

REPORT OF MONITORING OFFICER

SUBJECT:
ANNUAL REPORT OF THE MONITORING OFFICER

In the past, publication of the Monitoring Officer's reports and findings may not have been brought to the attention of all Members. Consequently I decided to change this and to produce an Annual Report setting out the nature and background of any reports that I have done in the previous 12 months and any other matters pertinent to the Member's Code of Conduct. I presented my last Annual Report to the Authority on 12th October 2011 thus it falls due now.

Essentially my 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 under the Sustainable Development Fund.

1. Section 5 of the Local Government and Housing Act 1989

I have made one report under Section 5 of the Local Government and Housing Act 1989 this year in relation to the Car Park at Little Haven in which I did not make any findings of maladministration (copies are available). I am at present looking into one other, in relation to a planning matter and this is likely to be complete by early October.

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 not completed any reports.
- (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 in use and lists the recommendations made in each of the reports (both “Section 5 Reports” and “Service Standards” referred to above. Progress on these recommendations has been satisfactory. I am grateful to the Director for her input into this as I believe it will continue to 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 and the committee structure was changed recently in 2012 – to reflect the change of the direct payment of the Sustainable Development Grant to the Authority. This has resulted in the redrafting of its terms of reference and general governance. One effect that the appeal to the Authority’s Monitoring Officer related to procedural issues, that is to say any issues of maladministration still remains..
- (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) In the performance of my duties I have strived to reflect the practices and procedures currently adopted by the Ombudsman’s Office. For example:-
 - (a) In the preparation of my Report (in relation to allegations of maladministration) I have retained anonymity, and the

confidentiality of the information supplied to me – in so far as it is ever possible to do so.

- (b) When the Ombudsman publishes his report in respect of a complaint of maladministration, a copy of that report is forwarded to the Chief Executive of this Authority and/or to me. In the covering letter, enclosing a copy of the report, the Ombudsman includes the following standard paragraph.

“You will be aware that the Local Government Act 1974 provides that all investigations shall be conducted in private. Whilst therefore there is no objection to you reporting the outcome of this complaint to your Authority, you should seek to ensure that neither the complainant’s identity nor information which might give rise to that identity being discovered is disclosed other than to Members on a ‘need to know’ basis”.

- (ii) 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. The Ombudsman did refer to 16 complaints against the members of the Pembrokeshire Coast National Park Authority. This was, in fact, one complaint by one individual against 16 members of the Authority. It was rejected outright by the Public Service Ombudsman for Wales but under his system of counting it qualifies as 16 complaints not one, even though he has acknowledged this is not the most accurate way of recording.

5. Training

- (i) I have given a talk to the new Members on their induction to the Authority on the Member’s Code of Conduct
- (ii) I intend to provide Members with an update/refresher lecture on Code of Conduct issues. I have liaised with the Head of Democratic Services to find a suitable time when members are in Headquarters. The afternoon of 24th October has been suggested and in the absence of any objections to the contrary, I recommend this be confirmed. In the meantime, I would welcome any suggestions from Members for topics they would like to have included in the update/refresher session.

RECOMMENDATION:

Members are asked to note the contents of this report and endorse the date for the Annual update lecture on the Members Code of Conduct.

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