

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



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Mr Richard Parry Jones  
Chief Executive  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
Anglesey  
LL77 7TW

Dear Mr Parry Jones

### **Annual Letter 2013/14**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Isle of Anglesey County Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement' - In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, whilst there has been a slight increase in the number of complaints received, compared with 2012/13, my office has not commenced any investigations against your Council in 2013/14. The largest single area of complaint is again 'Planning and Building Control'. My office has issued one 'upheld' report and one 'not upheld' report against your Council during the past year. Finally, as my office did not commence any investigations against your Council during 2013/14, there were no response times recorded in relation to your Council.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely

Professor Margaret Griffiths  
Acting Ombudsman

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, 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 2013/14. 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 2013/14, 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 2013/14 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 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

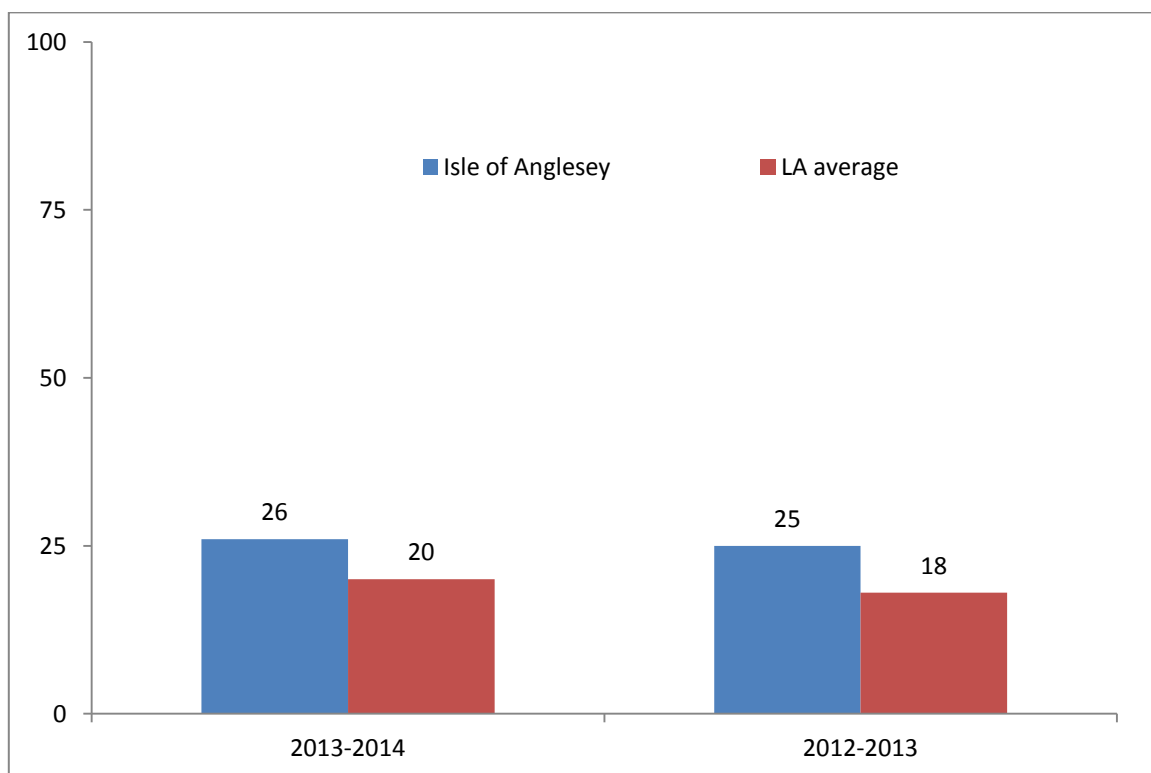
### **Housing Stock**

As with previous exercises, the figures for 2013/14 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](mailto:james.merrifield@ombudsman-wales.org.uk).

