

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 9 July 2013



James.Merrifield@ombudsman-wales.org.uk

Mr D Bryn Parry-Jones
Chief Executive
Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Dear Mr Parry-Jones

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 Pembrokeshire County Council.

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, there has been an increase in the number of complaints received by my office compared with 2011/12. The figures indicate that whilst the number of complaints relating to 'Planning and Building Control' has halved, there has been a large increase in the number of complaints relating to 'Adult Social Services'. The complaint outcomes indicate that there were a large number of 'premature' complaints to my office, whilst there were also an above average number of quick fixes and voluntary settlements. The number of 'upheld' reports was also above average. However, it is pleasing to note that half of responses received by my office were within four weeks of the date they were requested.

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

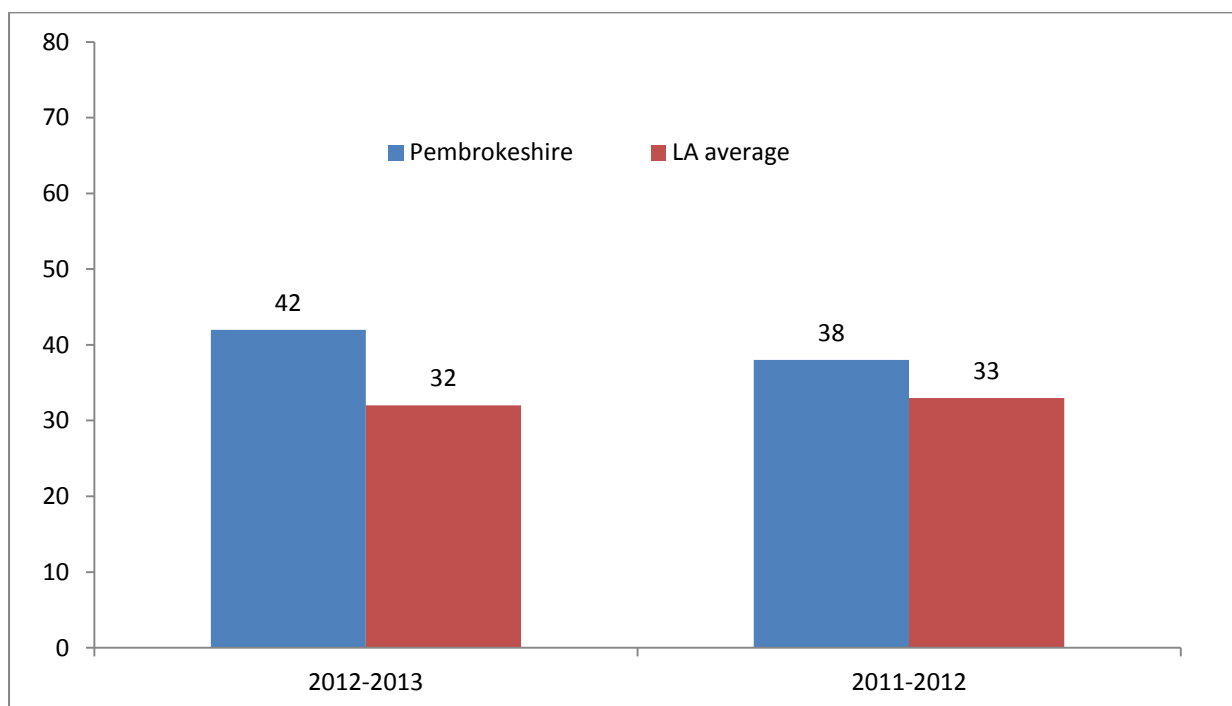
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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

