

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
01 Gorffennaf 2019

MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
01 July 2019

10:30 – 11:50

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 P Smith
YMDDIHEURIADAU/APOLOGIES	Cllr T Van-Rees
YN BRESENNOL /IN ATTENDANCE:	D Daycock (Clerk/Monitoring Officer), C Jackson (Head of CCBD)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr T Van-Rees.

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 item 5 of the Agenda, namely the final report of the Independent Remuneration Panel for Wales 2019/20.

3 CHAIR'S ANOUNCEMENTS/PERSONAL MATTERS

The Chair extended a warm welcome to Cllr P Smith who had been appointed to the Standards Committee in place of Cllr J Curtice.

The Chair congratulated Cllr J Curtice on her recent appointment as Chair of the Fire Authority and Committee extended their best wishes in her new role.

The Chair referred with deep sadness to the sudden passing of Fire Authority Member, Cllr Paul James in April 2019. Tributes were paid to Cllr James, whose passing had sent a great sense of sorrow and shock throughout the Fire Authority and also his local community. Members commended Cllr James' enthusiasm, passion and dedication to his role as a Councillor and commented that he would be sorely missed as a dear friend and colleague.

4 TO RECEIVE AND CONSIDER THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 10 DECEMBER 2018

The minutes of the meeting held on 10 December 2018 were approved as a true and accurate record of proceedings. There were no matters arising.

5 TO RECEIVE AND NOTE THE FINAL ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2019/20

The Clerk / Monitoring Officer presented the annual report of the Independent Remuneration Panel for Wales (IRPW) which set out its final determinations on the payment of remuneration and allowances to Members and Co-opted Members of Fire and Rescue Authorities for the 2019/20 municipal year.

It was reported to Members that the IRPW had determined that there would be no changes to the payments for Co-opted Members, however there was to be an increase of £35.00 to the basic salary for Members of Fire and Rescue Authorities, made payable from the date of the Authority's Annual General Meeting.

RESOLUTION

It was RESOLVED that the IRPW's report and its determinations in relation to Members' payments be noted.

6 TO RECEIVE AND NOTE THE OMBUDSMAN'S CODE OF CONDUCT CASEBOOK ISSUES 18 & 19

The Clerk/Monitoring Officer provided the Committee with an overview of the Ombudsman's Casebook Issues 18 & 19 which had been made available to Members electronically 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 Committee was provided with an overview of the relevant cases contained within the Appendices 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.

The Chair was interested to note an emergent theme of the PSOW's office which appeared to utilise its discretions by way of a light touch approach where appropriate to lead to the swift resolution of complaints.

It was reported that the introduction of local resolution of complaints in recent years, where low level councillor against councillor complaints were referred to the Authority's Monitoring Officer in the first instance, had long been advocated by the Committee and appeared to be taking effect within Wales. These sentiments were echoed by Mr Jehu, who stated that it was acknowledged that an effective Standards Committee strengthened high standards of conduct in public life, and could positively impact upon the behaviours of Councillors leading to the establishment of a culture of compliance with the principles of probity and good governance. . The Deputy Chair endorsed these views and commented that she felt that the Welsh Standards regime was an excellent example to other countries.

Committee Members concluded that the casebook studies set out a useful illustration of the types of issues that had to be addressed by the PSOW.

RESOLUTION

It was RESOLVED that the report be noted.

7 TO RECEIVE THE OMBUDSMAN'S CASEBOOK (MALADMINISTRATION) ISSUES 34 AND 35

The Clerk/Monitoring Officer presented the report on the Ombudsman's Casebook Issues 34 and 35 which had been made available to Members electronically as Appendices 1 and 2, and which dealt with general maladministration issues relating to public bodies in Wales.

In considering the casebook summaries, the Clerk/Monitoring Officer was again pleased to report that there were no cases relating to the Fire Authority and that the majority of cases within the casebooks related to Health Boards which possibly illustrated the difficulties in delivering services in the context of diminishing budgets. Committee Members were interested to note the work pattern of the PSOW and the sanctions that could be imposed on public bodies in this regard.

Mr M Jehu was pleased to note the Service's progression in terms of the provision of large meeting documentation electronically, in line with the Authority's commitment to sustainability and the environment.

RESOLUTION

It was RESOLVED that the Committee note the report.

