

AWDURDOD TÂN AC ACHUB GOGLEDD CYMRU



NORTH WALES FIRE AND RESCUE AUTHORITY

A meeting of the STANDARDS COMMITTEE will be held WEDNESDAY 1 MARCH 2017 at the Fire and Rescue Headquarters, St Asaph at 10am.

Yours faithfully

Colin Everett
Clerk

AGENDA

1. Apologies

2. Declaration of Interests

3. Notice of Urgent Matters

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B (4) of the Local Government Act, 1972.

4. Minutes of the meeting held on 14 January 2016

5. Matters arising

6. Revised Guidance on Code of Conduct

7. Standards Committee Annual Report

8. For information – Minutes of North Wales Standards Forum meeting

9. Urgent Matters

To consider any items which the Chair has decided are urgent (pursuant to Section 100B (4) of the Local Government Act, 1972) and of which substance has been declared under item 3 above.

PART II

It is recommended pursuant to Section 100A (4) of the Local Government Act, 1972 that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that there would be disclosed to them exempt information as defined in Paragraph(s) 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972.

None

**Minutes of the Standards Committee held on 14 January 2016 at
Fire and Rescue Headquarters, St Asaph Business Park**

Present

Jane A Eyton-Jones (Chair)
Celia Blomeley
Antony P Young
Cllr Jim Evans, Anglesey County Council
Cllr Brian Dunn, Flintshire County Council

Gareth Owens, Deputy Clerk
Alwen Davies, Member Liaison Officer

Apologies

David Morris (Deputy Chair)

1 DECLARATIONS OF INTERESTS

1.1 None.

2 MINUTES OF THE LAST MEETING

2.1 The minutes of the meeting held on 4 March 2015 were approved as a correct record.

3 MATTERS ARISING

3.1 There were no matters arising.

4 CONSULTATION ON LEGISLATIVE CHANGES TO THE ETHICAL REGIME

4.1 The Deputy Clerk presented the report which provided information about a WG consultation on changes to the legislation affecting the national model code of conduct for members and the ethical regime. A single consultation document covering both proposed statutory instruments had been issued and members were asked to agree the proposed response as drafted by the Deputy Clerk.

4.2 At previous meetings in 2014 and 2015, Members had been made aware that Welsh Government (WG) was considering amending the code of conduct to remove paragraphs: 6(1)c which imposes an obligation on members to report suspected breaches of the code of conduct; and 10(2)b which creates a personal interest where ward matters conflict with a councillor's duty to the authority.

4.3 Draft consultative legislation had been published with the intention that the changes be brought into effect in time for the annual general meetings of local authorities in May. In addition, draft consultative legislation had been published in respect of the establishment of joint standards committees and the procedures to be followed when handling complaints.

4.4 Members discussed the proposed changes and the possible impact on FRA members should the changes be implemented. The consultation responses as drafted were agreed. However, members discussed the period of suspension section in more detail and it was agreed to amend the response to suggest clarifying the legislation that where a complaint is made in relation to a councillor in close proximity to an election that the Ombudsman has specific power to continue investigating it after the election should they be re-elected. Likewise if the investigation/hearing had begun prior to the election it can be continued after election in the event of the councillor being returned. Also, members suggested that the legislation makes it clear that it is inappropriate to get less of a sanction because of the timing of the hearing which could be manipulated by the councillor.

4.5 **RESOLVED to approve the proposed consultation response for submission to the WG subject to amending the response to the period of suspension question as stated above.**

5 STANDARDS COMMITTEE ANNUAL REPORT

5.1 As a matter of good corporate governance the Standards Committee provides the Fire and Rescue Authority with an annual report on its activities during each financial year. Members were asked to approve the report for 2015-16.

5.2 **RESOLVED to approve the Standards Committee's annual report to be presented to the Authority at its March meeting.**

6 RE-APPOINTMENT OF INDEPENDENT MEMBER

6.1 The Deputy Clerk informed Members that A P Young's term of office was due to expire at the end of March 2016. Mr Young was eligible to be re-appointed for one more term until 31 March 2020 and he had indicated his wish to continue on the Committee.

6.2 **RESOLVED to note that the re-appointment request will be submitted for approval to the Fire and Rescue Authority.**

7 ANY OTHER BUSINESS

7.1 Prior to closing the meeting, the Chair informed members that she had attended the Standards Conference in October 2015. The theme was 'Standards and Ethics in a Changing World' to reflect the challenges being faced by the Welsh local government sector. Speakers included the Public Service Ombudsman for Wales.

