

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Miss Bronwen Morgan
Chief Executive
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Dear Bronwen

Annual Letter 2012-2013

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2012-2013) for Cyngor Sir Ceredigion.

As outlined in my Annual Report, the number of new complaints to my office increased by 12% compared with 2011/12. Health complaints continue to be the most numerous type of complaint and now account for more than a third of all complaints received. Housing and planning are the next largest areas of complaint, however, planning complaints are noticeably fewer in number compared to housing for the first time since the office came into existence (accounting for 16% and 12% of the caseload respectively).

In reference to the overall performance of County/County Borough Councils in Wales, whilst there has been a 35% increase in the number of investigation reports issued by my office during 2012/13 compared with 2011/12, I am pleased to note that, despite this increase, there has been no increase in the average number of 'upheld' reports issued against County/County Borough councils. Whilst I have had cause to issue a number of Public Interest Reports identifying serious concerns and failings, these reports have all concerned health bodies. Nevertheless, I would urge all bodies in Wales to read the reports to learn any general lessons appropriate to the services they deliver.

I note that the average number of 'Quick Fixes' and 'Voluntary Settlements' achieved with local authorities has decreased compared with 2011/12, from 5 to 4 cases. Such settlements are an effective way to resolve complaints at an earlier stage and without the need for a full investigation. As such, in order to maximise the opportunities to learn lessons from these types of cases, you can now find the

summaries of quick fixes and voluntary settlements included in my quarterly publication, The Ombudsman's Casebook.

However, I am disappointed to note that the amount of time taken by public bodies in Wales in responding to requests for information from my office has not improved. I am concerned that 45% of all responses took longer than five weeks, with 28% of responses taking in excess of 6 weeks. Whilst I appreciate that resources are stretched at this time, such delays obstruct me from providing complainants with the level of service which they should rightly expect to receive and I urge all Welsh public bodies to review their performance.

In reference to your Council, I note an increase in the number of complaints received by my office compared with 2011/12, and this figure remains above the average. Whilst there has been a decrease in the number of complaints investigated, this figure also remains above the average. As with 2011/12, the largest single area of complaint remains 'Planning and Building Control', whilst it is pleasing to note that there were no 'upheld' reports issued during 2012/13. However, it should also be noted that two-thirds of responses to requests for information from my office took longer than 5 weeks.

As with previous exercises, a copy of this letter will also be published on my website. I would also be glad to meet with you to discuss the contents of this letter and the work of my office if you consider it beneficial.

Yours sincerely

Peter Tyndall
Ombudsman

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2012-2013, with the local authority average (adjusted for population distribution¹) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2012-2013. Section C compares the number of complaints against the Council which were received by my office during 2012-2013, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2012-2013. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2012-2013, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2012-2013 with the average response times for all local authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2011-2012. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2012-2013.

