

REPORT OF MONITORING OFFICER

SUBJECT: ANNUAL REPORT OF THE MONITORING OFFICER

I believe that in the past, publication of the Monitoring Officer's reports and findings may not have been brought to the attention of Members. Consequently, in 2010 I decided to produce an annual report setting out the nature and background of the reports that had been undertaken during the year.

Essentially the reports fall into 3 categories. Those under section 5 of the Local Government and Housing Act 1989, those under the Authority's own complaints procedure and those relating to the Sustainable Development Panel.

1 Section 5 of the Local Government and Housing Act 1989

I have not made any reports under section 5 of the Local Government and Housing Act 1989.

2 The Authority's Complaints Procedure

- (i) The Pembrokeshire Coast National Park Authority has published a "Complaints Procedure". This is contained in the booklet entitled "Service Standards". This was amended by the Authority to take into account the recommendations of the Standards Committee made in August 2013. Its main purpose is to establish a procedure to deal with complaints by members of the public, alleging that there has been maladministration by the Authority. In this context "maladministration causing injustice" is usually taken to mean:-
- (a) That the Authority has acted incompetently or unfairly, or has not taken a decision in a proper manner, and
 - (b) As a direct consequence a person or persons has suffered a loss whether monetary or otherwise.
- (ii) There is no statutory provision (or regulation) which states that reference to a Monitoring Officer must form part of an Authority's Complaints Procedure. However in the case of the Pembrokeshire Coast National Park Authority the Complaints Procedure advises the complainant that:-

"If you feel that the matter has not been dealt with properly or you are unhappy with the reply, then you can ask the National Park's Monitoring Officer to investigate your case. The Monitoring Officer is an independent adjudicator. At this stage you will have an opportunity to make any points which you feel

have not been properly considered. The Monitoring Officer will let you have a copy of his report which will contain details of his decision and any recommendations”.

- (iii) I undertook a Stage II complaint into allegations of maladministration in relation to a footpath at Abereididi Beach. Having visited the site and examined all the Authority’s available records and interviewed both the complainant and the authorities I concluded that there had been no maladministration. The complainant referred this matter to the Public Service Ombudsman for Wales and he supported my conclusion and rejected the complaint.

I also undertook a Stage II complaint into the Authority’s handling of an application for planning permission at Fig Tree Cottage, Saundersfoot. This related to historical events that occurred in part, as long ago as 1993 and was part of a long-running dispute over alterations, amendments, planning consents and variations to planning consents and the variation conditions attached thereto in relation to 2 properties in Saundersfoot and access along a private Lane. That report has been concluded and although there was no financial loss to the complainants, the case highlighted the need for better communication with and consideration for members of the public, who submit correspondence during consultation processes on planning applications, although it must be stressed that this matter has to be put into its historical context of largely involving matters that occurred a very long time ago, and actions undertaken by officers ,who have long since left the Authority. I concluded that the Authority had not been as effective in its communications with the complainants as it might have been and that in the past, they had not had the appropriate level of consideration to which they were entitled. The Authority’s standards are now higher and appear to be well maintained. I am satisfied that it is highly unlikely such a case would occur again. The Authority now has a general policy that only matters which occurred in the last 12 months will be the subject of investigation although there is discretion to go back further if the case merits it.

3 Reports under the Sustainable Development Fund

- (i) The Pembrokeshire Coast National Park Authority has published a policy in relation to its administration of the Sustainable Development Fund. That policy contains details of an Appeals Procedure. That policy states:

“Appeals Procedure – an independent adjudicator (the Authority’s Monitoring Officer) will consider appeals from applicants who are aggrieved by any decision of the Authority.”
- (ii) The policy was amended on 11 October 2006 – to the effect that the appeal to the Authority’s Monitoring Officer related to procedural issues, that is to say any issues of maladministration.
- (iii) Under this heading I have not dealt with any appeals this year in relation to any projects.

4 Public Service Ombudsman for Wales

I have not had to deal with any referrals from the Public Service Ombudsman for Wales regarding the Code of Conduct issues in relation to any members.

5 Local Dispute Resolution procedure

There have been no references to me and the Local Dispute Resolution procedure in relation to complaints made by one member against another.

Members are asked to **NOTE** the contents of this report

(For further information, please contact John Parsons, Extension 4904)