

## 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 have not had to undertake a Stage II compliant into allegations of maladministration in relation to the Authority.

### **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.

### **6 Dispensations**

1 member has been granted a dispensation on specific issues in relation to Newport, Pembrokeshire.

Pembrokeshire County councillors have been granted dispensations in relation to Pembrokeshire CC matters. This reflects previous practice and removes potential issues arising from quorum problems, if not so granted..

Both dispensations have been recorded in the Standards Committee minutes and are accordingly in the public domain.

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

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