7.2 **RESOLVED to note the update and that a full conference report would be sent to all members for information.**



AGENDA ITEM: 6

NORTH WALES FIRE AND RESCUE AUTHORITY STANDARDS COMMITTEE

1 March 2017

REVISED GUIDANCE ON CODE OF CONDUCT

Report by Gareth Owens, Deputy Clerk to the Authority

Purpose of the Report

- 1 To report to the committee on revisions to guidance issued by the Public Services Ombudsman for Wales (PSOW) following changes to the Code of Conduct

Background

- 2 In March 2016 the national model code (contained within legislation) was amended. That model came into force in July 2016.
- 3 Over the summer the PSOW published revised guidance for county councils and fire and rescue authorities (attached as an appendix). The principal changes in the latest versions are as follows:
 - Introduction – emphasising personal responsibilities to understand the Code
 - Greater clarity on the 2 stage test – did a breach take place? Does it warrant action in the public interest?
 - Emphasises that reports to Standards Committees or the Adjudication Panel will include an opinion on whether the Code has been breached.

- Guidance on when to report suspected breaches following repeal of the obligation to do this under the Code.
 - Clarifies what members can do when they have a personal and prejudicial interest (following the introduction of the right to make written representations where the public can also do so).
- 4 The revised guidance has been circulated to authority members via their respective county councils. This committee therefore needs only to be aware of the revisions.

RECOMMENDATION

- 5 That members note the revised guidance.



AGENDA ITEM: 7

NORTH WALES FIRE AND RESCUE AUTHORITY STANDARDS COMMITTEE

1 March 2017

THE STANDARDS COMMITTEE'S ANNUAL REPORT TO THE FIRE AND RESCUE AUTHORITY

Report by Colin Everett, Clerk to the Authority

Purpose of Report

- 1 Members are asked to approve the attached draft report which will be presented to the Authority at its March meeting.

Background

- 2 As a matter of good corporate governance the Standards Committee provides the Fire and Rescue Authority with an annual report on its activities during each financial year.
- 3 Consequently the Committee's twelfth annual report is attached for Members' consideration.

Recommendation

- 4 Members are asked to approve the Standards Committee's Annual Report to be presented to the Authority at its March meeting.



(DRAFT) ANNUAL REPORT OF THE STANDARDS COMMITTEE OF NORTH WALES FIRE AND RESCUE AUTHORITY

Background

This is the Standards Committee's twelfth annual report to the Fire and Rescue Authority and spans the period from April 2016 to March 2017. Legislation requires that Standards Committees meet at least annually.

The Terms of Reference of the Standards Committee provide a remit to promote and maintain high standards of conduct by members of the Authority and to oversee the whistle-blowing policy for complaints against members of the Authority. Also, where statute permits, to receive reports and complaints about members and to conduct or oversee investigations and to make recommendations to the authority.

Membership

The term of offices of both Celia Blomeley and Jane Eyton-Jones will come to an end on 31 December 2017. Following the introduction of the Standards Committees (Wales) (Amendment) Regulations 2006, an independent member can be reappointed for a maximum of one further term of up to four years. There is no legal requirement to advertise a vacancy if it is intended to make a reappointment.

This will be the end of their second term and therefore they are not eligible for re-appointment. Arrangements will be made to advertise these roles in the summer months of 2017.

Also, the local authority elections are taking place in May 2017 and therefore we thank Councillors Evans and Dunn for their contributions over the past five years.

Independent members

Celia Blomeley 01/01/2014 - 31/12/17

Jane A Eyton-Jones 01/01/2014 - 31/12/17

David Morris 01/09/14 - 31/08/18

Antony P Young 01/04/16 - 31/03/20

Fire and Rescue Authority members

Councillor Brian Dunn (18/06/12 onwards)

Councillor Jim G Evans (18/06/12 onwards)

Attendance and Issues

The Standards Committee met on 1 March 2017 and the following members attended:

Jane A Eyton-Jones (Chair)
Celia Blomeley
Antony P Young
Cllr Jim Evans, Anglesey County Council
Cllr Brian Dunn, Flintshire County Council.

At that meeting, members received information on the revised guidance on code of conduct. Members also noted the minutes of the North Wales Standards Forum meeting, at which the Public Services Ombudsman had delivered a presentation followed by a question and answer session.

Complaints against members of the Fire and Rescue Authority

There were no complaints about FRA members during this period.

Financial Implications

The budget for the Standards Committee is part of the committee services heading which covers all Authority costs. Following the approval of the members' remuneration scheme on 18th June 2012, independent members are now entitled to claim remuneration based on meetings and events attended. To date, no such claims have been made.

Conclusion

The Standards Committee recommends that the North Wales Fire and Rescue Authority notes its report.

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NORTH WALES STANDARDS COMMITTEES FORUM

17th October 2016 at 11am

Committee Room 1, Isle of Anglesey County Council, Llangefni

PRESENT: Please see attached list of names

1. APPOINTMENT OF CHAIR FOR THE MEETING

Michael Wilson, Chair of the Isle of Anglesey County Council's Standards Committee

It was decided that the Chair of the hosting Authority would Chair the meeting on each occasion.