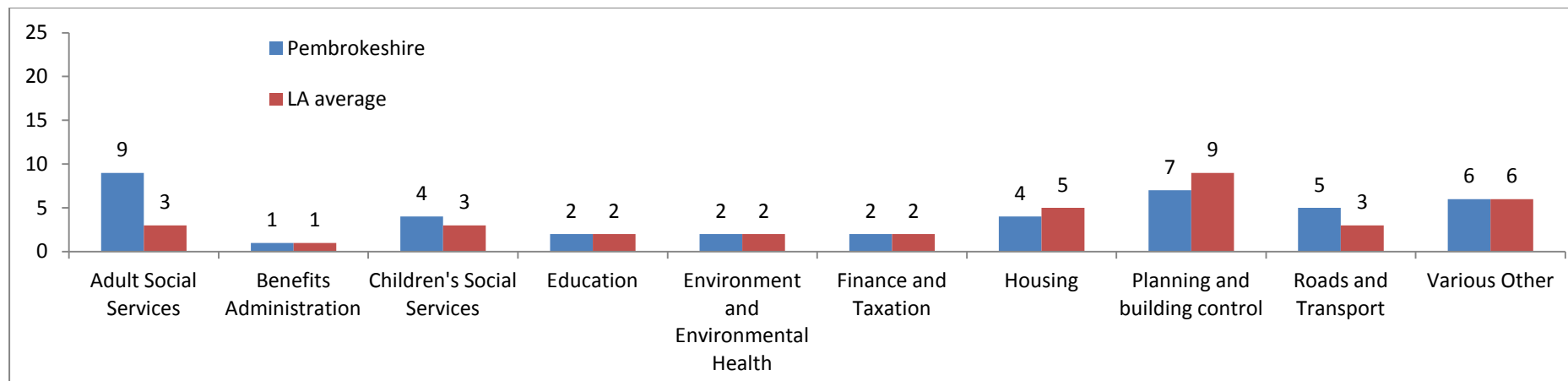


B: Complaints received by my office

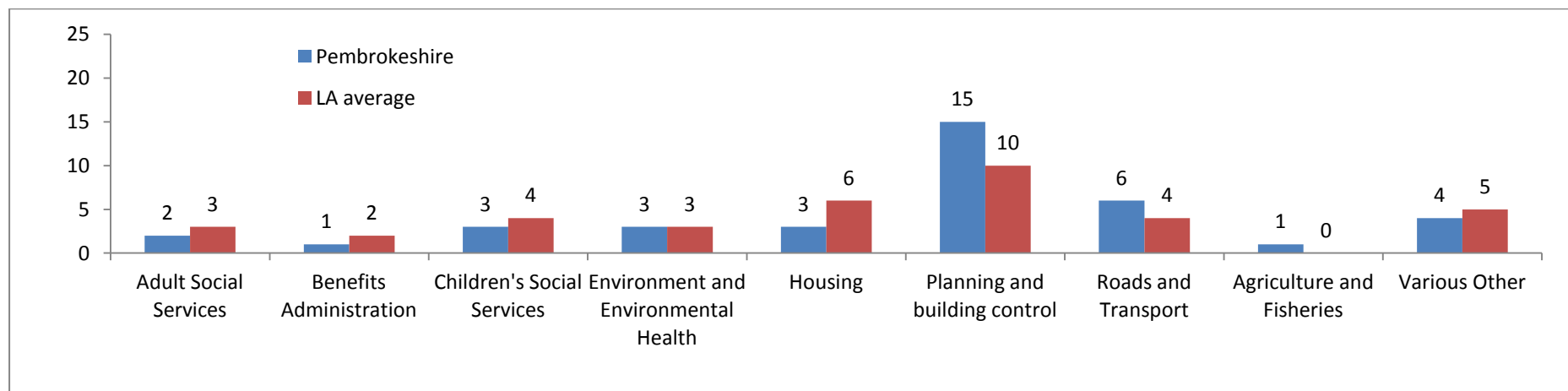
Subject	2012-2013	2011-2012
Adult Social Services	9	2
Benefits Administration	1	1
Children's Social Services	4	3
Education	2	0
Environment and Environmental Health	2	3
Finance and Taxation	2	0
Housing	4	3
Planning and building control	7	15
Roads and Transport	5	6
Agriculture and Fisheries	0	1
Various Other	6	4
Total	42	38