Housing Stock

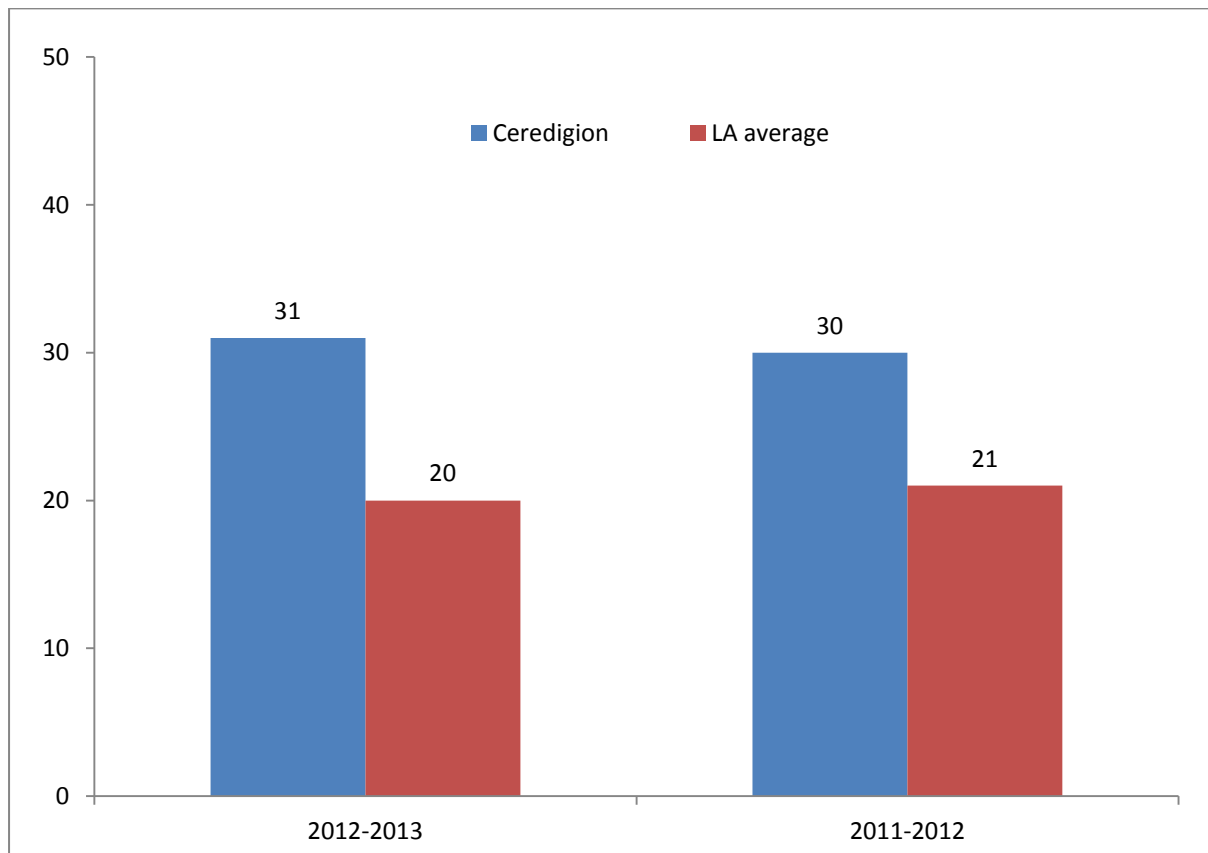
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to james.merrifield@ombudsman-wales.org.uk.

¹ <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-262039>.

A: Comparison of complaints received by my office with average, adjusted for population distribution

