

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



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Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

Mr Paul Matthews
Chief Executive
Monmouthshire County Council
County Hall
Cwmbran
NP44 2XH

Dear Mr Matthews

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 Monmouthshire 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, there has been a decrease in the number of complaints received, but an increase in the number of complaints investigated, compared with 2012/13. The largest single area of complaint remains 'Planning and building Control', although the number of complaints received in this area has halved compared with 2012/13. My office has issued two 'upheld' reports and one 'not upheld' report against your Council during the past year. I am pleased to note an above-average number of quick fixes and voluntary settlements. In reference to your Council's response times, I am pleased to see that the majority of responses were received within three weeks of the date they were requested.

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.

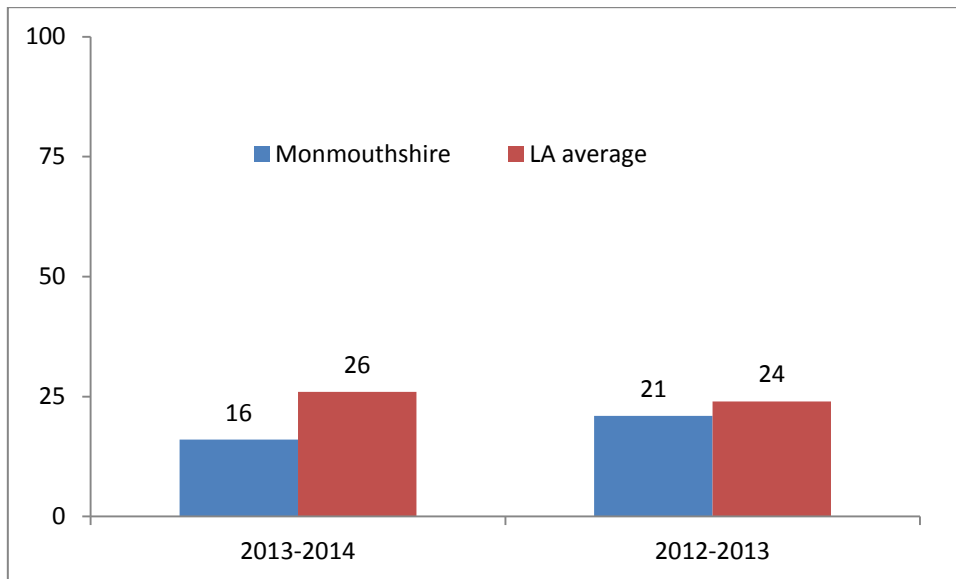
Housing Stock

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.

