

**REPORT OF MONITORING OFFICER**

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**SUBJECT: ANNUAL REPORT 2020/21**

Terms of reference of the Standards Committee

- (a) to keep under review the Authority's Code of Conduct and to make recommendations to the Authority as to any changes it considers desirable;
- (b) to monitor the operation of the Authority's Code of Conduct;
- (c) to provide advice and training for Members of the Authority on matters relating to its Code of Conduct;
- (d) to consider any reports relating to Members of the Authority issued by the Monitoring Officer under Section 70 (4) or by the Local Commissioner for Wales under Section 71 (22) (b) of the Local Government Act 2000 and any recommendations of the Adjudication Panel for Wales and to take such action thereon as it considered appropriate;
- (e) to receive and take action on any reports issued to it by a Case Tribunal under Section 79 of the Act;
- (f) to consider and make recommendations to the Authority as to the actions which should be taken on any report from a Case Tribunal under Section 80 of the Act;
- (g) to consider requests from Members of the Authority for dispensations under the Standards Committee's (Grant of Dispensations) (Wales) Regulations 2001,
- (h) the monitoring of the Authority's complaints procedure in relation to allegations of maladministration and the making of recommendations thereto (*NPA 17/01/07*) and
- (i) to make recommendations to the Authority from time to time with regard to any proposed additions to or revisions of these Terms of Reference.

Coronavirus

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 allowed meetings of the National Park Authority (NPA) to take place virtually until 30 April 2021. The ability to hold such meetings beyond 30<sup>th</sup> April 2021 has been included in the provisions of the Local Government and Elections (Wales) Act 2021 which

received Royal assent on 20 January 2021. The expectation therefore is that the current arrangements will continue for the foreseeable future.

In April 2020 guidance was issued to Members of the NPA setting out how the technology worked and hints and pointers to ensure meetings were conducted in accordance with the Authority's Standing Orders and compliance with the Code of Conduct.

Generally the holding of meetings remotely has gone well, although there have been a few complaints which I will deal with later in my report. The guidance issued to Members in April 2020 will be reviewed shortly and amendments made as necessary now that the new arrangements have been in place for nearly 12 months and officers have had time to assess how the procedures are working in practice.

### Training

Induction training was provided for the two newly appointed independent Members of the Committee on 30 June 2020 and a further training session on the Code of Conduct for all Members of the Authority took place by way of a workshop after the National Park Authority meeting on 03 February 2021.

Some guidance on the need for delegations and the pitfalls involved was also included.

Further training will be provided as appropriate and in particular I hope to be able to provide training on the way in which proceedings before the Standards Committee should be conducted in the event that the Public Services Ombudsman for Wales (the Ombudsman) refers a matter back to this Committee for investigation.

It is intended to review the current complaints procedure of the Authority so I am looking into training which will be offered by the Complaints Standards Authority (CSA) which should assist with that review and will report back to Members in due course.

### Referrals from the Ombudsman

I have received no referrals from the Ombudsman to instigate an investigation by the Standards Committee of a possible breach of the Code of Conduct.

### Local Resolution Protocol

I have received no Member to Member complaints so the Local Resolution Protocol has not had to be invoked.

### Complaints

The Development Management Committee (DMC) had two particularly contentious applications for planning permission to deal with which resulted in several complaints. I dealt with them rather than the Director of Planning and Park Direction as the complaints mostly concerned allegations of breaches of the Code of Conduct and whether the DMC was correct to deal with the application for planning permission remotely. Two of the complainants were not satisfied with my response and escalated their complaints to the Ombudsman. In respect of both referrals the

Ombudsman did not find any evidence of breaches of the Code of Conduct by Members and furthermore found no evidence that there was any flaw in the way the meetings had been held remotely and therefore no further action was necessary. Judicial review proceedings were expected in respect of one of the applications but the time limit within which such proceedings must be issued has long since passed. Judicial Review proceedings have been mooted in respect of another application for planning permission which was refused by DMC and where the applicant escalated the matter to the Ombudsman, but until a formal letter before action has been received I will not know whether the proceedings might repeat allegations of breaches of the Code of Conduct.

Of interest was the Ombudsman's observation that Members have a wide freedom of expression when making comments, and he will not usually investigate complaints based on disrespectful comments unless they are highly outrageous or offensive.

### Other Complaints

I investigated one complaint which resulted in a recommendation that a modest payment be made to the complainant which was accepted and paid. It concerned an application for planning permission where the complainant was put to expense unnecessarily, and furthermore where I found that basic information about the progress of an application was not communicated to the complainant in the absence of the case officer. That shortcoming is being addressed by the department so a recurrence can be avoided.

### Dispensations

No applications for dispensations have been received from Members. The only dispensation currently in place is that granted to those Members appointed by Pembrokeshire County Council on 28 June 2017. That dispensation runs until the County Council elections next year.

Members will be receiving some training on how applications for dispensation should be dealt with after this meeting is concluded.

### Annual Report of the Ombudsman

<http://www.ombudsman.wales/wp-content/uploads/2020/07/PSOW-Annual-Report-and-Accounts-2019-20.pdf>

Code of Conduct complaints reduced by 18% largely due to the reduction in frivolous complaints made against members of Town and Community Councils. The Ombudsman states in his report that there seems to be a reluctance amongst members of Town and Community Councils to take up training on the Code of Conduct when it is offered and has pointed out that making frivolous complaints may itself be a breach of the Code of Conduct.

The overwhelming (49%) of complaints relate to the promotion of equality and respect and 17% to disclosure and registration of interests. Pleasingly in the 2019/20 period of the report there were no Code of Conduct complaints relating to Members of National Park Authorities.

The Ombudsman issued one public interest report relating to a delay by Flintshire County Council in taking steps to prevent a statutory nuisance and furthermore in taking over two years to issue the abatement notice on the same matter. Compensation of £2,500 was awarded to the complainant.

#### Ombudsman's Casebooks

<https://www.ombudsman.wales/case-books/>

Members will be familiar with the quarterly casebooks which are helpful in seeing the range of complaints received by the Ombudsman. As usual most complaints relating to breaches of the Code of Conduct concern Town and Community Councils and in particular the behaviour of their councillors. The fact that most complaints relate to that sector reflects well on the good conduct of County Councillors and Members of National Park Authorities.

#### **RECOMMENDATION:**

**That this report is noted.**

Author: Michael Kent, Monitoring Officer