

## REPORT OF MONITORING OFFICER

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**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 made 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 a published a "Complaints Procedure". This is contained in the booklet entitled "Service Standards". This was recently 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) Under the Authority’s complaints procedure I have completed 1 report and this is available to all members of the Authority and Standards Committee upon request.

The complaint related to a property in Mynachlochddu - This was a complaint under the Service Standards procedure i..e. what is commonly called the complaints procedure.

As this complaint related to matters which occurred over 10 years ago and it was as a direct result of the difficulties that I had in being able to investigate the matter that the authority has now adopted a procedure in its complaints policy whereby complaints normally have to be brought within a 12 month period of the event that gives rise to the complaint, occurring.

After investigating this complaint I did not find that the Authority had been guilty of maladministration but recommended that a further meeting be held between the complainant and the Authority with a view to establishing a way forward to resolve the impasse that had resulted. Recent investigations with the Enforcement Officer has revealed that unfortunately the complainant sustained a very serious accident and has not been able to arrange a meeting to take the matter forward.

I have recently concluded another lengthy report into an alleged failure by the authority to take action against the National Trust in relation to its removal in 2008 of part of the outfall at Castlemartin Corse. This has proved to be a complex enquiry and I have concluded my investigations into the factual background and issued my Final report to those parties concerned. I have concluded that there has not been any maladministration by the Authority in this case. Copies of the report are available for the members consideration .

I am also undertaking a Stage II complaint into the Authority’s handling of an application for planning permission at Fig tree Cottage, Saundersfoot. That investigation is continuing and is likely to do so for some time.

### **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.

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

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