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

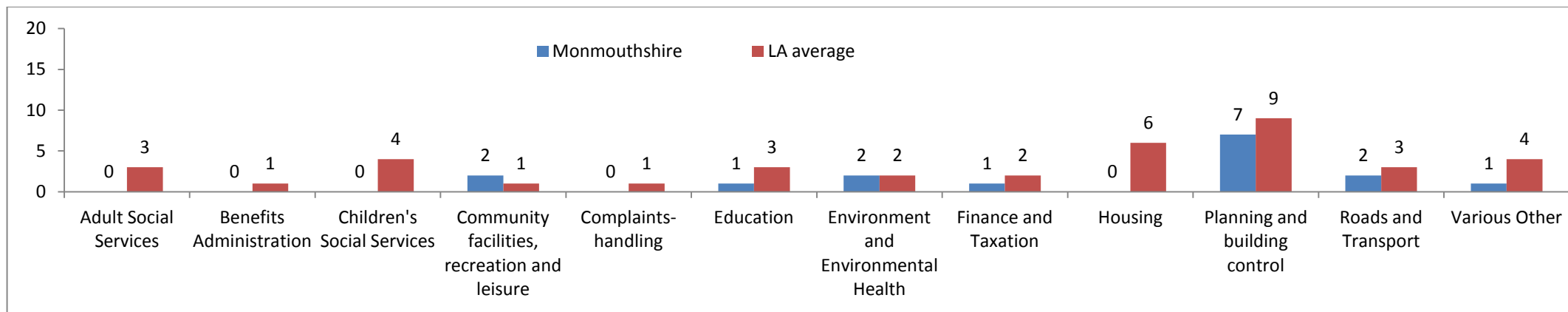


B: Complaints received by my office

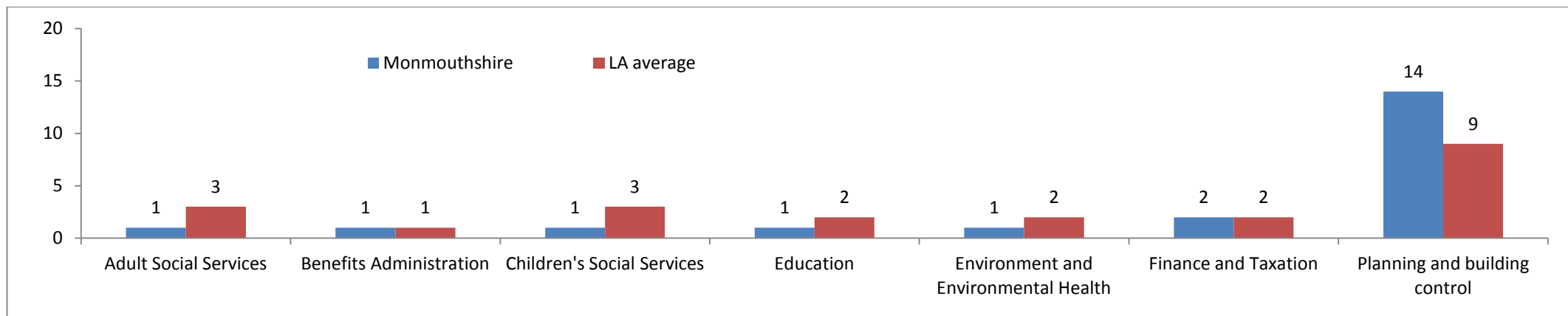
Subject	2013/14	2012/13
Adult Social Services	0	1
Benefits Administration	0	1
Children's Social Services	0	1
Community facilities, recreation and leisure	2	0
Education	1	1
Environment and Environmental Health	2	1
Finance and Taxation	1	2
Health	0	0
Housing	0	0
Planning and building control	7	14
Roads and Transport	2	0
Various Other	1	0
Total	16	21