C: Comparison of complaints by subject category with LA average

2012-2013



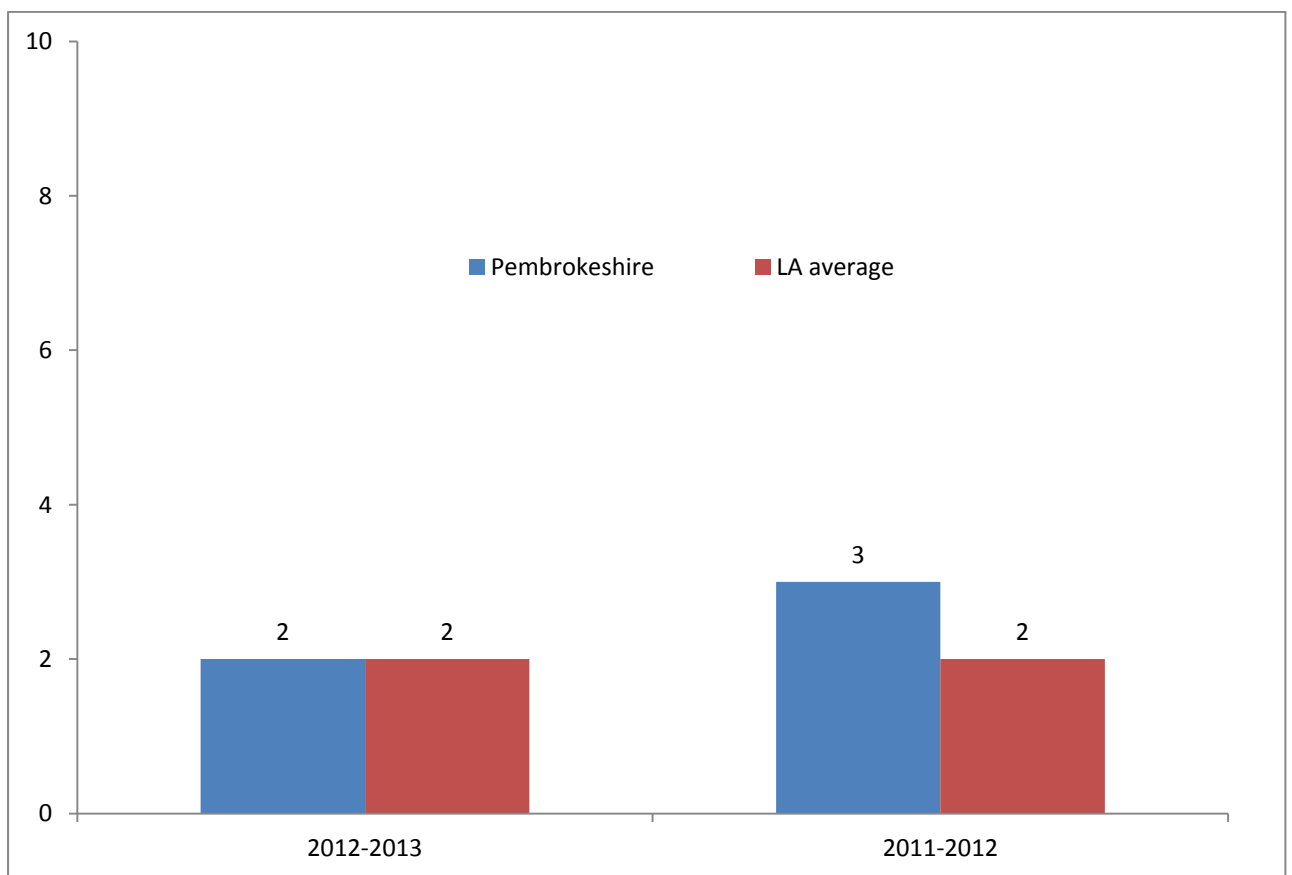
2011-2012



D: Complaints taken into investigation by my office

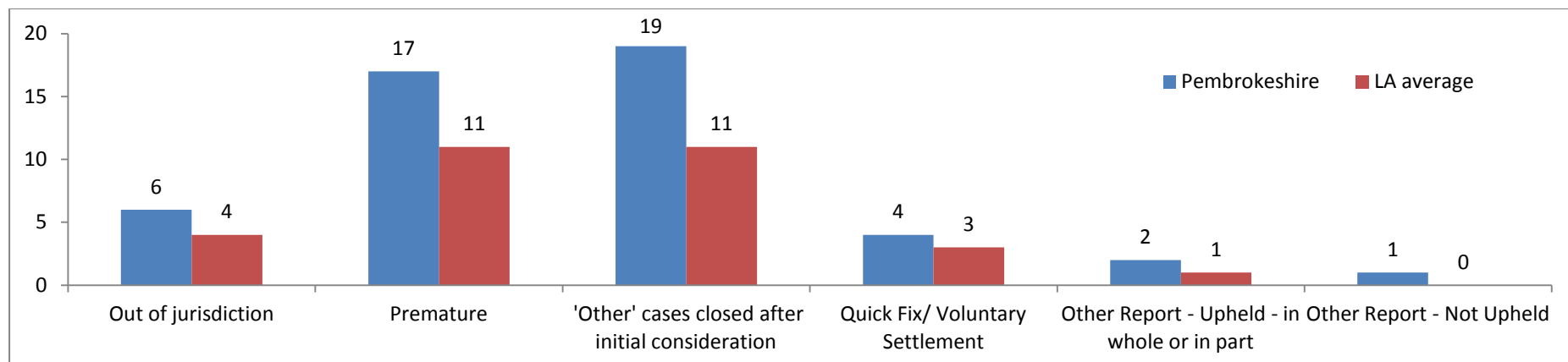
	2012-2013	2011-2012
Number of complaints taken into investigation	2	3

