

STANDARDS COMMITTEE – 7TH OCTOBER, 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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 lodged by Mr. A. about the tender process used by the Council to award its taxi contracts to operators for the school academic year 2009-2010. Specifically Mr. A. was aggrieved that the Council has used the 'accelerated' tender procedure which is permitted under current guidance if it provides swifter economic benefit. Mr. A. said that the 'accelerated' process had been used inappropriately and its use had caused hardship for those parties wishing to tender within the tight timescales demanded.
- 3.5 The complaint was investigated by the Ombudsman who issued his report in the form of his letters dated 29th June and 5th August 2010.
- 3.6 The findings of the Ombudsman and his recommendations are set out in this Report and members will note that the complaint of Mr. A. was partially upheld.
- 3.7 Relevant Officers were consulted on the Report and the recommendations of the Ombudsman have been accepted and implemented.

4. FINANCIAL IMPLICATIONS

4.1 None.

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's Report and therefore there have been no formal consultation on the format of the Report. Copies have been provided to the Consultees mentioned 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, A. O'Sullivan, N. Barnett, E. Lucas, I. Evans
Councillor C Mann, Chair of Standards Committee

Background Papers:
None other than published documents

Appendices:
Appendix 1 Report of Public Services Ombudsman for Wales