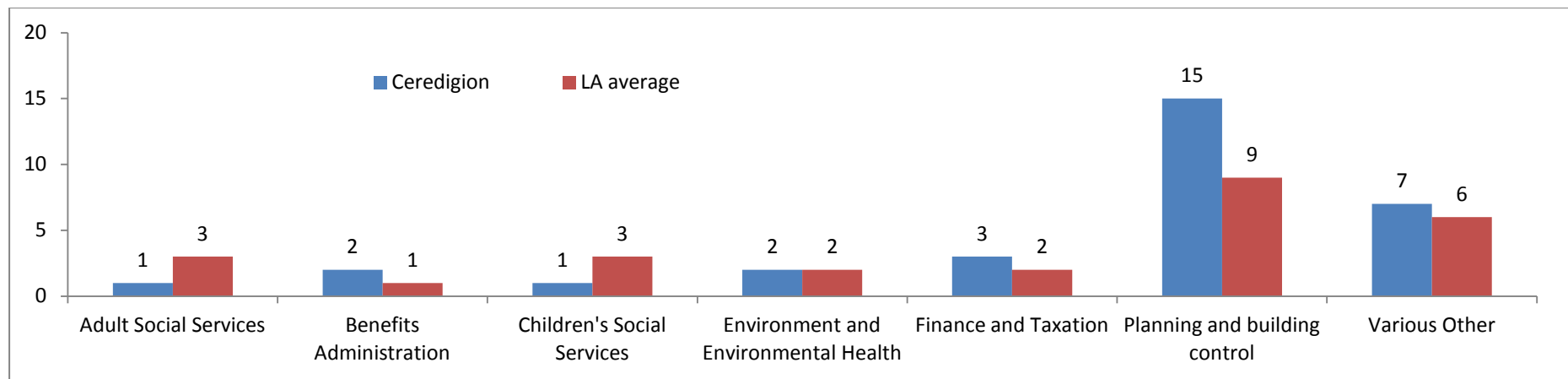


B: Complaints received by my office

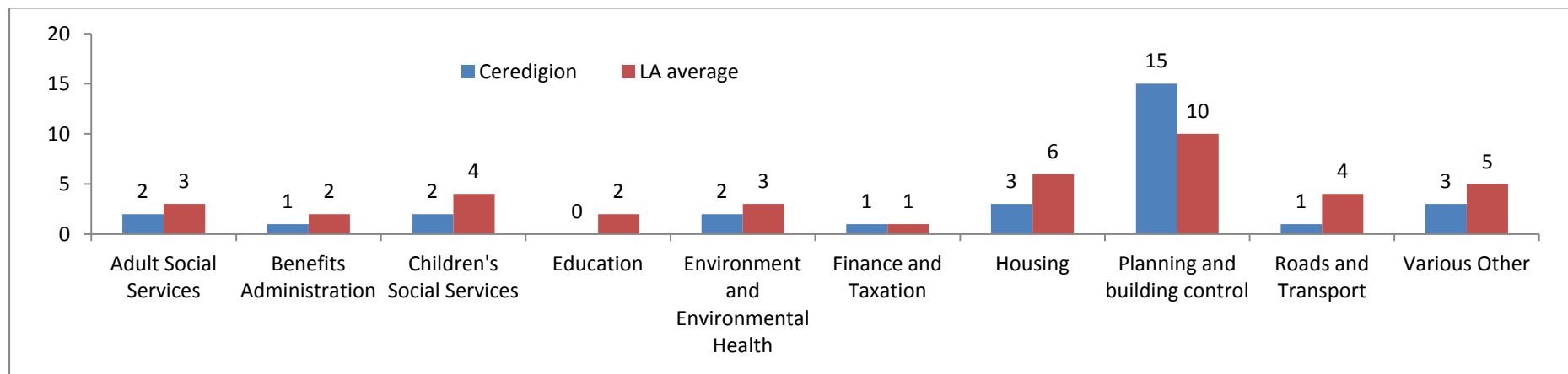
Subject	2012-2013	2011-2012
Adult Social Services	1	2
Benefits Administration	2	1
Children's Social Services	1	2
Environment and Environmental Health	2	2
Finance and Taxation	3	1
Housing	0	3
Planning and building control	15	15
Roads and Transport	0	1
Various Other	7	3
Total	31	30