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

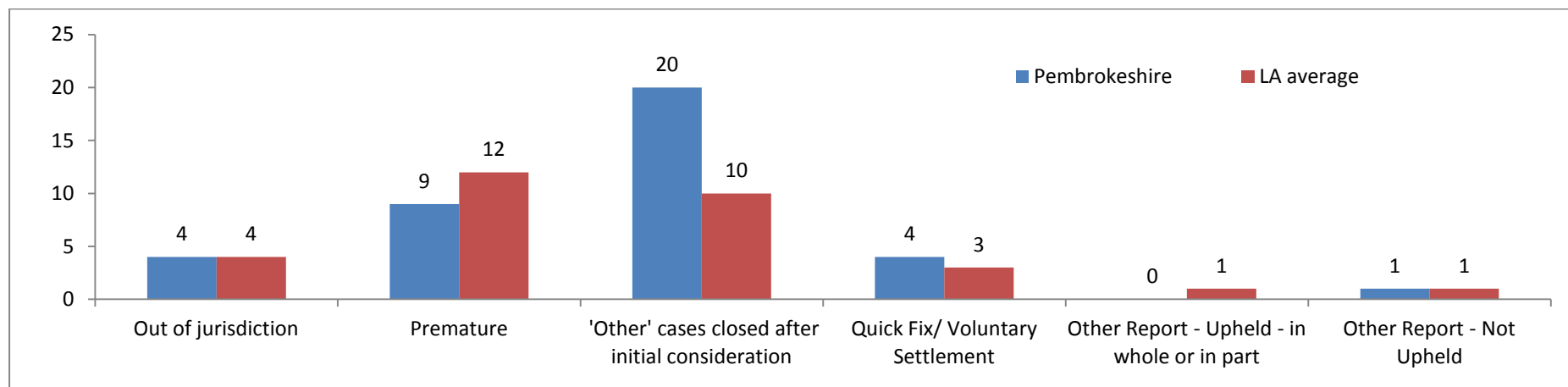


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

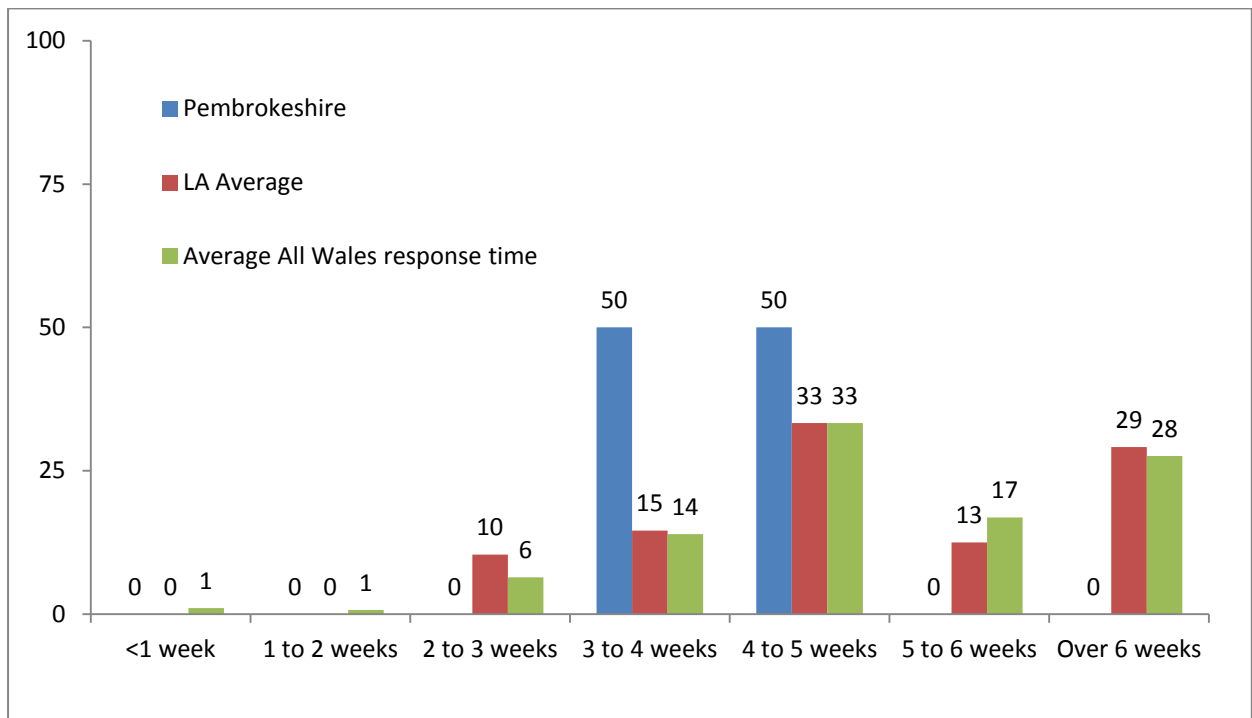
2012-2013



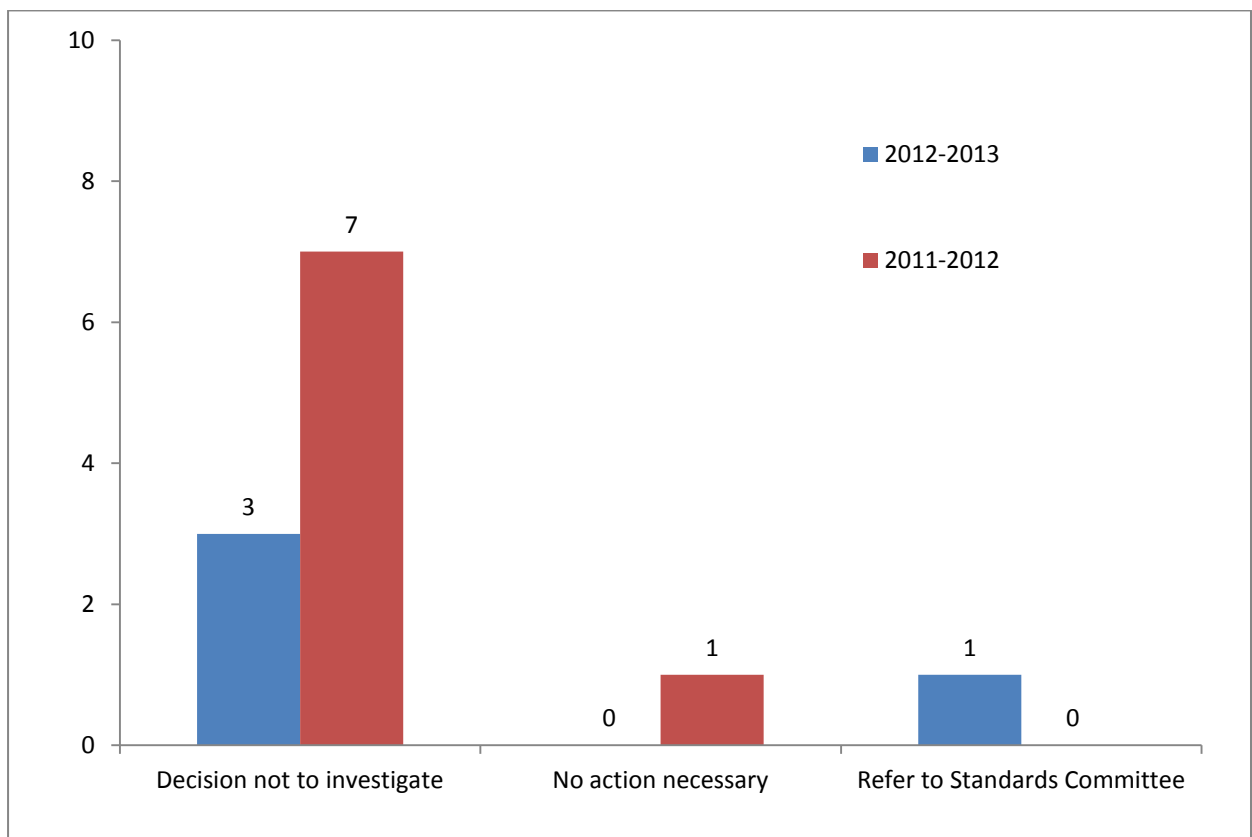
2011-2012



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

Education Summaries

Not Upheld

July 2012 – Exclusions – Pembrokeshire County Council

Mr R complained that the Council failed to provide alternative full-time education to his son, N, after he had been permanently excluded from school for a second time. Mr R complained that the only provision offered was for tuition three mornings a week, which failed to meet the Council's legal obligations.

