

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 ON 12TH APRIL 2010

**COFNODION
CYFARFOD Y PWYLLGOR SAFONAU**

Pencadlys Y Gwasanaeth Tân, Heol Llwyn Pisgwydd
Caerfyrddin
19 Hydref 2009

**MINUTES
OF THE STANDARDS COMMITTEE MEETING**

held at Fire Service Headquarters, Lime Grove Avenue,
Carmarthen
19 October 2009

10.00 – 11.45

71% PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIR: G Morgan

AELODAU/MEMBERS: M Howells, R Martin
Cyng/Cllrs: J J J Davies, J Holmes

YMDDIHEURIADAU/APOLOGIES:

YN BRESENNOL /IN ATTENDANCE: A Howells, E Aitken, B Bassett

1 DECLARATION BY MEMBERS OF ANY PERSONAL INTERESTS

None were declared.

2 CHAIR'S ANNOUNCEMENTS / PERSONAL MATTERS

Committee welcomed Councillor J Holmes to his first meeting, having been appointed onto the Standards Committee in June 2009 for a 4 year term of office to replace Councillor P James.

It was also noted that Councillor A Davies had been appointed onto the Committee for a four year term of office, replacing Cllr G Seabourne. It was agreed that a letter of thanks be sent to both Councillors Seabourne and James in recognition of their contribution to the work of the Committee.

The Chair highlighted that Councillor J Davies' term of office would expire on 10th December 2009 and as such this would be the last meeting attended. Committee took the opportunity to thank Councillor Davies for his sterling contribution to the committee since its inception in December 2001. In response, Councillor Davies expressed his gratitude for all the support provided by Members during his term of office.

Reference was made to the term of office for independent members of the Standards Committee. The Clerk outlined that regulations stipulated the term of office, which could also be extended by a further consecutive term if required.. The Clerk reminded committee that it had previously been agreed that the retirement of independent members of the committee would be on a phased basis so that expertise would not be lost at the same time whilst providing a degree of continuity. Due to the attendance record of one of the Independent members it was agreed that the Clerk write to that Member to ascertain his / her position.

3 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 16th APRIL 2009

The minutes of the meeting held on 16th April 2009 were received and approved as a true record. The Clerk reported that the amendments made to the Anti Fraud and Corruption Policy, together with the Whistleblowing Policy had been endorsed by the Fire Authority at its meeting on 11th May 2009. It was agreed that the updated policies be promulgated to all Committee Members for information.

4 TO RECEIVE A REPORT ON THE DRAFT LOCAL AUTHORITIES (CASE AND INTERIM CASE TRIBUNALS AND STANDARDS COMMITTEES) (AMENDMENT) (WALES) REGULATIONS 2009

Members were aware that the investigation and hearing of allegations of misconduct under the Members' Code of Conduct was governed in part by the Local Government (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001. Complimentary Regulations were also in force for

hearings by Case Tribunals (also known as the Adjudication Panel).

The Clerk reported that when considering allegations of misconduct at a hearing, Committee would be assisted by a report from the Investigating Officer i.e. either the Monitoring Officer or the Public Services Ombudsman for Wales.

Members noted that the role of the Investigating Officer at the hearing was currently limited under the Regulations, in that his or her attendance would be dependant on whether the Committee requested him or her to be present. Furthermore, if the Investigating Officer was required to attend, then the role would be limited to presenting the report and explaining matters contained within it, but not more.

Members were informed that, following discussions with the Public Services Ombudsman and the President of the Adjudication Panel, the Welsh Assembly Government had proposed some amendments to the Regulations, and these were detailed for Members' attention. Committee noted that implementation of the proposed changes would give the Investigating Officer a wider role at the hearing, as follows:

- Removal of the power of the Committee to require the Ombudsman to attend, and instead leave the decision as to whether to attend in the hands of the Ombudsman
- Allow the Ombudsman to be represented by Counsel or a Solicitor
- Retain the power of the Committee to require the Monitoring officer to attend

The Clerk reported that unfortunately, the timing of receipt of the letter and the required consultation period did not allow the proposals to be discussed by the Committee. However, the matter had been debated by the Association that represent Monitoring Officers (ACSeS) and the joint response was detailed for Members' consideration, together with a subsequent exchange of e-mails with the Welsh Assembly Government.

Members were pleased to note that the proposed wider role would facilitate a full and balanced examination of all evidence and submissions, leading to the effective and fair disposal of cases both for the member concerned and the complainant.

It was noted that ACSeS did not object to the proposal to provide the Ombudsman with the power to attend such hearings, but it did wish to retain the right of the Committee to require the Ombudsman (and the Monitoring Officer) to attend the hearing. It would also like the Monitoring Officer to have a power to attend the hearing, on the same footing as the right proposed for the Ombudsman.

Members concluded that it was gratifying that some of the comments made during the consultation process had been acknowledged and adoption of the amended regulations would ensure equality and fairness.

A discussion ensued on possible developments relating to the possibility of minor complaints being dealt with at a local level. Concerns were raised that this would lead to the severity of complaints being predetermined by the Ombudsman for

Wales. Members also highlighted the time and cost involved in dealing with minor complaints that should be dealt with on a local level.

RESOLUTION

It was RESOLVED that

The response provided by the Association of Council Secretaries and Solicitors to the Welsh Assembly Government be noted.

5 TO RECEIVE THE ADJUDICATION PANEL FOR WALES – ANNUAL REPORT 2008 / 2009

Members were aware that the Adjudication Panel for Wales dealt with the most serious allegations of misconduct under the Members' Code of Conduct and also acted as an appellate body for appeals against decisions of Standards Committees.

The Clerk reported that in terms of casework there had been two referrals from the Public Services Ombudsman for Wales and of those two referrals in 2008-09 one had been determined during the year. Members noted that the referral from the Ombudsman related to allegations that a councillor from Bridgend County Borough Council had breached the council's code of conduct by disclosing confidential information and had brought the council into disrepute. Members were informed that the Case Tribunal concluded by unanimous decision that it was neither necessary nor desirable to suspend, partially suspend or disqualify the respondent given the unusual circumstances of the case.

Members were provided with an update of the training events undertaken during the year to ensure that individuals were kept abreast of new regulations and procedures. Members noted that an additional training session should be undertaken in the new year which would reinforce the new Code of Conduct.

RESOLUTION

It was RESOLVED that

The report be noted.

6 TO RECEIVE A REPORT ON THE STANDARDS CONFERENCE WALES 2009

The Committee was represented at the Standards Committee (Wales) Conference held in City Hall, Cardiff on the 15th October 2009 by Mr Gerwyn Morgan, Mr Richard Martin, Councillor Jeff Holmes, Councillor Andrea Davies and the Clerk / Monitoring Officer.

The theme of this year's conference was "Wales: An Ethical Country". The conference reinforced the importance of the Members' Code of Conduct as a fundamental facet of political life, to clearly bring out the connection between good

conduct, good governance and excellent service delivery.

The Clerk provided Members with a summary of the Conference proceedings and noted that it had provided an opportunity for those involved in promoting and maintaining high standards of conduct within Authorities in Wales to come together to discuss issues of common interest and share best practice.

Guest speakers for the event were as follows:

Akmal Hanuk, Cardiff Council Standards & Ethics Committee
Dr Brian Woods-Scawen, The Committee on Standards in Public Life
Peter Tyndall, Public Services Ombudsman for Wales
Dr Richard Cowell, Cardiff University

A discussion ensued on the future role of the Standards Committee whereby the Clerk reported that the Committee did undertake a wider role than the statutory requirement in respect of overseeing the Service's complaints, overseeing the protocol on relations between members and officers and reviewing the Anti Fraud and Corruption Policy. It was noted that there was a need, however, to consider the wider governance arrangements. Members were pleased to note that the Authority had adopted the Code of Corporate Governance in 2008 as a matter of good practice in readiness for what would ultimately be a statutory requirement for the 2009/10 Accounts. Members concluded that the Clerk would submit a paper to the next meeting detailing how the Committee's work can move forward.

RESOLUTION

It was RESOLVED that:

A report be submitted to the next Committee meeting detailing the future role of the Standards Committee.

7 TO RECEIVE THE PUBLIC SERVICE OMBUDSMAN ANNUAL REPORT 2008 / 2009

In his first report as Public Services Ombudsman Mr Peter Tyndall highlighted a continuation in the upward trend of the number of complaints over the previous years. Historically, complaints relating to housing and planning matters had been the most numerous, but for 2008/09 health complaints, accounting for 21% of the total were at the top of the table.

County and County Borough Councils accounted for the great majority of complaints, as compared with other public bodies. However, the Ombudsman noted that this was to be expected, given that they were direct providers of a wide range of services to the public. There were 979 complaints against County and County Borough Councils during 2008 / 2009, compared to 984 the previous year. Despite the increase in the level of complaints received, only 7 more complaints were upheld, and the Ombudsman suggested that public bodies in Wales were therefore maintaining their level of performance.

The time taken by the Ombudsman's office to deal with complaints was a matter of considerable concern to him, with 23% of complaints taking over 12 months to conclude. He attributed this to the overall increase in the number of complaints (6%) and also the increasing complexity of the workload, with the higher proportion of health-related cases contributing to this.

In relation to Code of Conduct issues, for 2008/09 there were 285 complaints across all types of "relevant" Local Authority, 153 of these complaints were against County and County Borough Councils (160 in 2006/7). Significantly, there were 132 complaints against community councils, compared with a figure of 65 from the previous year.

The most frequent type of complaint related to an alleged failure concerning equality and respect. The Ombudsman's report noted that many of the complaints related to robust political debate, and although he would not wish to hinder democratic dialogue, he remained concerned about the lack of respect shown by a minority of councillors towards other members and towards officers.

The large majority of complaints did not call for any investigation. Where he did investigate, only 8 cases warranted further formal action, compared to 9 the previous year.

Members were pleased to note that no complaints of maladministration were made against this Authority nor were there any cases of an alleged breach of the Code of Conduct amongst members.

Relevant extracts from the report were attached for Members' information and it was noted that copies of the full report could be obtained directly from the Public Services Ombudsman or through their website.

Mr M Howells queried the procedure in the event of a complaint being made against a Member who was appointed on the Standards Committee. The Clerk clarified that this would be dependant on the nature of the complaint and the capacity the Member was acting in at the time. Members were informed that there was no requirement for Constituent Authorities to inform the Authority that a Member was subject to an investigation if the alleged misdemeanour was unrelated to the role of the Fire Authority member.

RESOLUTION

It was RESOLVED that

The report be noted.

8 TO RECEIVE THE CUSTOMER FEEDBACK ANALYSIS REPORT FOR THE PERIOD APRIL – SEPTEMBER 2009

Consideration was given to the 6 monthly update on complaints and compliments received during the period 1st April 2009 to 30th September 2009.

A total of 14 complaints were received, of which 5 were upheld and were generally in respect of conduct and operational matters. Members noted that the standard of complaint acknowledgement and investigation performance remained generally good.

Members were informed that a total of 49 compliments were received which covered a wide range of activities undertaken by the Service.

The previous 6 month reporting period October 2008- March reported 9 complaints and 57 compliments.

RESOLUTION

It was RESOLVED that

The report be received and noted