

STANDARDS COMMITTEE – 22ND JULY 2010

SUBJECT: REPORT FROM PUBLIC SERVICES OMBUDSMAN FOR WALES

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To note the report from the Public Services Ombudsman for Wales on a maladministration complaint made against Caerphilly County Borough Council.

2. LINKS TO STRATEGY

- 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 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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 21 and the report is attached at Appendix 1.
- 3.4 The maladministration complaint arose from a complaint the Ombudsman lodged by Mr. P. who complained about a decision made by the Planning Committee to grant planning permission to Mrs. X, one of Mr. P.'s neighbours, to construct an extension to her existing dwelling. Mr. P. complained that the Planning Committee had failed to give consideration to his objection to the planning application and had based its decisions on the personal circumstances of Mrs. X and not material planning considerations. Mr. P. also complained that the Committee had failed to provide adequate reasons for its decision to grant planning permission contrary to the advice of the Planning Officer.
- 3.5 The Report sets out a detailed chronology of events and details the investigation undertaken by the Ombudsman. The overall conclusions and recommendations are set out at paragraphs 51-52 of the Report.
- 3.6 Relevant officers were consulted on the Report and the recommendations of the Ombudsman have been accepted and implemented.

4. FINANCIAL IMPLICATIONS

- 4.1 The only 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 personnel implications arising from the terms of the Report.

6. CONSULTATIONS

- 6.1 This Report reflects the contents of the Ombudsman Report and therefore there has been no formal consultation on the format of the Report. A copy of the Report has been provided to the consultees listed below.

7. RECOMMENDATIONS

- 7.1 That the Ombudsman's report be noted.

8. REASONS FOR THE RECOMMENDATIONS

- 8.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.

9. STATUTORY POWERS

- 9.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974.

Author: Gail Williams, Principal Solicitor/Deputy Monitoring Officer
Consultees: D Perkins, S Rosser, N Barnett, P. Mears, T. Stephens, N Scammell,
Councillor C Mann, Chair of Standards Committee

Background Papers:
None other than published documents

Appendices:
Appendix 1 Report of Public Services Ombudsman for Wales