The Ombudsman found that the Council had sought to arrange full-time provision in consultation with Mr R, even though N's second permanent exclusion meant that it was no longer obliged to take Mr R's preference into account. The Ombudsman found that, although N did not receive full-time provision for a period of 29 school days, this was due to a variety of circumstances, including the time taken by Mr R to consider the options offered, school and family holidays and the need to make special arrangements to cater for N's specific educational and behavioural needs. Overall, the Ombudsman did not consider that the Council had acted unreasonably and had taken into account relevant guidance and Mr R's preferences. Therefore, the Ombudsman did not uphold the complaint.

Case reference 201200341

Environment and Environmental Health Summaries

Quick fixes & voluntary settlements

September 2012 – Other – Pembrokeshire County Council

Mr L, a Council tenant, complained that Japanese Knotweed is encroaching into his garden from a neighbouring private property. My office spoke to the Council which agreed that an officer would report the matter to the Maintenance team and arrange for a visit.

Case reference 201202294

Planning and Building Control

Upheld

February 2013 – Handling of planning application – Pembrokeshire County Council

The complainant complained about the granting of planning consent for a “slurry lagoon” on a farm adjacent to her property, and the retrospective grant of consent for unauthorised agricultural buildings. She said that the Council had not taken adequate account of the adverse effects that the development, in particular the slurry lagoon, would have on her amenity.

The Ombudsman found that there were errors in the Council’s handling of the slurry lagoon application, including the failure to identify the unauthorised buildings and the failure to ensure comments on the development were recorded on the file. He considered that the recordings contained on the file to be inadequate, meaning there was no clarity about the way in which the Council categorised the development for environmental impact purposes.

The Ombudsman also found that the information submitted with the application for the retention of the agricultural buildings was inadequate, and there was an apparent lack of detailed scrutiny of the application, as evidenced by the scarcity of information contained in the file.

The Ombudsman recommended that the Council should review its procedures and its record-keeping, as well as apologising to Mrs A and paying her £1000 in recognition of the distress she had suffered and the time and trouble to which she had been put in pursuing her complaint. The Council accepted the Ombudsman’s recommendations.

Case reference 201102655

April 2012 – Other planning matters – Pembrokeshire County Council

Mr G complained, on behalf of a body protecting badgers in the County, that the Council had failed to enforce a planning condition to safeguard the habitat of badgers on a new housing development. The condition required a survey of badgers on the site before development started and details of measures to protect their habitat.

The Ombudsman upheld the complaint. He found that the Council delayed in taking enforcement action. Following complaints that there was a breach of planning control the Council threatened to serve a Breach of Condition Notice in July 2008 but this was not followed through. There was no note of the reasons on file, which was poor practice. Also there was no evidence of any negotiations with the developer to produce the scheme in connection with a revised application, as claimed by the Council. The Council eventually wrote formally to the developer in late 2011 following the complaint to this office and a badger report and scheme were produced in March 2012. The Ombudsman was also critical of the Council for the loss of its planning file and its delays in dealing with correspondence from Mr G and his Assembly Member. The Council agreed to apologise to Mr G for the shortcomings identified and to make a payment of £250 for his time and trouble.

Case reference 201101470

Quick fixes & Voluntary settlements

February 2013 – Unauthorised development – Pembrokeshire County Council

Mr C complained that the actions promised by the Council had failed to resolve the matter of water / clay run off in the lane adjacent to his father's property. He was concerned the matter was being ignored. My office contacted the Council, which confirmed that interim work was recently carried out by the football club to address the run off, but had not satisfactorily addressed the situation. The Council advised that it had recently visited the site and will be contacting the football club requesting that it take further action to resolve the problem. The Council agreed to contact Mr C to provide an update on the matter.

Case reference 201204431