C: Comparison of complaints by subject category with LA average

2012-2013



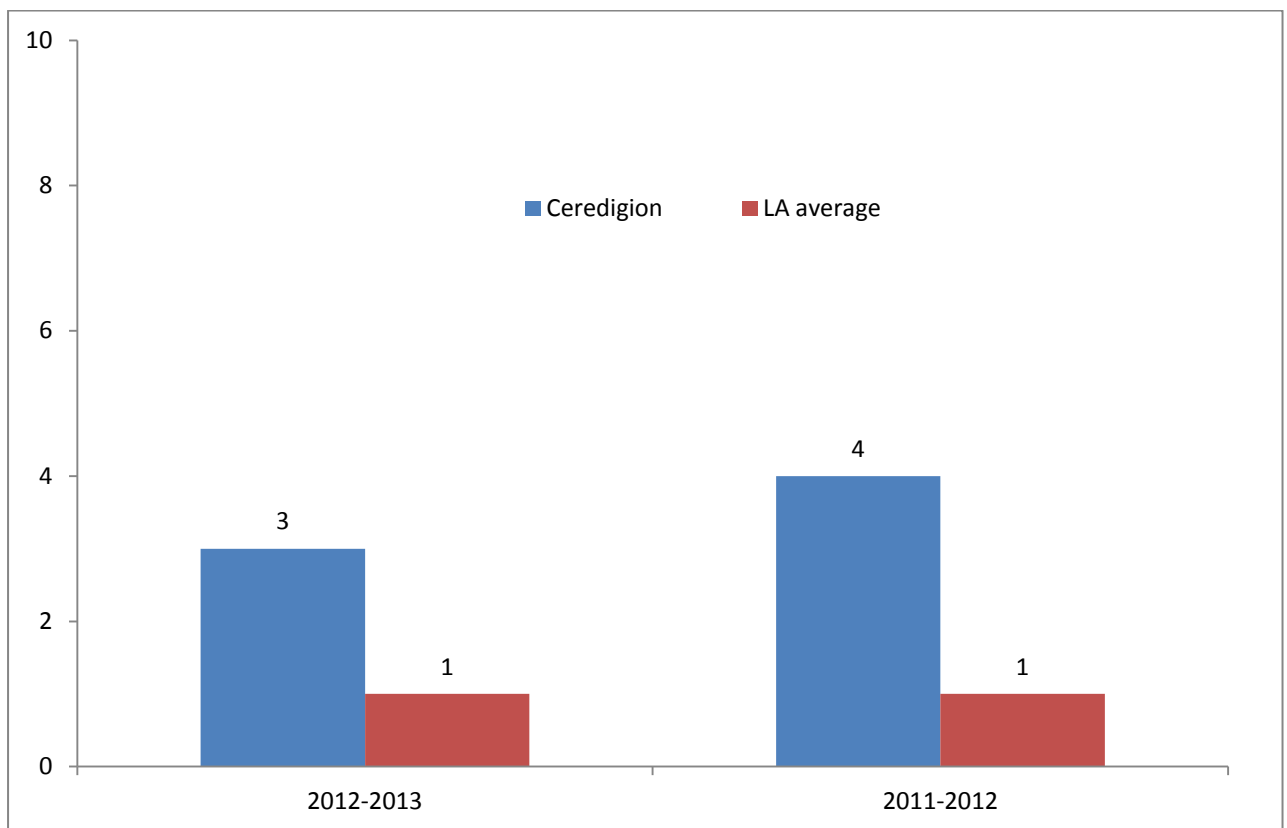
2011-2012



D: Complaints taken into investigation by my office

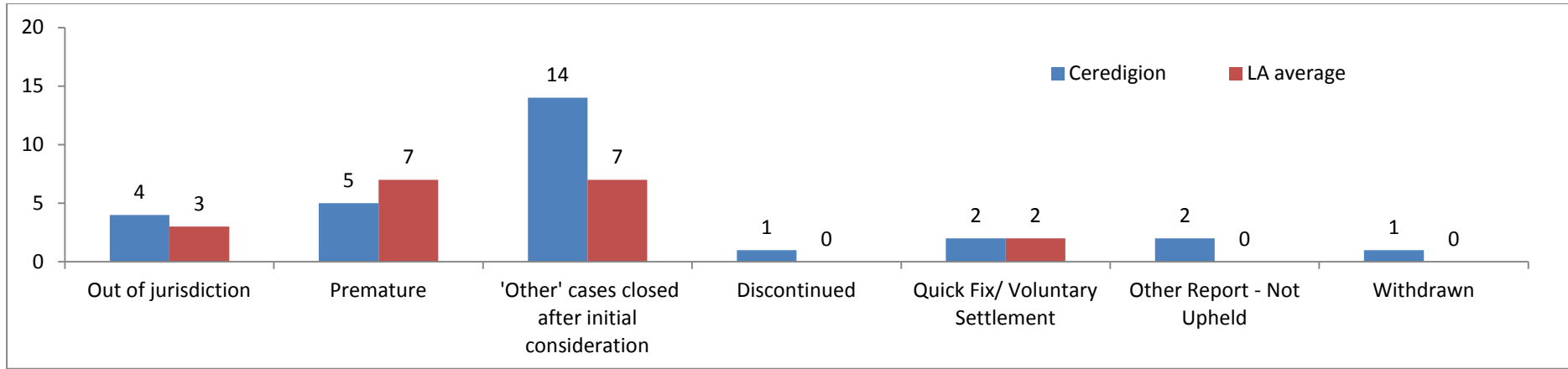
	2012-2013	2011-2012
Number of complaints taken into investigation	3	4