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

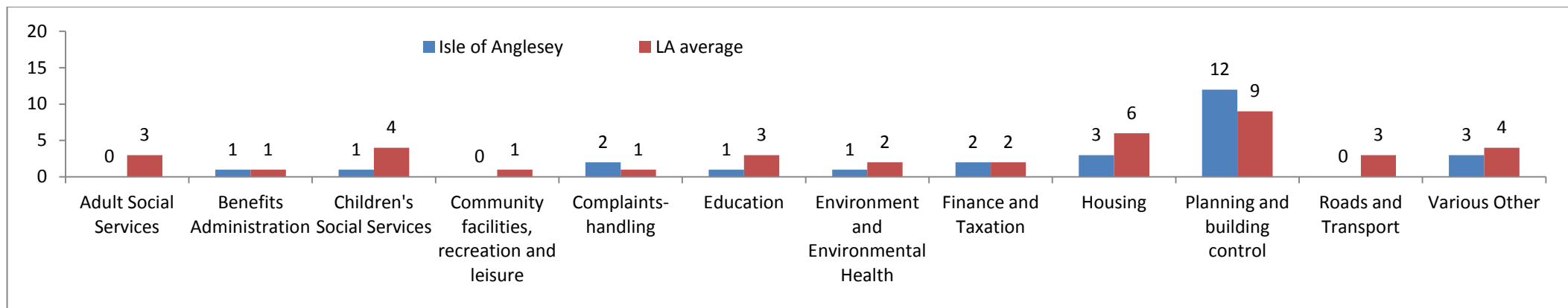


**B: Complaints received by my office**

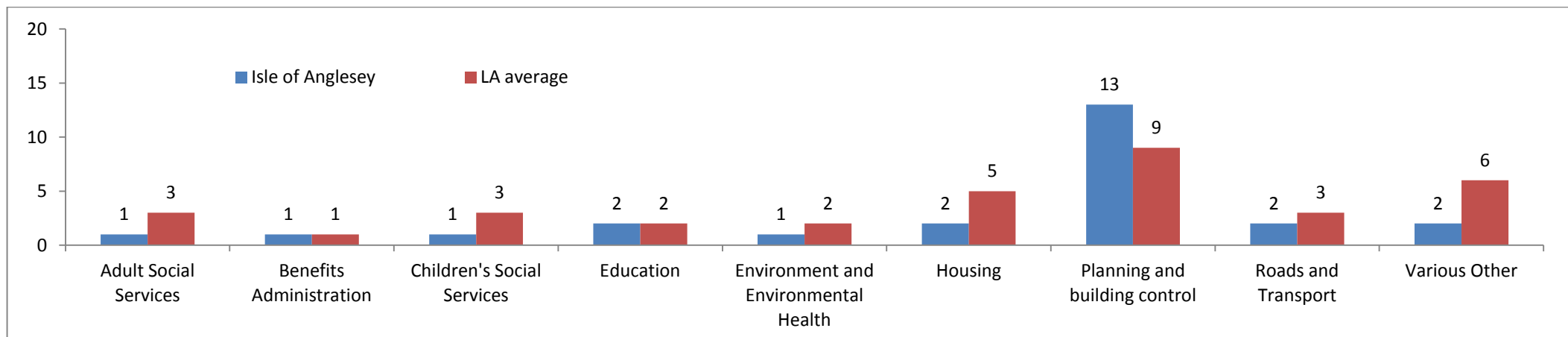
Subject	2013/14	2012/13
Adult Social Services	0	1
Benefits Administration	1	1
Children's Social Services	1	1
Complaint-handling	2	0
Education	1	2
Environment and Environmental Health	1	1
Finance and Taxation	2	0
Housing	3	2
Planning and building control	12	13
Roads and Transport	0	2
Various Other	3	2
<b>Total</b>	<b>26</b>	<b>25</b>