C: Comparison of complaints by subject category with LA average

2013/14



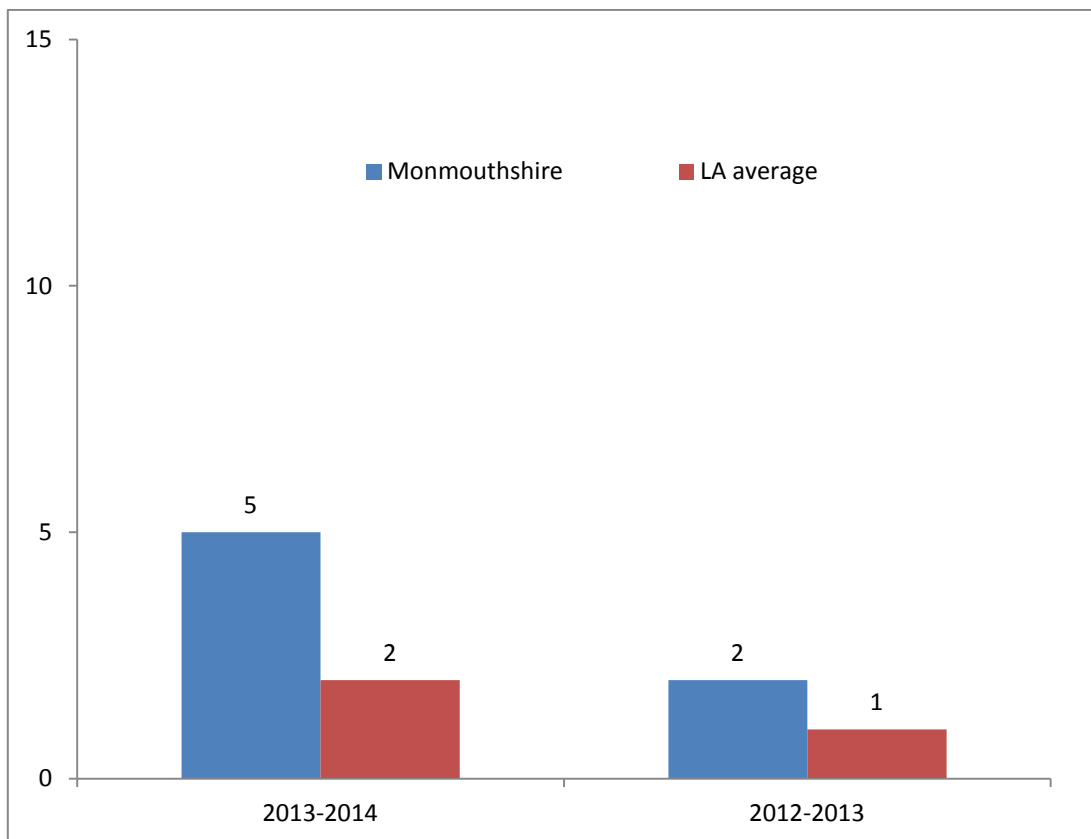
2012/13



D: Complaints taken into investigation by my office

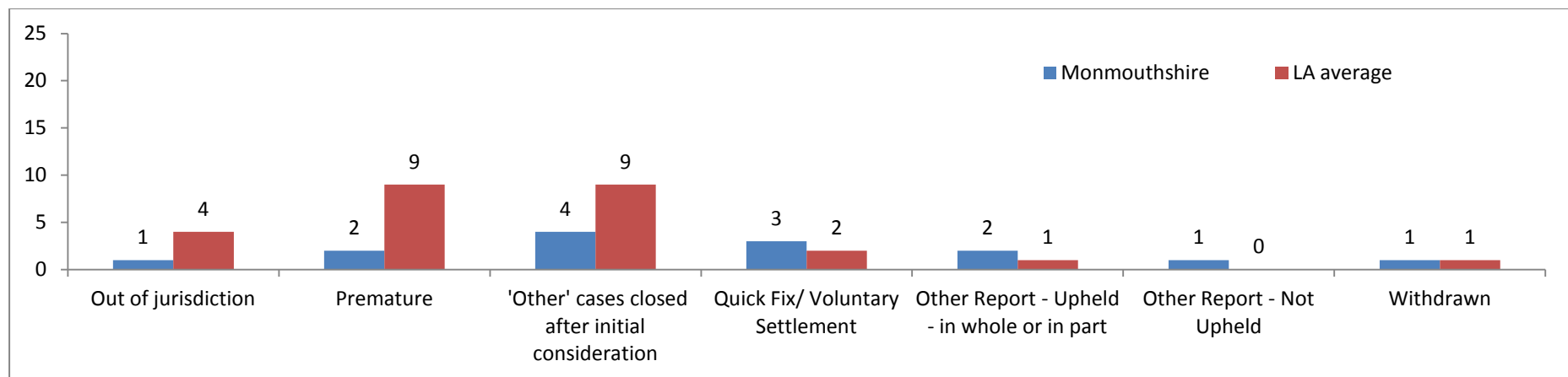
	2013/14	2012/13
Number of complaints taken into investigation	5	2

