



Our ref: NB/mm

Ask for: Marilyn Morgan

Your ref:

 01656 641152

Date: 20 February 2019

 Marilyn.morgan@ombudsman-wales.org.uk

David J Rowlands AM
Chair
National Assembly for Wales
Petitions Committee

Email: SeneddPetitions@assembly.wales

Dear Mr Rowlands

Petition P-05-845 End Conflict of Interest in Local Authority Constitution

I refer to your letter seeking my views on the issues raised by Petition P-05-845 concerning complaints about conflict of interest issues that arise from planning officers who operate, or who are employed by, private planning consultants. You also ask about the numbers of complaints about planning matters and alleged conflict of interest.

As Public Services Ombudsman for Wales I investigate complaints made by members of the public who believe they have suffered hardship or injustice as a consequence of maladministration or service failure on the part of the body complained about.

Our annual report for 2017/18 shows that around 8% of complaints received are about planning/building control matters and around 5% of our upheld complaints related to planning matters. However these were generally procedural failings rather than issues arising from conflicts of interest.

Conflicts of interests on the part of officers employed in public bodies are sometimes alleged in individual complaints. Such conflicts may be alleged in any type of complaint I receive (not only planning complaints) and I make my findings according to the evidence I find in any individual case. A breach of any of the Nolan principles by anyone employed by a public body may amount to a finding of maladministration by my office.

Due to the nature of my role and remit I may only investigate such matters if they are relevant to individual complaints of injustice which have been made to me. I do not have a general remit to investigate complaints of the nature which have been outlined in the Petition under the PSOW Act 2005.

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Furthermore, any serious allegations of corruption in public office are matters for the police to investigate in the first instance. This is not something that has been identified in my investigations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman