleblowing procedure periodically.

The Chair queried whether the words ‘legitimate concern’ as referred within section 2.0 on page 2 of the procedure, suggested that a concern should only be raised, if the complainant feels that they have justifiable evidence to demonstrate that disciplinary action should be taken. The Clerk/Monitoring Officer provided reassurance that reference to legitimate concern in the policy was to deter malicious and false allegations being made, not those made in good faith.

RESOLUTION

It was RESOLVED that the Committee approve the report.

11 TO RECEIVE AND NOTE A VERBAL UPDATE ON RELEVANT STANDARDS ISSUES AND LEGISLATION

The Clerk/Monitoring Officer stated that he had been unable to attend the last Lawyers in Local Government meeting but understood that the proposals to give additional powers to the Ombudsman were going ahead.

RESOLUTION

It was RESOLVED that the verbal update be noted.

12 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 14:53.

ACTION LIST – STANDARDS COMMITTEE – 10 DECEMBER 2018

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	Members suggested that invitations to the training course be extended to Members of Standards Committees within the Local Constituent Authorities in order to reduce costs. The Clerk agreed to explore this option further.	Clerk / Monitoring Officer	