



Blaengwrach Community Action Group

P-05-845 End Conflict of Interest in Local Authority Constitution – Correspondence from the petitioner to the Committee, 17.10.18

End Conflict of Interest in Local Authority Constitution

This petition asks for urgent changes to the Constitution in our Local Authorities to remove policies which facilitate Conflicts of Interest.

Currently, each Local Authority sets out an employee Code of Conduct which simply asks public officials to declare such conflicts on a form and to inform their manager. Our recent experiences, highlight why this is so detrimental to both Local Authorities and to the public, across Wales.

In order to illustrate the scale of how this affects the ill-feelings of residents toward their local authorities, I would first like to use our own situation as an example.

Our residents have an ongoing dispute with our Local Planning Authority over a major petrol filling station and fast food drive-through restaurant to be built in the Dormitory Settlement of Blaengwrach. There is a considerably low opinion of the LPA in our community and many residents continue to question what are considered to be inconsistent decision-making processes and poor communication handling skills.

We are seriously dissatisfied with the reasons that this planning application has been approved and with the lack of input that we have been able to make. Our community even generated over 1000 letters and requests to the local authority on this matter. Over 620 protests were hand delivered in person and our action group has continued to request simple discussions on serious safety concerns that are all being dismissed. The development passed approval in just 6 weeks and the minimum effort was taken to notify residents or consult with other authorities on matters of public health and safety, especially when compared to similar developments in our area.

This site was originally sold by Neath Port Talbot Council in 2007 to a previous developer who then made half a million pounds of profit when selling on the land with planning permission for a petrol station. To enable this, a restrictive covenant was lifted from the site after the planning approval was given, for an exceptionally low fee.

This matter has been referred to the Wales Audit Office as our residents were extremely unhappy that this covenant, which restricted development to residential



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housing, was revoked to facilitate these major commercial retail units. We do not see the logic behind the amounts of public money involved, and no 106 agreement has been sought to compensate residents on the devastation that this will cause. This is further called into question, when considering that the Chief Executive of NPTC recently gave a talk to nearby residents in Glynneath about how important 106 agreements are in order to fund communities in the Welsh Valleys (as per Valley Regeneration schemes).

Our residents also requested help from the Public Services Ombudsman for Wales as we have had no single concern appropriately investigated by our Local Authority. Unfortunately the Ombudsman is under-resourced and overwhelmed with similar requests around Wales, so did not have enough initial evidence to proceed with a full investigation.

It is understandable then, how it caused further anger and resentment when residents learned that planning officers involved in this development also run private consultancy firms. Our requests to learn more about this from our Local Authority under the Freedom of Information Act have been refused. This, along with a blunt response to say that it is not something that falls under the public interest, simply raises suspicion rather than diffusing the already tense and difficult situation. We know that some officers even advertise their private company hours as full-time, and answer the same mobile phone during the day as used in their public role.

This is not to say that any of these officers are working counter to the Code of Conduct in the NPT Local Authority. I use this information here only to highlight how easily misconceptions can begin for members of the public and can then be made worse with poor communication handling and a lack of transparency. In the world of planning, for example, it is next to impossible for public officials working in Local Authorities to form no relationships or experience with each other. It is therefore, even harder, to police the Code of Conduct especially with regard to Conflicts of Interest and to prove when Fraud or Corruption is actually taking place.

As a small country, it is to be noted that many key officials will work with each other around different Local Authorities and even migrate to the private sector. Indeed, the current Head of Planning for NPTC used to work in Swansea Local Authority with the Planning Director of the petrol station company planned for Blaengwrach. After volunteering this information, the Planning Director also told our action group that this relationship has had no bearing on his submissions to meet the planning conditions.



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This petition would serve to enhance the reputation of employees in public roles which, in turn, affects each Local Authority. Simply operating outside of their public area of responsibility is not sufficient when considering these aspects.

The financial management and governance in our local authorities must be protected and kept beyond reproach. The temptation to profit from collusion and “revolving door” corruption can be hard to resist and it is the responsibility of the Local Authority to be aware of the risks and prevent this from happening. To this end, the Code of Conduct set out in Local Authorities needs to be improved to further prevent this. We cannot afford to spend public money on the resources to police cases where such conflicts may (or may not) exist.

There is no strategy in place to enforce any rules on this matter and no official strategy for Local Authorities in Wales on countering fraud and corruption. The English publication for “The Local Government Counter Fraud and Corruption Strategy 2016–2019” makes for a good illustration into how this saves public money and resource. Considering the number of media stories published by undercover journalists and the investigations by English Government into Local Authorities for corruption (such as in Northamptonshire County Council earlier this year), one can see why this is so important.

To respond to the comments of Alun Davies AM, Cabinet Secretary for Local Government and Public Services, we do not agree that the current arrangements are sufficient which allow public officials to work outside of their public role. Simply working outside of a public area of responsibility does not preclude the ability to use the same contacts or knowledge which effectively undercuts full time private workers in that same field. If, for example, a local councillor is also running a planning consultancy firm, how do constituents have any assurance that developments made for their area are in their best interest only?

Mr Davies also referred to the Institute of Royal Town Planning in the case of Planning Officers. There are of course other institutions which perform similar roles in other vocations. I would argue that in our case, when members of our action group have tried to communicate with such institutes, including the RTPI, we have been met with blank refusals to enter into discussions on the topic. As membership for this organisation is voluntary, there is no statutory obligation to protect the public from the misconduct of their members or to treat with us on any issues.



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In summary, as residents, we rely on public officials such as our Local Councillors and Planning Officials to do their best for our public interest. In many cases, however, our Local Authorities are losing the trust and respect of the public. We are also seeing a massive increase in the number of residential action groups and cases to the Public Services Ombudsman for Wales.

As members of the public, the private sector does not allow for any secondary role or earnings which may be deemed as a 'conflict of interest' and it is hard to understand why those representing us in public roles are allowed to do so.

We ask the Welsh Government to enforce a higher standard in the working practices of our Local Authorities to prevent fraud and corruption from happening. Counter to the comments offered by Mr Davies, there is no Government Strategy in place for our Local Authorities to follow, in order to appropriately enforce the Code of Conduct with regard to Conflicts of Interest. **Change the Code of Conduct in our Local Authorities to disallow public officials from working outside of their public roles in any manner which could be deemed as a Conflict of Interest.**

(Please see also the submitted letter from Carwyn Jones AM, dated on 16th June 2003 which reiterates the importance of the Code of Conduct in improving public confidence in Local Authorities.)