

ANNUAL REPORT OF MONITORING OFFICER.
(STANDARDS COMMITTEE)

SUBJECT: ANNUAL REPORT 2022/23

It is now a statutory duty to prepare an annual report to the Authority on how the Standards Committee's functions have been discharged and provide an overview of conduct matters generally within the Authority.

Terms of reference of the Standards Committee

- (a) to keep under review the Authority's Code of Conduct and to make recommendations to the Authority as to any changes it considers desirable;
- (b) to monitor the operation of the Authority's Code of Conduct;
- (c) to provide advice and training for Members of the Authority on matters relating to its Code of Conduct;
- (d) to consider any reports relating to Members of the Authority issued by the Monitoring Officer under Section 70 (4) or by the Local Commissioner for Wales under Section 71(2)(b) of the Local Government Act 2000 and any recommendations of the Adjudication Panel for Wales and to take such action thereon as it considered appropriate;
- (e) to receive and take action on any reports issued to it by a Case Tribunal under Section 79 of the Act;
- (f) to consider and make recommendations to the Authority as to the actions which should be taken on any report from a Case Tribunal under Section 80 of the Act;
- (g) to consider requests from Members of the Authority for dispensations under the Standards Committee's (Grant of Dispensations) (Wales) Regulations 2001,
- (h) the monitoring of the Authority's complaints procedure in relation to allegations of maladministration and the making of recommendations thereto and
- (i) to make recommendations to the Authority from time to time with regard to any proposed additions to or revisions of these Terms of Reference.

Membership

The current membership of the Standards Committee consists of two local authority members, Cllr Dr Simon Hancock and Cllr Mike James. One Welsh government appointed member Dr Rosie Plummer and four independent members who are Mr John Daniels (Chair) Mr Philip Davies, Ms Wendy Taylor and Mrs Vicky Tomlinson.

The chair and vice chair are, in accordance with the regulations, independent members.

Training

In the run up to the Local Government elections in May 2022 it was agreed that a joint training session should take place after the elections which would be open to all Members (new/returning Councillors, Welsh Government appointed Members and Members of the Standards Committee) of both Authorities.

That training took place on 17th May 2022 at County Hall and was conducted by members of the Pembrokeshire County Council legal section. I presented a section of the training on predetermination and predisposition. Ms Bethan Evans was the main presenter for the session. Members will recall that Ms Evans gave a training session to Members of the National Park Authority on 1st October 2021 which was very well received.

Complaints.

It is intended to review the Authority's Complaints Procedure in the coming year, so that it more closely follows the model procedure promoted by the PSOW. This will include introduction of an Unacceptable actions by complainants Policy. Complaints relating to Members adherence to the Code of Conduct are always dealt with by the Ombudsman who will decide using the two-part test whether to investigate and can then, as Members will be aware, refer the matter back to the Standards Committee to consider or to the Adjudication Panel for Wales, or conclude that the complaint will not be investigated further and that no subsequent action is necessary.

Current complaints.

In the last financial year 2022/23, 23 complaints have been recorded by the NPA, however 11 related to the increase in carpark season ticket prices. In addition, there were 3 complaints related to alleged breaches of the Members Code of Conduct which were received by the Ombudsman direct and do not appear on the NPA schedule of complaints received. Of those listed in the schedule, 5 have been escalated to me as the Monitoring Officer. One complainant whose complaint arose from the recent increase in car parking charges has expressed dissatisfaction at my response and escalated it to the PSOW. However the PSOW found in favour of the NPA. In each of the three complaints where allegations of breaches of the Code of Conduct have been made, the Ombudsman has decided not to investigate.

One complaint arose out of a complaint that officers had not properly instigated recommendations I had made in response to a previous complaint where the complainant and the NPA had accepted my findings. Although this was a new complaint, because of its unusual nature it was agreed that stage 1 would be bypassed, and I would deal with it. I again found in favour of the complainant and am pleased to say the matter has now been satisfactorily resolved. Incidentally it had been agreed that if the complainant was dissatisfied with my response, then it would be escalated to a senior officer from another Authority, however that did not become necessary.

Trends.

Other than the complaints about the increase in season ticket car parking charges which were largely anticipated there were no obvious trends save that the NPA must be vigilant in ensuring Members continue to be offered and do attend training on the Code of Conduct as allegations of breaches of the Code of Conduct are becoming more frequent albeit mostly in connection with Town and Community Councils.

Local Resolution Protocol. (LRP).

I have received no member-to-member complaints so there has been no need to invoke the LRP.

Dispensations.

No applications for dispensations have been received from Members in the current year. I can confirm that following the local elections in May 2022 I wrote to all County Council Members of the Authority advising them that the general dispensation, allowing them to participate fully in matters under discussion which affected Pembrokeshire County Council, had been extended to the end of their term of office.

Annual report of the Ombudsman.

In the year [2021/22](#) the Ombudsman received 294 Code of Conduct complaints. This was 5% less than in 2020/21 which might be accounted for by the coronavirus pandemic but 25% more than in 2019/20 which is a concerning increase. Of those complaints 50% related to allegations concerning lack of respect and inequality and the rest evenly distributed between other code issues. Within the National Parks there were 5 Code of Conduct complaints compared to 2 in 2020/21 and none in 2019/20. 51% related to complaints about lack of integrity and respect.

Of those complaints which were investigated by the Ombudsman, 20 were referred to Standards Committees or the Adjudication Panel for Wales an increase of 100% on 2020/21 and 14% more than in 2019/20.

RECOMMENDATIONS:

- 1. That this report is noted.**

Author: Michael Kent, Monitoring Officer