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

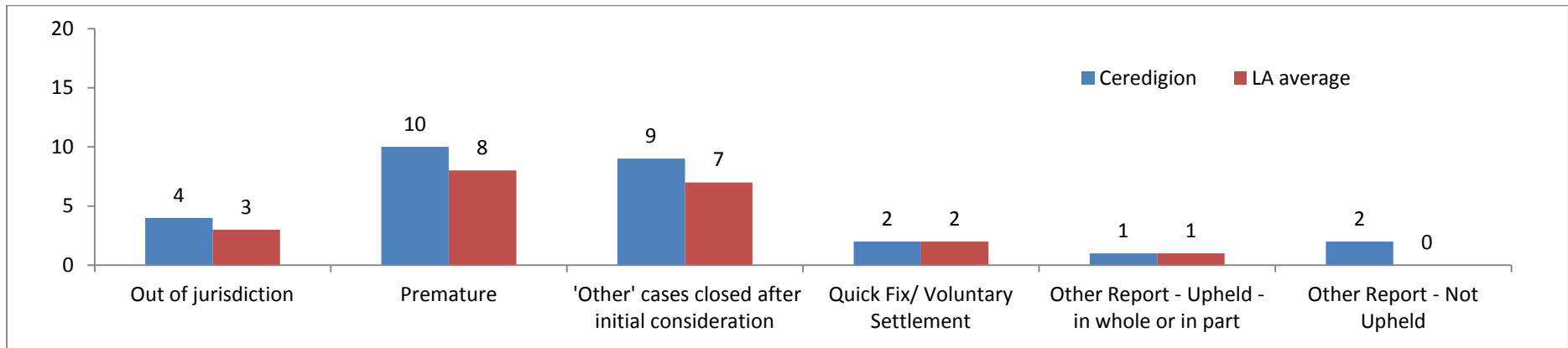


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

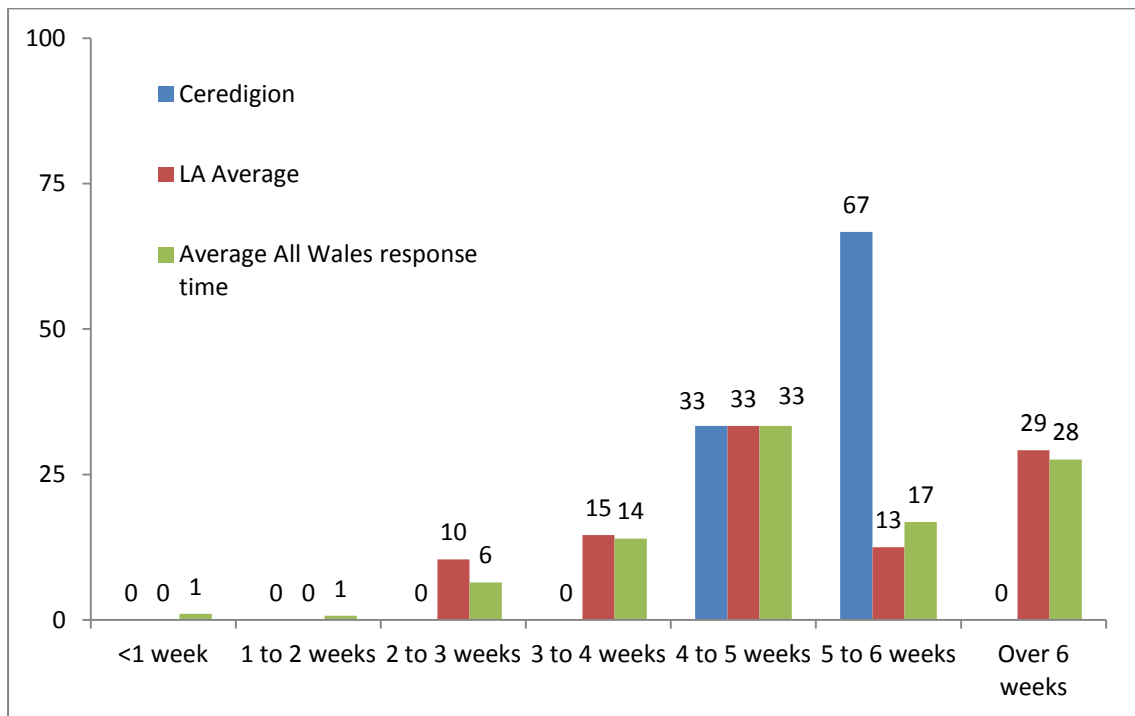
2012-2013



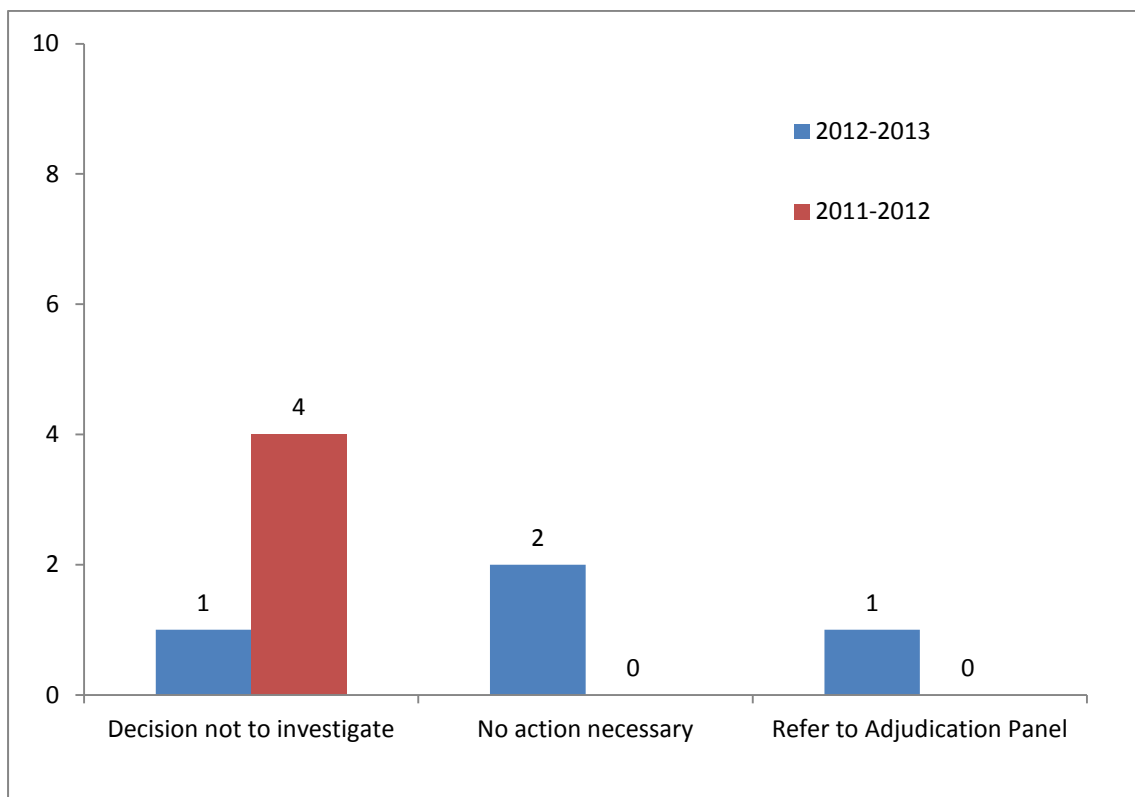
2011-2012



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2012 – 2013 (%)



H: Code of Conduct complaints



I: Report summaries

Finance and Taxation

Quick fixes & voluntary settlements

October 2012 – Finance and Taxation – Ceredigion County Council

Mr B received a council tax reminder notice, which he disputed. Mr B subsequently discovered that he had made an overpayment in the previous year, which was retained by the Council and offset against his monthly payments for the next tax year. Mr B complained that the Council's response to his complaint was inadequate, and it had no procedures in place to deal with matters relating to overpayment of council tax.