8 TO RECEIVE AND APPROVE THE STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2018/19

The Chair introduced the Standards Committee Draft Annual Report for 2018/19 which set out the work undertaken by the Committee during the reporting period.

The Chair confirmed that the report would be updated to rectify a typographical error on page 2 of the document and that he would also ensure that the business conducted by the Standards Committee at its meeting on 01 July 2019 would be accurately reflected in it.

Members considered the contents of the Annual Report, attached at Appendix 1, and agreed that the report reflected the Committee's gradual progression towards the electronic provision of meeting documentation in an aim to reduce the volume of printed documentation produced for meetings.

Furthermore, in response to a suggestion put forth by Mr M Jehu, the Committee agreed that its programme of work would also capture the Committee's role as being ambassadors for the promulgation of good practice to promote a culture of compliance across the Authority and also to generally strengthen standards of conduct in public life.

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, subject to the revisions agreed above, the Committee recommend the report to be considered for noting by the Fire Authority.

9 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. The Clerk/ Monitoring officer also reminded members that suggestions were also welcome from the Committee as to possible additions to its responsibilities.

Members considered the Committee's wide-ranging set of responsibilities and functions set out at paragraph 3.1 of the report.

Members expressed the view that reference ix relating to the inspection of the Members' register of interests should be refined to more accurately reflect the role of the Committee given that the Clerk/Monitoring Officer had day-to-day responsibilities for such matters. In this regard, it was agreed that the reference would be revised to state: "*To oversee the protocols relating to the Authority's register for declarations of interest by Members and the register for the recording of gifts and hospitality, as brought to Committee's attention by the Clerk/Monitoring Officer.*"

It was also expressed that the terms of reference be updated to incorporate the receipt of an annual report on the Authority's Compliment, Complaints and Comments procedure in line with the Committee's role in promoting transparency and ensuring robust governance processes in this regard.

RESOLUTION

It was RESOLVED that it be recommended to the Fire Authority that the Standards Committee Terms of Reference be updated as follows:

- ix. To oversee the protocols relating to the Authority's register for declarations of interest by Members and the register for the recording of gifts and hospitality, as brought to Committee's attention by the Clerk/Monitoring Officer.*
- x. To receive an annual report on the Authority's Compliment, Complaints and Comments procedure.*

10 TO RECEIVE FEEDBACK FROM MEMBERS REGARDING THE JOINT STANDARDS COMMITTEE TRAINING HELD ON 27 MARCH 2019

The Clerk / Monitoring Officer provided a synopsis of the Standards Committee Training session held in conjunction with the South Wales Fire and Rescue Authority Standards Committee at their Headquarters on 27 March 2019. Members generally felt that the training provided by Ms Olwen Dutton of Anthony Collins Solicitors was valuable and worthwhile. The Committee further expressed the view that the training provided a flavour as to how the Committee should approach any cases referred to them and was therefore beneficial in this regard. A number of Members commented that the training reaffirmed their knowledge of related issues, as evidenced by their contributions to discussions during the training session and this duly provided reassurances that they had the skills and

abilities to effectively discharge their role on the Standards Committee. The Chair extended his gratitude to the Clerk / Monitoring Officer who had been instrumental in arranging the training session.

Mr M Jehu suggested that it may be beneficial for Members to observe a future informal resolution hearing at Rhondda Cynon Taf, or indeed one taking place at another Authority generally. The Chair and Deputy Chair echoed these sentiments as providing a valuable learning opportunity for Members of the Standards Committee. It was agreed that the Clerk/Monitoring Officer would consult with the PSOW and the Lawyers in Local Government group in this regard and report back to Members accordingly.

RESOLUTION

It was RESOLVED that

The report be noted;

The Clerk/Monitoring Officer to consult with the PSOW and the Lawyers in Local Government group to establish the feasibility of Members observing a live informal resolution hearing within another Authority.

11 TO RECEIVE A VERBAL UPDATE FROM THE CHAIR ON A MEETING OF THE NORTH WALES FORUM OF STANDARDS COMMITTEES HELD ON 24 JUNE 2019

The Chair provided Committee with an overview of proceedings held at the North Wales Forum of Standards Committees held on 24 June 2019, which he had attended in his capacity as Chair of the Ceredigion Council Ethics and Standards Committee.

It was reported that an update was provided by the PSOW regarding the role and responsibilities of his office in the light of the PSOW (Wales) Act 2019 which received Royal Assent on 22 My 2019. The notion of a Joint Standards Committee was also considered by the Forum to address recruitment difficulties, duplication of administration and as a means of retaining the skills and experience of Members. However, the disparity in cultural approach between Authorities had been highlighted which it was felt could subsequently hamper collaborative opportunities.

The Chair reported that the name of the Forum would also be changed to the 'North and Mid Wales Forum of Standards Committee' to reflect representation from both Ceredigion and Powys Councils. The Clerk/Monitoring Officer commented that a forum of a similar nature may also be introduced in the South Wales region.

The Committee considered the Authority's representation on the Forum and, whilst it was considered that a synopsis of proceedings was of benefit, it was agreed that the Chair would continue to attend in his capacity as Chair of the Ceredigion

Council's Ethical and Standards Committee and as such, would also be able to feed back any matters of relevance to the Authority's Standards Committee.

RESOLUTION

It was RESOLVED that the expressions of interest received in attending the conference be supported by the Standards Committee.

12 TO RECEIVE A VERBAL UPDATE ON RELEVANT STANDARDS ISSUES

The Clerk/Monitoring Officer provided a synopsis of the relevant legislative and other Standards Issues which had emanated from the Lawyers in Local Government (LLG) meeting. Of particular interest to Members was the enactment of the PSOW (Wales) Act 2019, which sought to strengthen the Ombudsman's role, by providing a specific power to initiate investigations, giving full discretion to the Ombudsman to decide how complaints could be made (such as oral complaints); and extending the Ombudsman's jurisdiction to enable investigation into the whole complaint when a combination of treatment had been received by public and private healthcare providers and when that treatment had been initiated in the NHS.

The Clerk/Monitoring Officer referred to an array of prestigious legal events taking place in Wales in the future, including the sitting of The Supreme Court of the United Kingdom in Cardiff during the week commencing 22 July 2019 and a meeting of the Commonwealth Magistrates' and Judges' Association in 2020.

The Committee then went on to consider a Local Government Ethical Standards Committee document regarding the Standards regime in England, entitled "A Review by the Committee on Standards in Public Life". Committee noted with interest that the Standards regime within England appeared to be considering the reintroduction of a more formal system involving a common code of conduct together with enforceable sanctions in order to strengthen the existing code of conduct regime for Members, albeit with a slightly lighter touch approach, than the system in place in Wales.

The Committee then considered the array of recommendations and suggested areas of best practice set out within the document in order to help inform their understanding of these issues further.

RESOLUTION

It was RESOLVED that the verbal update be noted.

13 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 11:50

ACTION LIST – STANDARDS COMMITTEE –01JULY 2019

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
8 - Draft Annual Report	<ul style="list-style-type: none"> i. Typographical error in the Chair’s introduction to be amended. ii. Report to reflect the Committee’s gradual progression towards the electronic provision of meeting documentation in an aim to reduce the volume of printed documentation produced for meetings. iii. programme of work would to capture the Committee’s role as being ambassadors for the promulgation of good practice to promote a culture of compliance and strengthen standards of conduct in public life. 	Democratic Services Officer	
9 – Terms of reference	<p><i>Recommendation to be made to the Fire Authority that:</i></p> <p><i>Reference ix to be revised as follows:</i></p> <ul style="list-style-type: none"> ix. <i>To oversee the protocols relating to the Authority’s register for declarations of interest by Members and the register for the recording of gifts and hospitality, as brought to Committee’s attention by the Clerk/Monitoring Officer.</i> <p><i>Additional reference (x) to be included as follows:</i></p> <ul style="list-style-type: none"> x. <i>To receive an annual report on the Authority’s Compliment, Complaints and Comments procedure.</i> 	Democratic Services Officer	
10 – feedback from Standards Committee Training March 2019	<p>Enquiries to be made with PSOW and the Lawyers in Local Government group regarding feasibility of the Authority observing future informal resolution hearings as a learning opportunity.</p> <p>M Jehu to inform Clerk/Monitoring Officer of a</p>	<p>Clerk/Monitoring Officer</p> <p>M Jehu</p>	

	future hearing within Rhondda Cynon Taf County Borough Council.		
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