

# AWDURDOD TÂN CANOLBARTH A GORLLEWIN CYMRU



## MID AND WEST WALES FIRE AUTHORITY

### COFNODION CYFARFOD Y PWYLLGOR SAFONAU

Pencadlys Y Gwasanaeth Tân, Heol Llwyn Pisgwydd  
Caerfyrddin  
25 Mai 2006

### MINUTES OF THE STANDARDS COMMITTEE MEETING

held at Fire Service Headquarters, Lime Grove Avenue,  
Carmarthen  
25 May 2006

### PRESENOLDEB/ATTENDANCE

Presennol yn y Cyfarfod/Present at Meeting:

CADEIRYDD/CHAIRMAN: G Morgan

IS-GADEIRYDD/VICE CHAIRMAN: S Fox

AELODAU/MEMBERS: M Howells, R Martin  
Cyng/Cllrs: G Seabourne, P James

YMDDIHEURIADAU/APOLOGIES Cyng/Cllr: JJJ Davies,

**1 DECLARATION BY MEMBERS OF ANY PERSONAL INTERESTS**

None were declared

**2 TO RECEIVE AND CONSIDER THE MINUTES OF THE MEETING HELD ON 13<sup>th</sup> OCTOBER 2005**

The minutes of the meeting held on 13<sup>th</sup> October 2005 were received and approved as a true record

**3 TO RECEIVE A REPORT OF THE STANDARDS COMMITTEE (WALES) (AMENDMENT) REGULATIONS 2006**

The Clerk reported that in August 2005 the Welsh Assembly Government had invited consultation on proposed amendments to the Standards Committees (Wales) Regulations 2001. Overall the results of the consultation showed an overwhelming majority of respondents in favour of the proposals. Following the consultation, some minor changes had been made to the draft Order which was attached for Members' attention. In summary these were:

- A "community committee member" may only be re-appointed following consultation with community councils and any regional association in the principal authority's area.
- That a second term of office for independent members be limited to a maximum of four years.
- The proposals relating to "exempt information" will not now be taken forward in these regulations. This is due to delays to the timetable for the proposed Local Government (Access to Information) (Variation) (Wales) (Order) 2006, which will bring about changes to Part VA and Schedule 12A of the Local Government Act 1972. It is proposed that a separate Order will be made to deal with the exempt information aspects to correspond and coincide with the changes to Part VA and Schedule 12A of the Local Government Act 1972

The Committee welcomed the fact that the draft order enabled Independent members to serve a second term of office

**RESOLUTION**

*It was RESOLVED that*

*The proposed changes to the Standards Committee (Wales) Regulations 2001 be noted.*

**4 TO RECEIVE A REPORT ON THE PUBLIC SERVICES OMBUDSMAN FOR WALES (STANDARDS INVESTIGATIONS) ORDER 2006**

Following consultation in November 2005, the Public Services Ombudsman for

Wales (standards investigations) Order came into force on 1<sup>st</sup> April 2006. As from that date, the investigation of allegations of misconduct under Part III of the Local Government Act 2000 became the responsibility of the Public Services Ombudsman for Wales (PSOW). As such the Local Commissioner in Wales (Standards Investigations) Order 2001 was revoked and replaced with similar provision in respect of the PSOW.

A letter had also been received from Mr Adam Peat (PSOW) highlighting some significant points about the way the Ombudsman would operate in future, a copy of which was attached for Members' information.

## **RESOLUTION**

***It was RESOLVED that Committee note the changes in relation to the operation of the Ombudsman's role.***

### **5 TO RECEIVE AN UPDATE ON ISSUES RELEVANT TO THE WORK OF THE COMMITTEE**

Consideration was given to the following issues which were relevant to the work of the Committee

#### **1. Local Authorities Indemnification of Members and Officers (Wales) Regulations 2006**

The regulations enable authorities to provide indemnities to some or all of their members (including independent members of standards committees) and officers. The Order comes in to force on the 8<sup>th</sup> January 2006 and removes the uncertainty about the extent to which authorities can provide indemnities to their members and officers for any personal liability arising from actions or decisions taken by them in the course of their official duties. Key issues within the Order were:

- it is for authorities to determine what members and officers should be granted indemnities.
- members and officers would be subject to the test that they acted in good faith.
- authorities would be able to provide indemnities in relation to a defence against criminal proceedings or a breach of the code of conduct, subject to a condition that the member or officer repays if found "guilty".
- the power cannot be used to meet the costs of members / officers taking action for slander, libel, either directly or through insurance.