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

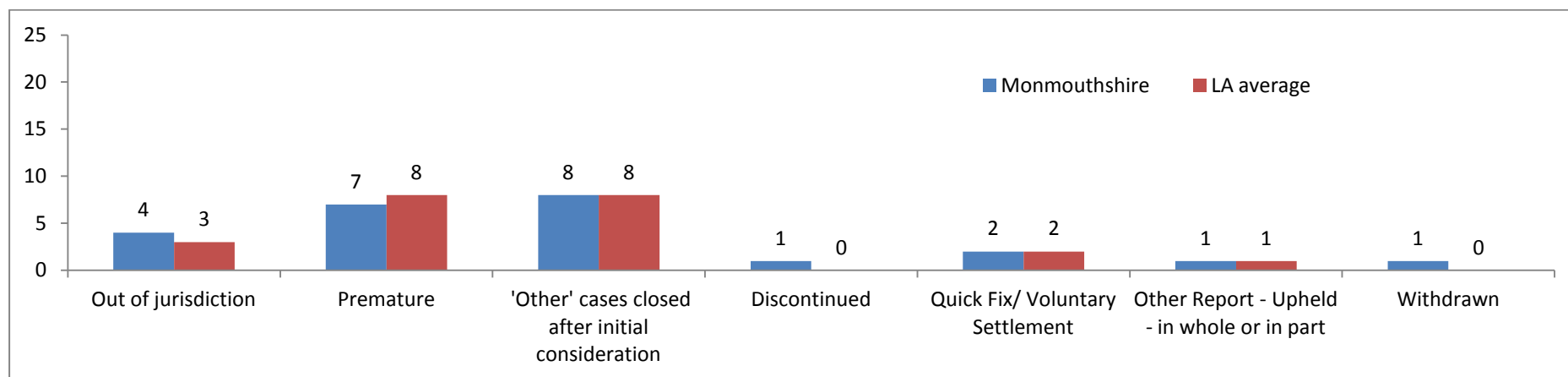


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

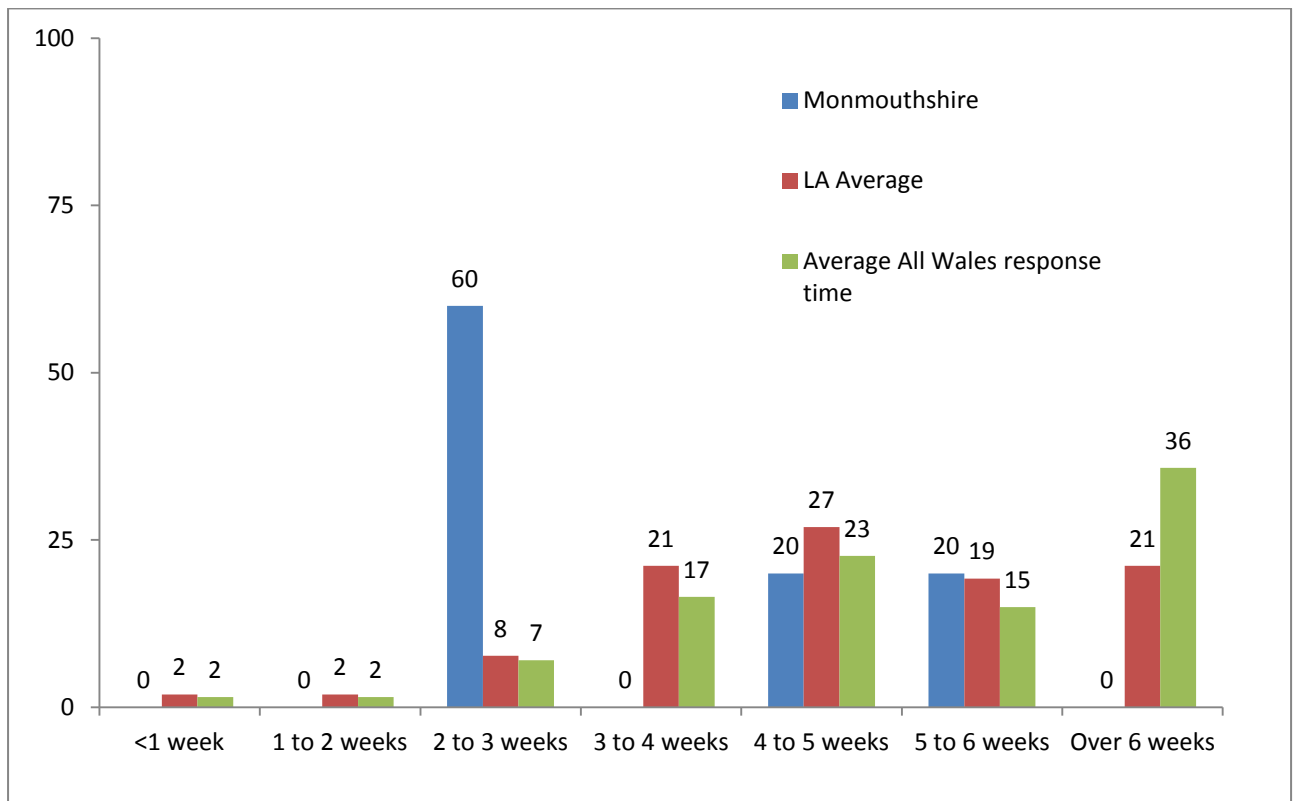
2013/14



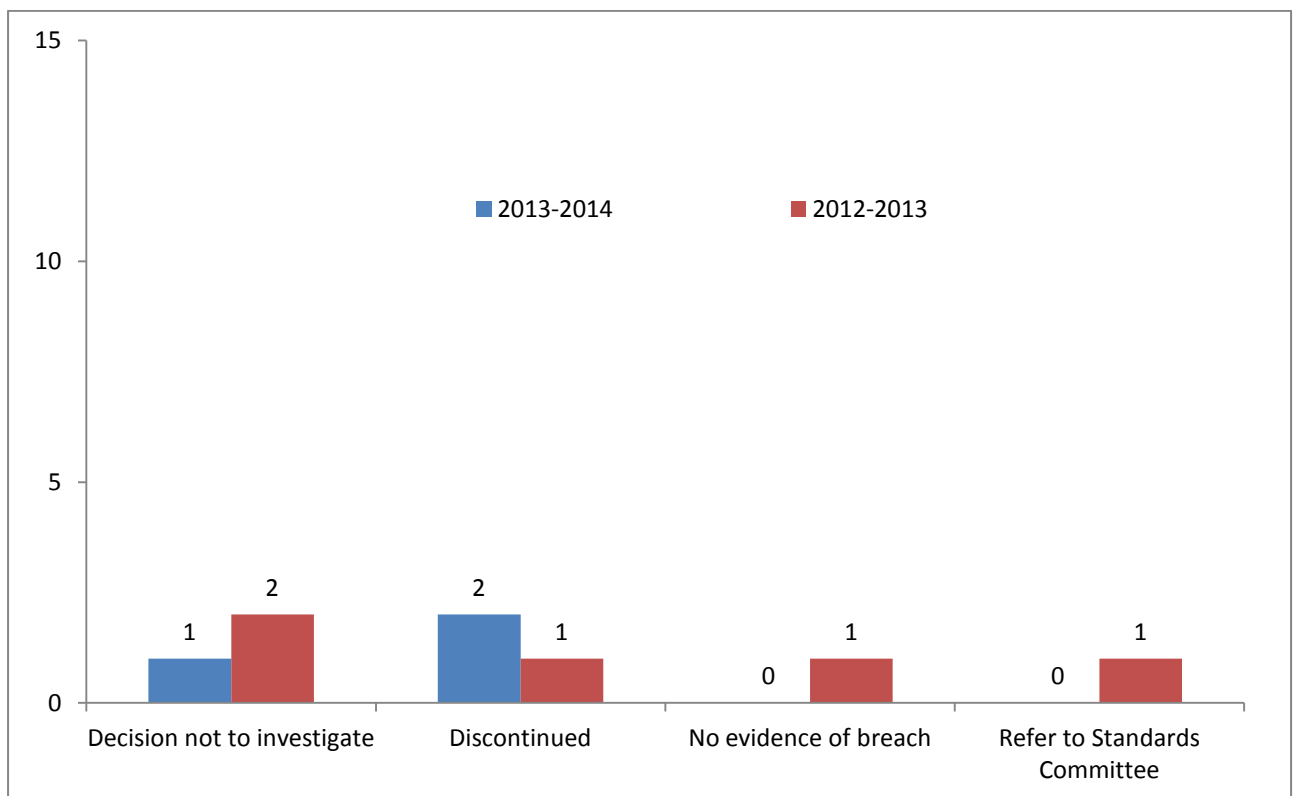
2012/13



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



H: Code of Conduct complaints



I: Summaries

Community Facilities, Recreation and Leisure

Quick fixes & voluntary settlements

July 2013 – Other – Monmouthshire County Council

During the investigation of a complaint about a Community Council's eviction of Mr A & Mr B from allotments, it became clear that the Community Council managed the allotment site ("the site") on behalf of Monmouthshire County Council ("the County Council"). Therefore, ultimately, the County Council was the public body responsible for the site and this office considered that it was appropriate to look into the County Council's involvement in the matter.

On 18 July, the County Council informed the Ombudsman's office that it had taken over management of the site from the Community Council and had also reinstated Mr A and Mr B's allotment tenancies. It was concluded that the action taken by the County Council was reasonable and that it was therefore appropriate to discontinue the investigation into the County Council's involvement in the matter.

