

REPORT OF MONITORING OFFICER

SUBJECT:
ANNUAL REPORT OF THE MONITORING OFFICER

I believe that in the past, publication of the Monitoring reports and findings may not have been brought to the attention of Members. Consequently I have decided to produce an annual report setting out the nature and background of the reports. The substance has already been given to the Members of the Standards Committee at their meeting on 28th September.

Essentially the reports fall into 2 categories. Those under section 5 of the Local Government and Housing Act 1989 and those under the Authority's own complaints procedure.

1 Section 5 of the Local Government and Housing Act 1989

- (i) I have made the following reports under section 5 of the Local Government and Housing Act 1989:

Higney, Rhodiad- This complaint from 4 individual members of a campaign /pressure group in St Davids related to a persistently unsuccessful attempt to permit a gentleman to acquire a personal consent to continue to live in a building in open countryside. This matter is still ongoing in that an enforcement notice that has been served has not been appealed against. There were 4 separate reports_i.e one for each complainant In each case I concluded that there was no maladministration by the Authority but nevertheless there were lessons to be learnt.

Bettws Newydd - This report concluded that there had been maladministration. The report made a number of recommendations and in considering these the National Park Authority, at its meeting on the 11th May, resolved that the Chief Executive Officer be tasked with reporting to the Authority at its meeting on the 12th October 2011 on progress made in implementing the recommendations contained in the report. I am aware and have seen this report and its Appendix, which is on the Agenda for Members consideration.

2 The Authority's Complaints Procedure

- (i) The Pembrokeshire Coast National Park Authority has a published "Complaints Procedure". 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) Under the Authority’s complaints procedure I have completed 3 reports and these are available to all members of the Authority and Standards Committee upon request:-

Councillor Malcolm Calver’s complaint into how the Authority operated its consultation processes in the preparation of the Local Development Plan. This report concluded that there was no basis to his complaint. An exhaustive review of the Authority’s compliance with the statutory requirements and the Welsh Government regulations and guidance confirmed that the Authority had complied with all necessary procedures, protocols and guidance. Furthermore it is noteworthy that the independent inspector appointed by the Welsh Assembly Government as it then styled itself held that the Authority had demonstrated “soundness “ in its approach to the LDP and he commended it subject to some minor variations.

Councillor R Kilmister’s complaint into planning application 10/493. This report was published on the 3rd August and related to a pigeon loft in Dinas. In my report I pointed out that the applicant could still appeal the planning decision. At the time of my report an enforcement notice had not been served and so time had not started to run on any appeal against it. Although the complaint was dismissed nevertheless it did raise an important issue of how the Authority’s procedure for “Calling-in” planning applications under the “Delegated Decisions” protocol operates. I have made a number of recommendations.

2 Venton Cottages - This was complaint under the Service Standards procedure i.e complaint procedure, which I was able to resolve by acting as a conciliator. It resulted in a resubmitted application which was approved thus resolving the subject matter of the complaint. This represented what I believe

to be an important change in the emphasis of how complaints are resolved - result focussed rather than an emphasis on process and procedure to the exclusion of other issues revealed on any investigation.

- (iv) As a result of discussions I have had with the Director of Planning and Conservation, a pro forma has been prepared which will enable monitoring and review of recommendations in a more efficient manner in the future. The pro forma is attached as Appendix 1 to the Head of Conservation and Planning and lists the recommendations made in each of the reports(both “Section 5 “reports and “service standards” referred to above. Progress on these recommendations will be reported to the National Park Authority at its meeting on 12th October 2011. I am grateful to the Director for her input into this as I believe it will be a valuable tool in the future.

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) 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.
- (ii) I intend to provide the members with an update /refresher lecture on Code of Conduct issues .I intend to liaise with Head of Democratic Services to find a suitable time when members are in the Headquarters building. In the meantime I would welcome any suggestion members may have for topics they would like to have included in the session.

Members are asked to **NOTE** the contents of this report and **ENDORSE** use of the pro forma for recording and reporting on recommendations.

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