### C: Comparison of complaints by subject category with LA average

2013/14



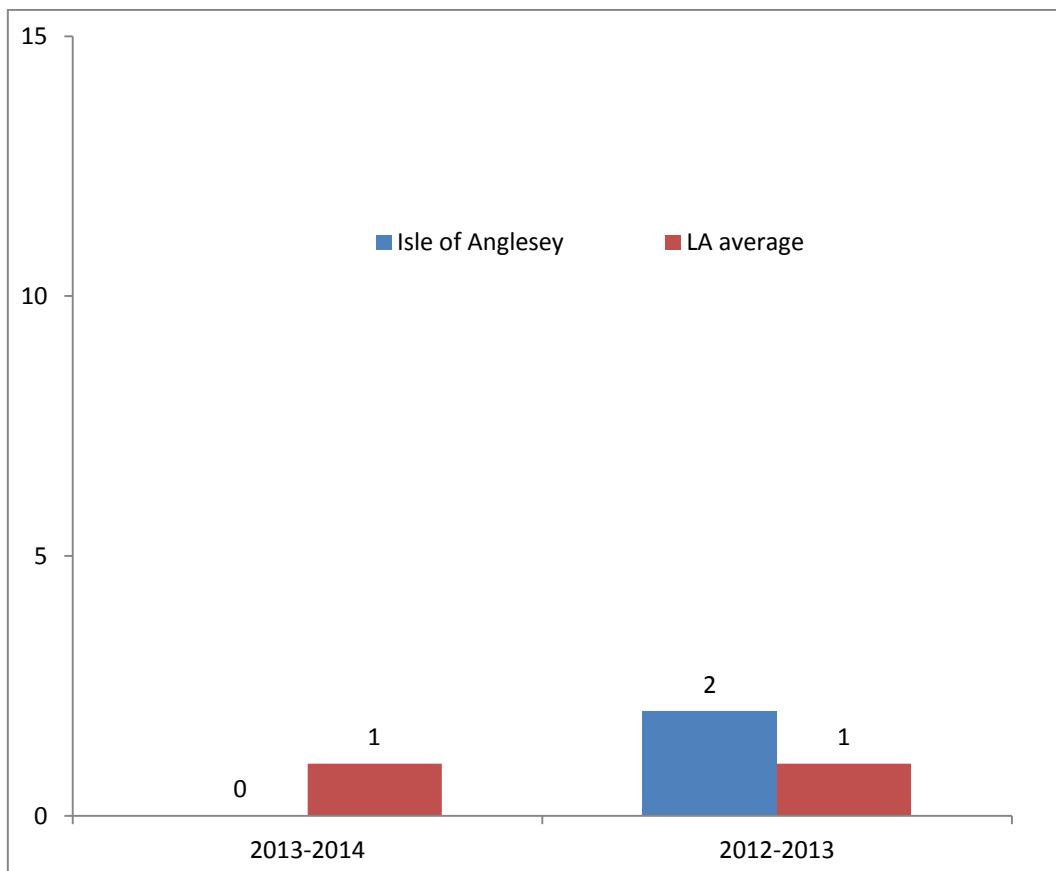
2012/13



**D: Complaints taken into investigation by my office**

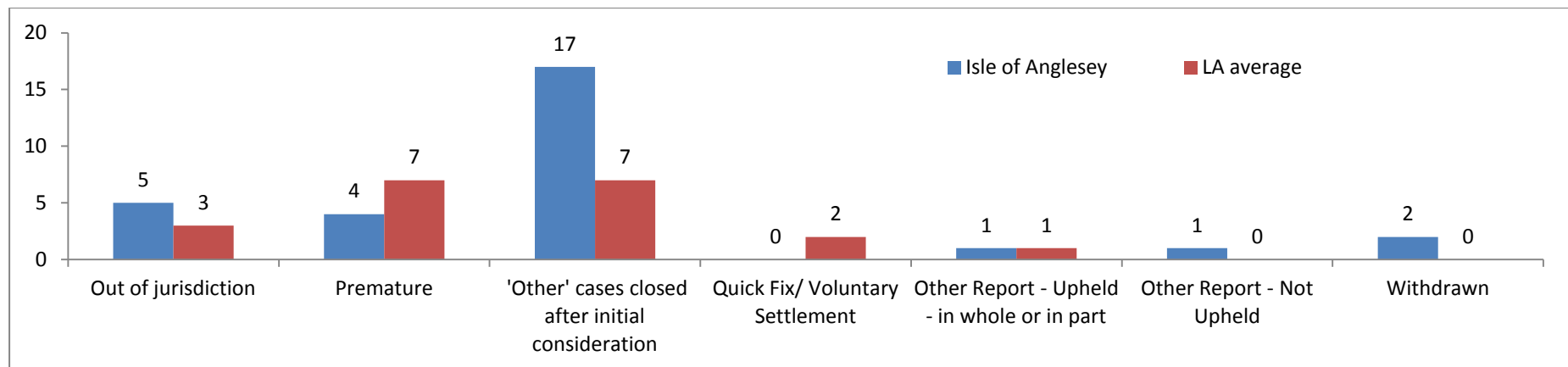
	2013/14	2012/13
Number of complaints taken into investigation	0	2

