

REPORT OF MONITORING OFFICER

SUBJECT: ANNUAL REPORT OF THE MONITORING OFFICER FOR 2018/19

As Members will know my predecessor Rhys Stephens resigned in May 2019, and until my appointment commenced on 1st October 2019 the role of the Monitoring Officer has been filled by Mrs Janet Evans the Deputy Monitoring Officer, who remains in that post, as well as continuing as the Administration and Democratic Services Manager.

The Chairman's term of office ended in September 2019 and therefore a new Chairman needs to be appointed.

I have discussed the past year with Mrs Evans who tells me that since the last meeting of the Standards Committee on the 19th December 2018 and until the 1st October 2019 there were no requests or decisions to undertake any reports under s5 Local Government and Housing Act 1989 nor any referrals from the Public Service Ombudsman for Wales (PSOW) and no referrals for investigation of any code of conduct issues for Members. Since my appointment commenced on 1st October 2019 I can confirm that the situation remains the same.

Dispensations

No applications for dispensations have been made in the current year. By way of reminder, dispensations granted on 28th June 2017 to the Pembrokeshire County Council (PCC) appointed Members of the Pembrokeshire Coast National Park Authority (NPA) for them to participate in issues concerning PCC will continue to operate until the next local authority elections in May 2022.

The Public Services Ombudsman (Wales) Act 2019

This Act came into force on 22nd May 2019. The Act allows amongst other things for the Ombudsman to receive and act upon verbal complaints and to commence investigation on its own initiative.

In addition it introduced the Complaints Standards Authority for Wales with which the NPA is required to comply. It sets out six principles:

- 1) Complainant focused
- 2) Simple
- 3) Fair and objective
- 4) Timely and effective
- 5) Accountable
- 6) Committed to continuous improvement

It is intended that the current complaints procedure will be reviewed to ensure it complies with these new statutory requirements. Any necessary amendments will be introduced in due course.

Adjudication Panel for Wales

Despite very recent enquiries having been made of the Panel, no date for publication of the annual report has been given. When received I will include a résumé of its findings in my next report to the Standards Committee.

Public Services Ombudsman for Wales.

The annual report has been published and can be reviewed on the website at <https://www.ombudsman.wales/wp-content/uploads/2019/07/Annual-Report-and-Accounts-2018-2019-Final-ENG.pdf>

By way of overview the number of complaints generally has been increasing, but none relate to the NPA.

Complaints relating to the code of conduct have increased by 4%. 51% of the complaints relating to code issues relate to issues of equality and respect and most concern the activities of Town and Community Councils. Complaints relating to other parts of the code are relatively infrequent which may reflect well on the training that has been provided to Members of local authorities generally.

The most recent Casebook published by the Ombudsman reflects this trend and can be viewed by following this link <https://www.ombudsman.wales/case-books/>

Training

Members will be aware that it is their responsibility to comply with the Code of Conduct for Members of local authorities in Wales but that responsibility is underpinned by the requirement placed upon the NPA to provide adequate training for Members.

I understand from Mrs Evans that because of changes in personnel over the past couple of years no training has been given for some time and needs to be provided shortly.

Accordingly I propose that time permitting I provide those new Members appointed by the Welsh Government with an overview of the Code after the Development Management Committee (DMC) tomorrow 4th December 2019 and to provide more comprehensive training for all Members after the DMC on 29th January 2020 or such later date as may be agreed if the DMC runs on.

So far as format is concerned I am intending to make the training practical in nature so that as well as reviewing the code and the principles that support it I will go through some fictitious situations which could well arise in practice and work through with Members how we think the Code will impact. I will also deal with social media, the issue of unconscious bias and defamation which I think will become a significant risk in the light of a recent Court decision.

RECOMMENDATION:

That Members note this report.