

## STANDARDS COMMITTEE - 20TH FEBRUARY 2008

**SUBJECT: REPORT FROM PUBLIC SERVICES OMBUDSMAN FOR WALES**

**REPORT BY: MONITORING OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 To consider a report from the Public Services Ombudsman for Wales on a maladministration complaint made against Caerphilly County Borough Council, and to make recommendations to the Council

### 2. SUMMARY

- 2.1 The Authority is under a statutory duty to consider reports from the Ombudsman and to give effect to their recommendations. The duty to oversee this is within the terms of reference of this Committee.

### 3. THE REPORT

- 3.1 Since the 1st April, 2006 the Public Services Ombudsman for Wales ("the Ombudsman") has had jurisdiction under the Public Services Ombudsman (Wales) Act 2005. This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.
- 3.2 There are two forms of report - under Section 16 which is the form of report which needs to be formally considered by the Authority and Section 21 where the Ombudsman feels that a public report is not required and the matter has been satisfactorily resolved.
- 3.3 This report before Members is in relation to an Ombudsman report under Section 16 and the Report is attached at Appendix 1
- 3.4 The Ombudsman's Report needs to be formally considered and published.
- 3.5 In accordance with the relevant legislation the Report will be made available for public inspection and it will also be published on the Council's web site and published in a relevant newspaper.
- 3.7 The latest Regulations issued pursuant to the Local Government Act 2000 provide that the recommendations of a Section 16 Report must be referred to the Council.
- 3.8 If the Council does not accept the recommendations in a Section 16 Report the Ombudsman may prepare a further report ('special report') dealing with the Council's failure and making further recommendations and will publish that Report. The Ombudsman can reclaim the costs of the special report (preparation and publication) from the Council.
- 3.9 Officers of the Council have been afforded the opportunity to comment on the terms of the Report and their comments are now incorporated.

- 3.10 The maladministration complaint arose from a complaint to the Ombudsman by a person identified in the Report as Mr. R. in relation to a tender exercise to purchase a piece of land from the Council.
- 3.11 The Report sets out the chronology of events in this case. The ombudsman's conclusions are set out in paragraphs 37-40 and his recommendations are set out at paragraphs 41 and 42.
- 3.12 The Report does not include any recommendations in terms of internal Council processes, however as a result of the issues arising in this matter Officers in the housing Department and Property Services have put in place more robust internal procedures to ensure that in the future there is an early identification of land that is surplus that may be suited to the operational requirements of the Council's Housing Department.
- 3.13 Officers are minded to recommend to the Committee that the recommendations set out in the Report be accepted.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The only significant cost implication to the Authority is in relation to the payment recommended by the Ombudsman which will be met from existing budgets.

#### **5. PERSONNEL IMPLICATIONS**

- 5.1 There are no immediate personnel implications.

#### **6. CONSULTATIONS**

- 6.1 There are no consultation responses which have not been taken into account in the recommendations to this Report.

#### **7. RECOMMENDATIONS**

- 7.1 (a) that the Ombudsman's report be noted;
- (b) that the Committee recommends to the Council:-
- (i) that the Ombudsman's report be noted and accepted;
  - (ii) that the Council apologise to Mr. R for the failings identified in the report;
  - (iii) that the Council pays the sum of £1,700 to the parties detailed in the Report apportioned in the manner set out in the Report.

#### **8. REASONS FOR THE RECOMMENDATIONS**

- 8.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act.

#### **9. STATUTORY POWER**

- 9.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974. As explained in the report this is a Council function. Consideration of the report and making of the recommendations is a function delegated to this Committee.

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Consultees: Chief Executive, Director of Corporate Services, Chief Property Officer, Chief Housing Officer, Head of Corporate Finance, Chair - Standards committee, Cabinet Member for Policy and Resources.

Background Papers:

None other than published documents

Appendices:

Appendix 1 Draft Report of Public Services Ombudsman for Wales (**electronic copy not available**)