Case reference 201301944 & 201301945

Finance and Taxation

Quick fixes & voluntary settlements

Monmouthshire County Council – Finance and Taxation

Case reference 201301861 – October 2013

Ms E complained about an order to pay Council Tax on a property she previously rented. Her landlord had informed Ms E that as new conversion it had not been registered for Council Tax and she subsequently moved out. The Council issued proceedings without first trying to trace her to present the due account. Ms E was unhappy with its actions, the resulting court costs, as well as the way in which the Council handled her complaint.

The Ombudsman found that the Council had properly determined Ms E was liable for her period of occupation and so could not investigate this issue. However, the Council acknowledged that it was precipitate in issuing proceedings without first seeking to locate Ms E, according to good administrative practice. It therefore agreed to a resolution of that issue by a redress payment of £75 and also a renegotiation of her instalments for repayment.

Planning and Building Control

Upheld

Monmouthshire County Council – Handling of planning application

Case reference 201303444 – Report issued March 2014

Ms B and Mr S complained about the actions of Monmouthshire County Council in relation to a boundary wall that their neighbour had erected between their two properties. They were concerned about the original planning permission and the Council's approach to planning enforcement once the neighbour failed to face both sides of the wall in stone. They were also dissatisfied with how the Council dealt with their complaints.

The Ombudsman found that while the time it had taken for the wall to be completed was very unfortunate, the actions of the Council were largely appropriate. The Council had served an enforcement notice once it became apparent that the neighbour had failed to complete the wall, and that enforcement notice was upheld at appeal. Unfortunately matters were delayed due to the need for Ms B and Mr S and the neighbour to agree terms for him to access their land to complete the work. The Ombudsman did not uphold the complaint about the planning matters.

The Ombudsman found that there were some failings in the way Ms B and Mr S's complaint was dealt with by the Council. In particular, it took too long and the response did not address their proposal to resolve the matter. The Ombudsman upheld the complaint about the way the Council dealt with Ms B and Mr S's complaint to the extent of the failings identified. She recommended that the Council provide them with a formal written apology.

May 2013 – Handling of planning application – Monmouthshire County Council

Mr I and Mr C complained to the Ombudsman about the manner in which the Council arrived at a decision to permit a planning application to allow an industrial manufacturing unit to be constructed to the rear of their properties which had a detrimental effect on their amenities. They complained that the development was over-bearing and overshadowed their properties excessively. They also complained that as a following the Council's decision to give planning consent, they had suffered from noise nuisance caused by the industrial processes being carried out within the unit. They also complained that the developer in constructing the unit had failed to comply with the planning consent approved and that the Council had failed to take action to ensure that the development was in accordance with consent.

The Ombudsman considered that in determining the application the Council failed to take reasonable steps to consider the impact the proposed development would have on neighbours' amenity. It was also considered that these flaws called into question the decision to approve the application in the form it was made. The Ombudsman agreed that the unit had not been constructed in accordance with the consent that was granted and that the development was still unauthorised some 20 months later. The Ombudsman considered that the Council had been extremely tardy in pursuing this matter. He upheld the complaint and made the following recommendations:

- a) the Council should apologise to Mr I and Mr C;

- b) the Council should engage the District Valuer to assess the impact the development would have had on the value of the properties of Mr I and Mr C and that the Council should pay redress equivalent to the amount of any devaluation;
- c) the Council provides additional redress of £1500 each for Mr I and Mr C for the failure to deal with the unauthorised development and that the Council should continue to pay them £100 per month until a formal decision is made about how the unauthorised aspects of the development should be regularised;
- d) the Council should amend its procedures and issues reminders to its staff in relation to how they consider certain aspects of planning applications.

Case reference 201200334

Not Upheld

June 2013 – Handling of planning application – Monmouthshire County Council

Mr W complained about the action taken by Monmouthshire County Council in respect of his son's use of his residence. The investigation focused on whether the Council collected sufficient evidence to cause it to intervene and ultimately, to bring enforcement action against his son and to explore why the Council appeared to act contrary to the advice provided to his son and promptly instigated enforcement action.

The Ombudsman did not uphold the complaint. The information contained within the Council's files confirmed that it had acted in response to local complaints and had gathered sufficient information from a number of sources in order to justify the action taken. There was evidence to suggest that the Council had given incorrect advice to Mr W's son. The Council had accepted this failing. However, the evidence confirmed that it had taken steps to clarify its advice to Mr W's son and also attempted to resolve the matter prior to bringing enforcement action.

Case reference 201200482