The investigation found that the Council had explained that unless it was informed by a tax payer that the overpayment was an error, it would be deemed intentional, resulting in the credit being offset against a future council tax bill. However, as the response did not fully address Mr B's concerns, he sent a further letter and requested information under the Freedom of Information Act 2000. Whilst the Council concluded that Mr B's request for some of the information was exempt under the Act, it failed to provide a further explanation to the original concerns. A recommendation was made that the Council apologise to Mr B for the failing identified within two weeks.

The Council admitted that it did not have a policy or a written procedure for dealing with overpayments of council tax, but said that it had procedures written into its processing systems which advise staff on how to treat accounts in credit and are based on Council Tax (Administration and Enforcement) Regulations 1992. The Regulations provide that when an overpayment occurs, the amount can either be repaid if the person so requires, or (as the billing authority determines) be repaid or credited against any subsequent liability of the person to make a payment of council tax. The investigation found no evidence to suggest that in the event that Mr B had informed the Council that the overpayment was an error, it would not have offered a refund, instead of carrying forward the credit to be offset against the next council tax bill. Also, whilst the Council did not have a written policy or procedure for dealing with overpayments, it had acted in accordance with the Council Tax Regulations.

Case reference 201202558

Housing

Not Upheld

August 2012 – Homeless person issues – Ceredigion County Council & Tai Ceredigion Cyf

Mr H, who uses a wheelchair, complained that the property he was initially allocated by Tai Ceredigion Cyf in order to discharge the duty he was owed by Ceredigion County Council under Part 7 of the Housing Act 1996 was unsuitable. In particular, he said that he was unable to adequately access the bathroom, which meant that he had to use a commode, and wash, in the kitchen. Mr H also said that the access to the property was poor, and that the width of the internal doorways caused him to graze his knuckles when moving from room to room. Mr H said that after he requested a review, the property was deemed unsuitable and he was offered his current property. Mr H said that he incurred costs due to this second move, and he felt that they should be reimbursed.

The Ombudsman found that the Council and Tai Ceredigion had taken appropriate professional advice before allocating Mr H the property. They had also made him aware that significant adaptations would be needed, and that they would not be in place when he moved in. There was evidence that Mr H and his partner had accepted this. It was very unfortunate that the property had turned out to be unsuitable, but once they were made aware of this, Tai Ceredigion and the Council moved quickly to allocate Mr H a property that could be more easily and suitably adapted to his needs. The Ombudsman did not uphold the complaint.

Case reference 201101657 & 201102173

Quick fixes & Voluntary settlements

August 2012 – Group or block repair/improvement grants – Ceredigion County Council

Mr Y complained about unfinished work and the quality of work carried out on his house under a group repair grant in the Cardigan Renewal Area. He was also concerned that he would be unable to sell his property because the work had not been certified as completed. (A condition of grant was that a property could not be sold within 5 years of the completion date, without repaying the grant.)

Following the complaint to this office, the Council arranged for the remaining work to be completed by a different builder. It also agreed that money spent by Mr Y to complete some work could be offset against his contribution. The original completion date for the scheme in 2008, which applied to other properties in the street, would also be used for the payback condition.

Case reference 201103478

Planning and Building Control

Not Upheld

March 2013 – Unauthorised development – Ceredigion County Council

Messrs D complained about the way in which Ceredigion County Council ('the Council') handled their planning application for a replacement manufacturing building. The complainants said that the Council "failed to show due diligence" with particular reference to three wind turbines ('the turbines') shown on the plan which accompanied their planning application. They added that one of the turbines was erected on the basis of comments made by the Planning Officer in an e-mail.

The Ombudsman obtained advice from his planning adviser. The adviser said that it was reasonable for the Council to have treated the planning application as being for the construction of the building only. Whilst he said that opportunities were missed for the Council to have picked up on the turbines on plans submitted, the situation was not helped by the complainants' planning adviser submitting a different plan, which did not show the turbines, with the hard copy planning application.

The Ombudsman did not uphold the complaint. He was however critical of the e-mail sent by the Planning Officer and suggested that the Council reminds its officers of the importance of giving due and appropriate consideration to all communications from planning applicants and their agents. He also suggested that the Council give consideration to its application validation process in light of new Welsh Government guidance, had it not already done so.

Case reference 201201513