

P-05-845 End Conflict of Interest in Local Authority Constitution – Correspondence from the Petitioner to the Committee, 04.12.18

Dear David,

I must convey how disappointed I am with the reply from the Cabinet Secretary, Alun Davies, on the matter of this petition topic. What I am proposing, on behalf of the public, is simply to introduce measures to **prevent** conflicts of interest from occurring when those holding full time public roles are also working in private firms. Such conflicts leave the system open to abuse, such as ‘revolving door’ corruption which can be extremely hard to prove after the fact. This is not tolerated in the private sector and as I have previously stated, we demand higher standards from those charged with serving the public interest.

While I am aware that there are provisions in local authorities to report and record any conflicts of interest, what disturbs me is the lack of any legislation following on from this. Mr Davies points out that members of the public can report breeches of this code to the Public Ombudsman for Wales, or even to the police in more criminal matters. Even, should members of the public be able to conduct a full investigation to find the evidence needed in order to approach an authority, the Ombudsman is flooded with such complaints and often cannot investigate further due to a lack of resource.

In effect, in order to facilitate extra private earnings for those officers and councillors already in well paid full time public roles, public money and resource is being spent on recording and monitoring these conflicts of interest with little power or legislation to investigate such incidences further. While it is reassuring to know that the Welsh Authorities use the English Government counter fraud and corruption strategies as guidelines, again I point out that there is no legislation from our own Welsh Assembly to enforce anything. In the case of the Planning Authority, this is a major flaw in the system. Surely, by disallowing these conflicts of interest to exist, we are not only protecting the public but also those in public roles, especially in Planning, who are unelected and wield a vast amount of power? Such officials can be called in to a Judicial Review, but only in a 6 week window which favours professionals such as property developers rather than disorganised and ill-informed members of the public. Once such a window has passed, there is no authority that will step in or investigate any complaints, if Council Leaders refuse such requests.

I would argue that allowing conflicts of interest to continue is detrimental to the reputation of our local authorities, facilitates the potential for fraud and corruption

in key roles, increases the workload of the Public Services Ombudsman and Audit Committees and uses public resources to track and monitor said conflicts. Running a private firm in the same professional field as in a public role cannot avoid such conflicts, utilising the very same 'inside' knowledge, contacts and training. This surely also serves to undercut other professional firms who do not have this edge, regardless of geographical boundaries.

I urge you, the Welsh Government, to consider this issue on our behalf and hope that you will conclude that the arguments we present for a much needed change, outweigh the benefits of keeping the 'status quo'. Again, I feel I need to point out that I am looking to amend this generic code of conduct policy to prevent conflicts of interest from taking place. Mr Davies seems unsure of whether conflicts of interest even exist despite also defending the system that records them:

"There is no evidence to suggest this creates a conflict of interest and in any case, local authorities already have in place a system for recording and tracking conflicts of interest."

For interest, I enclose further media articles from the Daily Telegraph on planning officers 'for hire' which highlight how controversial, albeit legal, this subject is.

Yours sincerely
Emma Eynon

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Councillors for hire who give firms planning advice

Telegraph investigation: Councillors across England are offering themselves for hire to property developers who are hoping to take advantage of relaxed planning laws which come into effect within weeks.

By Holly Watt, Claire Newell and Ben Bryant
10:00PM GMT 10 Mar 2013

Councillors across the country are offering themselves for hire to property developers who are hoping to take advantage of relaxed planning laws which come into effect within weeks, a Daily Telegraph investigation reveals on Monday.

Local government politicians are trading on their inside knowledge of the planning system to receive fees of up to £20,000 for advice on how to get developments approved, it can be disclosed.

Despite apparently creating the potential for a conflict of interest, it is not illegal for councillors to work as paid consultants. Councils are expected to face an increase in applications for building when new planning laws take effect at the end of this month.

Under the changes, local authorities without a plan for development in their area will be expected to approve any application which can be said to be a "sustainable development", a term that has alarmed conservationists because it is open to wide interpretation.

<https://www.telegraph.co.uk/news/uknews/9923680/Moonlighting-planning-officers-help-builders-exploit-vulnerable-councils.html>

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Moonlighting planning officers help builders exploit 'vulnerable' councils

Planning officers are offering to draw up applications for developers who can take advantage of "vulnerable" councils in the wake of the relaxation of building laws, The Telegraph can disclose.



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Telegraph undercover planning investigation: a summary

A guide to the Telegraph's undercover investigation into planning reforms, which exposed how councillors across England were offering to help people take advantage of relaxed planning laws

9:00AM GMT 04 Nov 2013

The Telegraph exposed how councillors across England were **offering themselves for hire to property developers** who were hoping to take advantage of a relaxation in planning laws.

An undercover investigation published in March 2013 showed how councillors traded on inside knowledge of the planning system **to receive fees of up to £20,000** for advice on how to get developments approved.

By Claire Newell, Holly Watt, Ben Bryant and Christopher Hope
10:44PM GMT 11 Mar 2013

The public sector officials, who work full-time for councils, charge thousands of pounds in consultancy fees to assist companies, including supermarkets and property companies, with planning applications.

A consultancy in Cambridge advised undercover reporters that the planning officials could explain the complex planning system to private clients while still working for local authorities.