Draft Guidance has been produced by Welsh Assembly Government and an all Wales group set up to develop a model which can be used by all authorities. Members welcomed the regulations and noted that a further report would be made once the Model was to hand.

**2 The Conduct of Members (Principles and Model Code of Conduct) (Wales) Order 2005**

The Committee had given detailed consideration to the draft revised Code of Conduct at its meeting held on the 7<sup>th</sup> July 2005, and a response had been submitted to Welsh Assembly Government as part of the consultation process which ended on the 29<sup>th</sup> July 2005. It had been anticipated that a revised code of conduct would be presented to the National Assembly for approval in plenary during 2005, to come in to force on the 1<sup>st</sup> June 2006.

Currently, however, there was no indication when the Order was to be enacted and Members expressed disappointment at the length of time it was taking to produce the revised Code of Conduct. It was agreed that a letter be sent to the Welsh Assembly Government expressing the concerns of the Standards Committee.

**3 The Local Authorities (Standing Orders) (Wales) Regulations 2005**

The Clerk reported that the aim of the Local Authorities (Standing Orders) (Wales) regulations was twofold. Firstly to offer the same level of protection to Chief Finance Officers and Monitoring Officers as that given to Chief Executives, and secondly to update the current regulations on disciplinary procedures for statutory officers. It was anticipated that such regulations would come into force on 3<sup>rd</sup> July 2006. The Order applied only to county and county borough councils.

**4 The Local Authorities (Access to Information) (Variation) (Wales) Order 2005.**

The Order related to the Assembly's powers to vary Schedule 12A of the Local Government Act 1972. Schedule 12A sets out the categories of information which principal councils should regard as "exempt information" and which therefore may not be available for public access in respect of their meetings and documents, their committees and sub-committees. The revision is required to ensure compatibility with the Freedom of Information Act 2000, which became fully operational on 1 January 2005, and also the requirements of the Data Protection Act 1998. Whilst it was originally anticipated that the Order would come in to force on the 30<sup>th</sup> September 2005, the timetable had been put back because of timing difficulties in the implementation of the comparable Order in England. The Consultation proposed that the draft order incorporated provisions which would enable Standards Committees to treat certain information as exempt and to operate in closed session if that was deemed appropriate. It was now proposed that a separate Order would be made in order to cover this aspect.

**5 Review of Councillors' Allowances Regulations**

In 2005 the Welsh Assembly Government issued a consultation document in relation to a review of Councillor's Allowances and the consolidation of the existing regulations. Whilst the consultation document in the main dealt with issues relating to Councillors, the Minister recognised that local authorities in England were able to pay a co-optee allowance to members who were not councillors, such as chairs of Standards Committees. Views were sought as to whether similar arrangements should be introduced in Wales and whether such

arrangements should also apply to Fire & Rescue Authorities. The Authority had responded to the Consultation Paper by supporting the introduction of a co-optee allowance, whilst recognising that the level of commitment was not necessarily as high for fire and rescue authorities when compared to county councils. Should approval of such an allowance be given, the rate of allowance could well be referred to the Remuneration Panel, which will be established once the Regulations were in place.

Currently there was no indication as to when the review would be completed.

## **6 Political Activity and Rules Governing Political Balance**

In October 2004 the Welsh Assembly Government (WAG) conducted a 12 week consultation on the nature of political restrictions and the number of officers this should apply to; the role of the Independent Adjudicator; the pay of political assistants and the rules governing councillors who are also local government officers.

WAG, whilst noting the responses to the consultation, did not propose to take any action at this stage but would decide on the way forward when the UK Government was clear on any changes likely to be made to Primary legislation. It was worth noting that a discussion paper had recently been produced by the UK Government with an indication that it was minded to abolish the post of Independent Adjudicator to local authorities and transfer the function to the Standards Committee or Monitoring Officer.

### **RESOLUTION**

***It was RESOLVED that Committee note the progress of the issues contained within the report***

## **6 TO REVIEW COMPLAINTS RECEIVED BY THE FIRE AND RESCUE AUTHORITY FOR THE PERIOD APRIL 2005 TO MARCH 2006**

It was noted that whilst the number of complaints received during 2005/6 had increased slightly, the number of complaints that had been upheld had decreased.

The majority of complaints received were in respect of conduct and driving. The standard of complaint acknowledgement and complaint investigation performance on the whole was good and around the same number of satisfaction questionnaires had been returned.

It was noted that the Ombudsman and the WLGA were in the process of producing new guidance on the dealing with complaints and it was anticipated that this would be available in September 2006.

### **RESOLUTION**

***It was RESOLVED that the report on complaints be received and noted***