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

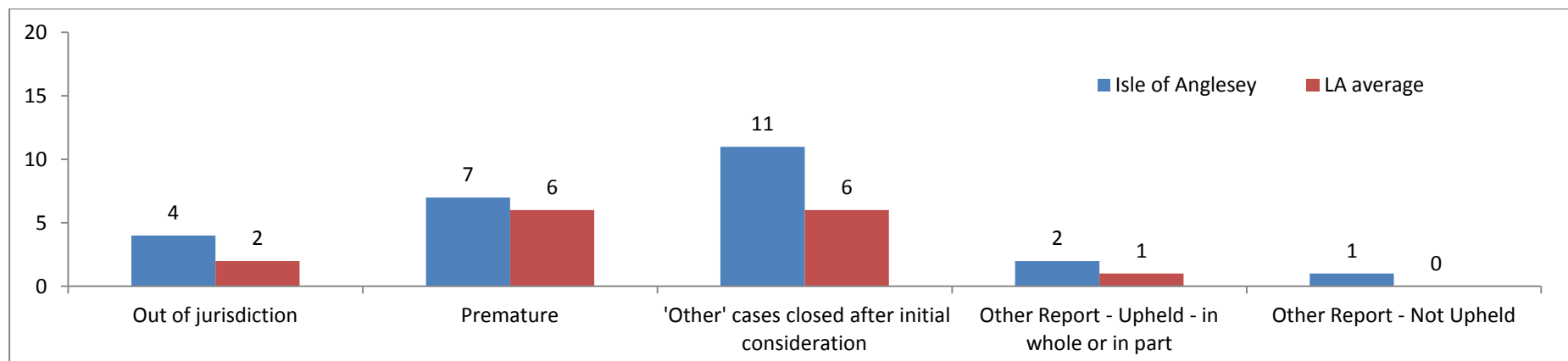


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2013/14**

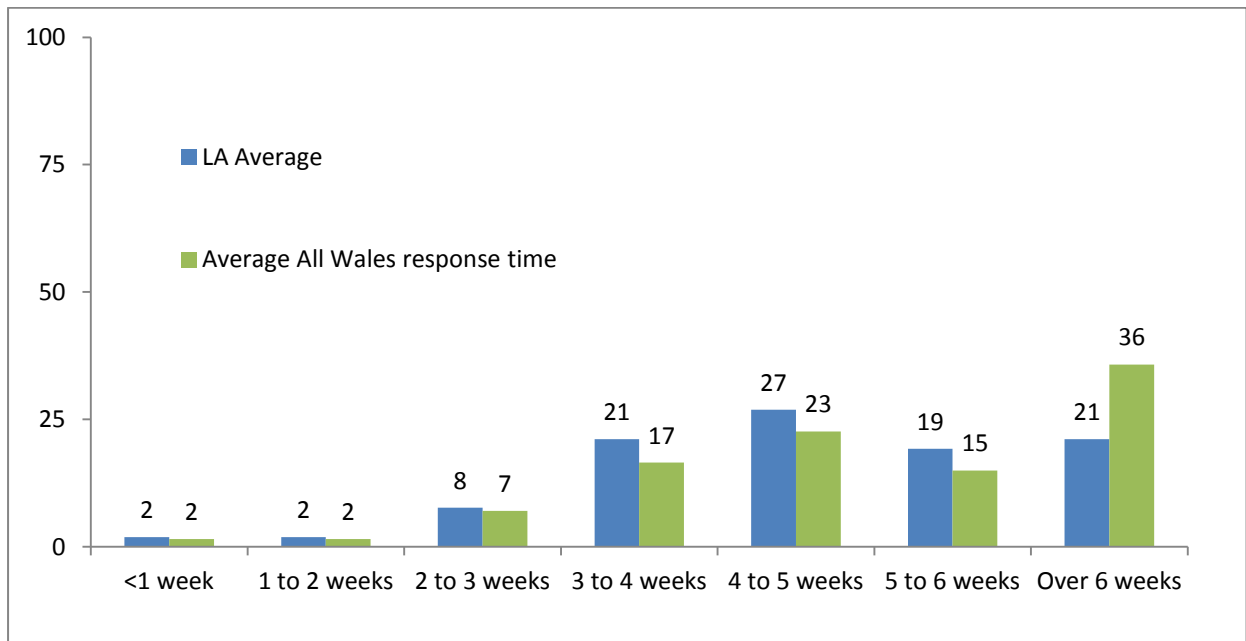


**2012/13**

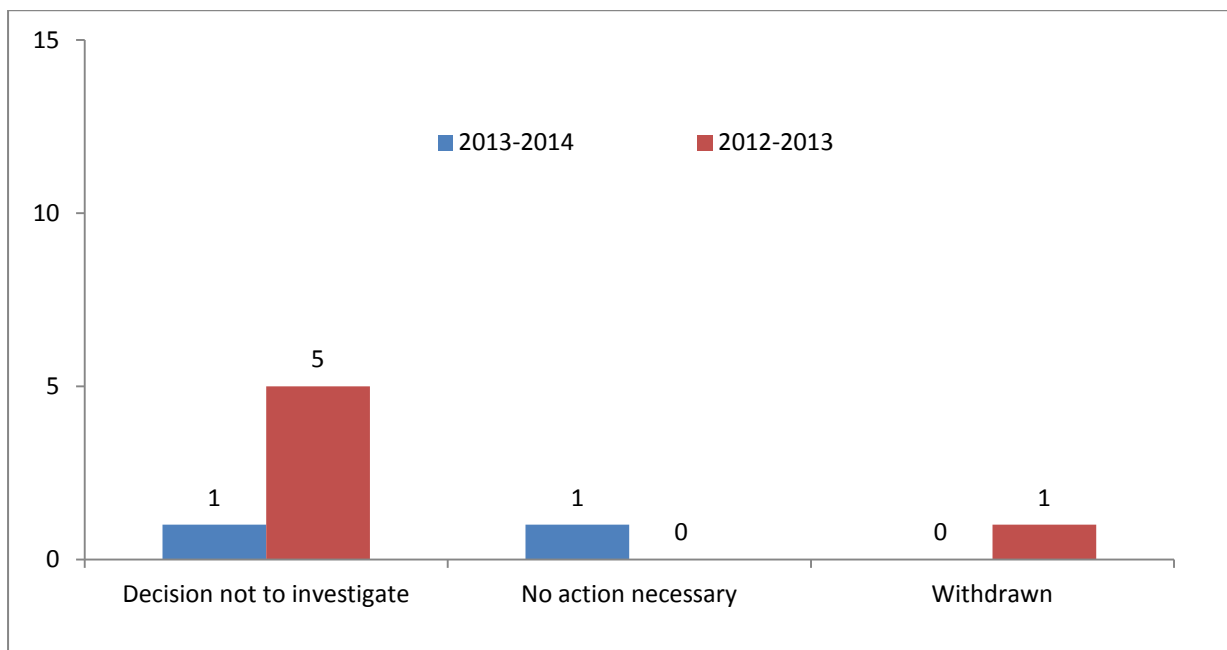


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)**

Graph G relates to those investigations which were commenced during 2013/14. As there were no investigations commenced against Isle of Anglesey, there are no response times for Isle of Anglesey. However, we have included the average Local Authority response times and the average response times for all bodies in Wales for your information.



**H: Code of Conduct complaints**





## **I: Summaries**

### **Finance and Taxation**

#### **Upheld**

##### **May 2013 – Finance and Taxation – Isle of Anglesey County Council**

Mr D is the executor of his late sister's estate ("the estate"). On 28 December 2012, he complained to the Ombudsman that he was dissatisfied with the service he had received from the Council. He said that in August 2012 he returned a cheque to the Council with a request that it be reissued to the estate. He said that instead, the Council offset the cheque against a Council Tax account. He also said that the Council lost the Grant of Probate and failed to handle his complaints about the matter properly.

The investigation considered The Council Tax (Administration and Enforcement) Regulations 1992 as amended ("the Regulations") and guidance issued by the Ombudsman in March 2008, entitled "Principles of Good Administration" and "Principles for Remedy" ("the Guidance"). The Regulations are silent on how such matters should be dealt with; the Council should therefore have considered the Guidance.