2. APOLOGIES FOR ABSENCE

No apologies for absence received.

3. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Chair welcomed Mr Nick Bennett, the Public Services Ombudsman for Wales.

A copy of the Ombudsman's presentation is attached to these Minutes, as Appendix 1.

The Ombudsman explained in relation to Local Resolution that this was something he would welcome as being extended to Town and Community Councils – but said he would not dictate on this. He said this was very much up to each Standards Committee. He also confirmed that One Voice Wales is doing work on this with the Community Councils and said he welcomed this.

In terms of complaints, the Ombudsman explained the number of county council complaints had reduced but the number of town and community council complaints had increased (the situation has swapped between these two since last year). 3 community councils were responsible for about a third of all town and community council complaints – Glyn Neath, Artillery and Holyhead Town Council.

The two stage test continues to be utilised and its aim is to continue to rid any vexatious complaints. However, the Ombudsman's office continues to see a rise in the number of complaints (10% per annum) with the Office taking 4,000 enquiries and 2,000 complaints last year. The Ombudsman says 76% of his resources go into health investigations. Although, he made it clear that where there are issues of

bullying, corruption or abuse of power he takes complaints of the breach of the Code of Conduct for elected members very seriously.

The Ombudsman office's budget is £4m and there are 58 members of staff.

The Ombudsman complimented on the Forum and believed it was a very beneficial thing to have between the North Wales Authorities. He explained he would be happy to meet with the Forum on a more regular basis should this be deemed useful.

4. QUESTION-AND-ANSWER SESSION WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES

A copy of the Ombudsman's Questions and Answers is attached to these Minutes, as Appendix 2.

The Chair thanked the Ombudsman for his attendance.

Break: 12-12.10. Ombudsman leaves.

5. FREQUENCY OF FORUM MEETINGS

The Chair raised an issue regarding the frequency of Forum Meetings. The Chair suggested 2 per year would be beneficial. This was considered a good average, particularly in light of the Ombudsman's comments of support for the Forum. It was also mentioned that it is important for useful items to be added to the Agenda; it was noted there was a good turnout for this meeting, probably because the Ombudsman was in attendance. It is important for the agenda to entice people to want to attend. There was also discussion in terms of who should make the arrangements; the host authority to be responsible for the agenda and room arrangements etc.

Resolved: A meeting of the Forum will be held twice per annum, on a rota basis for each authority, with the host authority making the relevant arrangements on each occasion.

The next meeting will be held in March/April 2017 by Denbighshire County Council, and the following meeting in November 2017 by Wrexham County Borough Council.

6. REGISTERS OF INTERESTS

The issue was raised by the Isle of Anglesey Standards Committee in relation to the standard register of interests for its members. It was explained that the software from modgov will not show a welsh option for members to be able to complete their online standard register – what goes online eventually is bilingual, and the member can input his / her details in Welsh or English, but the form is only available in English. Modgov has said it would be willing to update the software in order to allow a welsh page, but at a cost of £10,000. The question was raised whether the other Authorities were having this problem and whether all Authorities would be willing to contribute toward the cost in rectifying the matter for all, at a fraction of the price.

This was not something which other Authorities had been concerned with and so were unsure whether monies could be promised in order to rectify a problem that they may not actually have.

The modgov system is utilised by the majority of Authorities on the Forum (not Snowdonia National Park), so if this is an issue, it could be a possibility to act together as a Forum to ratify it. But each Authority has entered into its own contact with modgov and so, although likely to be similar, there may be differences in terms of the specification agreed under the contract. Each Authority must therefore check its own contract and then a collective view can be taken. If it is an issue for all, it was agreed that some correspondence from the Forum i.e. all Authorities jointly acting, would be a stronger message.

Resolved: For all Authorities to make the necessary enquiries in terms of their contract with modgov and report back to the Forum so that any steps, if necessary, can be taken collectively rather than as individual Authorities.

7. MEDIATION TRAINING

In light of the Ombudsman's comment that he would be supportive of mediation training although he had no budget to be able to offer financial support for such idea, a question was raised as to whether the Forum members wanted such training, and if so, whether there were any ideas in terms of where to seek financial assistance.

There was some appetite for this but the cost of such training needed to be balanced against the fact that only a few, if any, that may actually need to use it. Perhaps alternative funding channels could be considered.

Resolved: For enquiries to be made for the next meeting of the Forum to be hosted by Denbighshire County Council.

8. NEXT MEETING

In March/April 2017 – to be hosted by Denbighshire County Council

End of meeting 12.45