I concluded that the decision about what to do with the cheque was not one for the Council to take; the cheque did not belong to the Council, it belonged to the estate. I also determined that there was a delay in the Council's consideration of Mr D's complaint. The Council's handling of Mr D's request, the loss of the Grant of Probate and its consideration of his complaint was maladministrative. I upheld his complaint and recommended that the council should apologise; cover the direct costs of replacing the Grant of Probate; pay an additional £50 for Mr D's time and trouble and revised its applicable procedures.

**Case reference 201203447**

## **Planning and Building Control**

### **Not Upheld**

#### **Isle of Anglesey County Council – Handling of planning application**

##### **Case reference 201203899 – Report issued February 2014**

Councillor A complained, on behalf of a local action group, about the grant of planning permission for a large-scale marina development. The complaint alleged:

- that the Council failed to adequately publicise the proposals, or to engage with the public over the significant development;
- that consideration of the application did not take sufficient account of policy documents and plans;
- that insufficient consideration was given to the impact of the proposed development on the conservation area and the environment.

The Ombudsman took advice on the complaint from an experienced planning consultant. The Ombudsman identified failings in the officer's report to the Planning Committee of the Council, and was critical of the interpretation which the Council had put on a letter from the Welsh Government. However, she was content that the report was on the whole adequate and fair, and that the errors and failings which she identified were not material to the decision to grant permission for the development. Nevertheless, she asked the Council to reflect on her report with a view to avoiding such failings in the future.