

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 9 July 2013



[James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk)

Mr David Waggett  
Chief Executive  
Blaenau Gwent County Borough Council  
Municipal Offices  
Civic Centre  
Ebbw Vale  
NP23 6XB

Dear Mr Waggett

### **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 Blaenau Gwent County Borough 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, whilst the number of complaints received by my office has increased compared with 2011/12, they are still below the local authority average. However, the number of complaints taken into investigation is now above the average. It is worth noting that the number of 'upheld' reports has remained the same and is not above the average. I am pleased to note that all responses to requests for information from my office were received within five weeks and half were received within four weeks.

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 distribution<sup>1</sup>) 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.

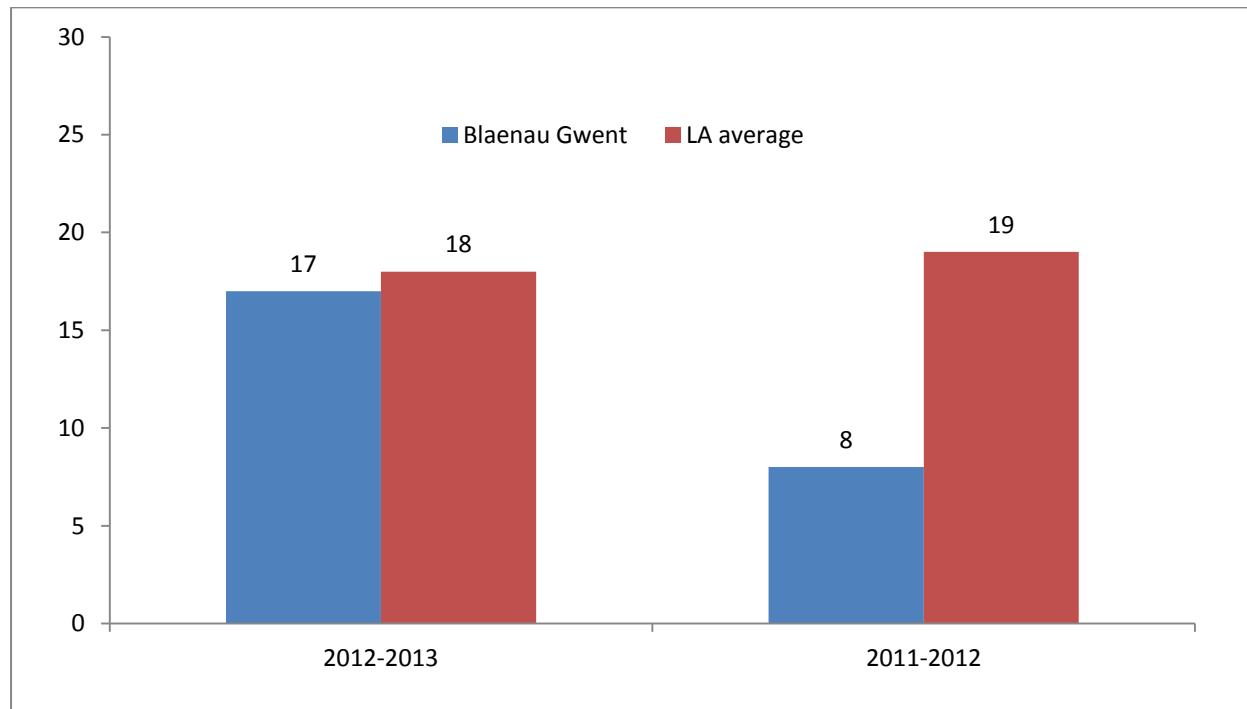
### **Feedback**

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](mailto:james.merrifield@ombudsman-wales.org.uk).

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<sup>1</sup> <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**

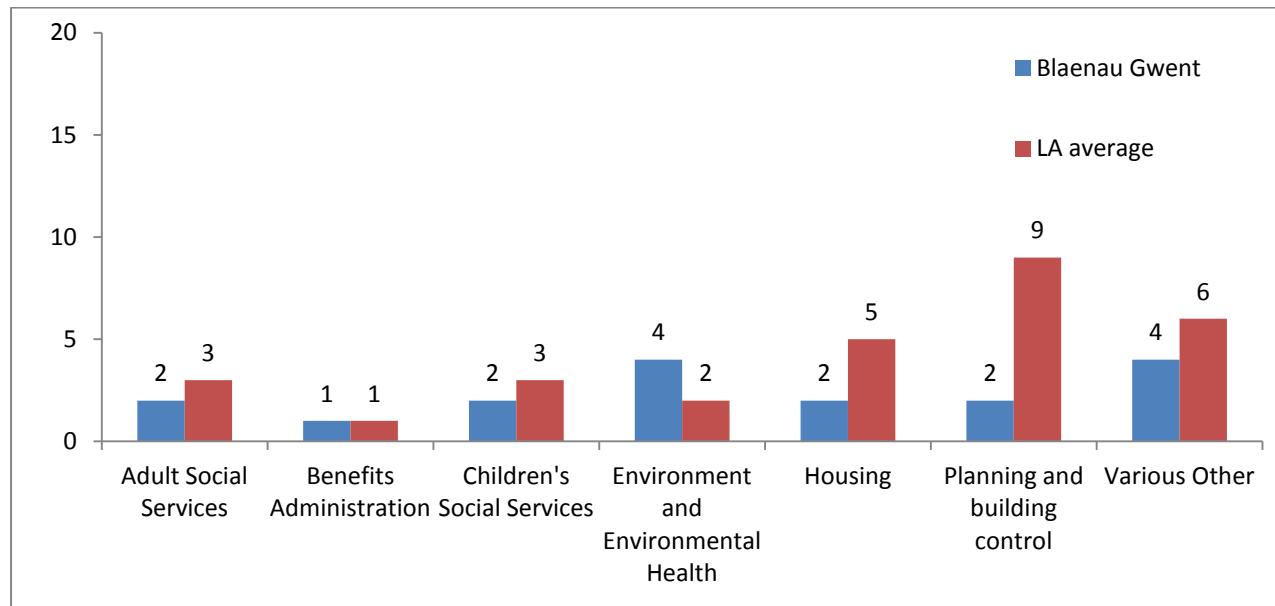


**B: Complaints received by my office**

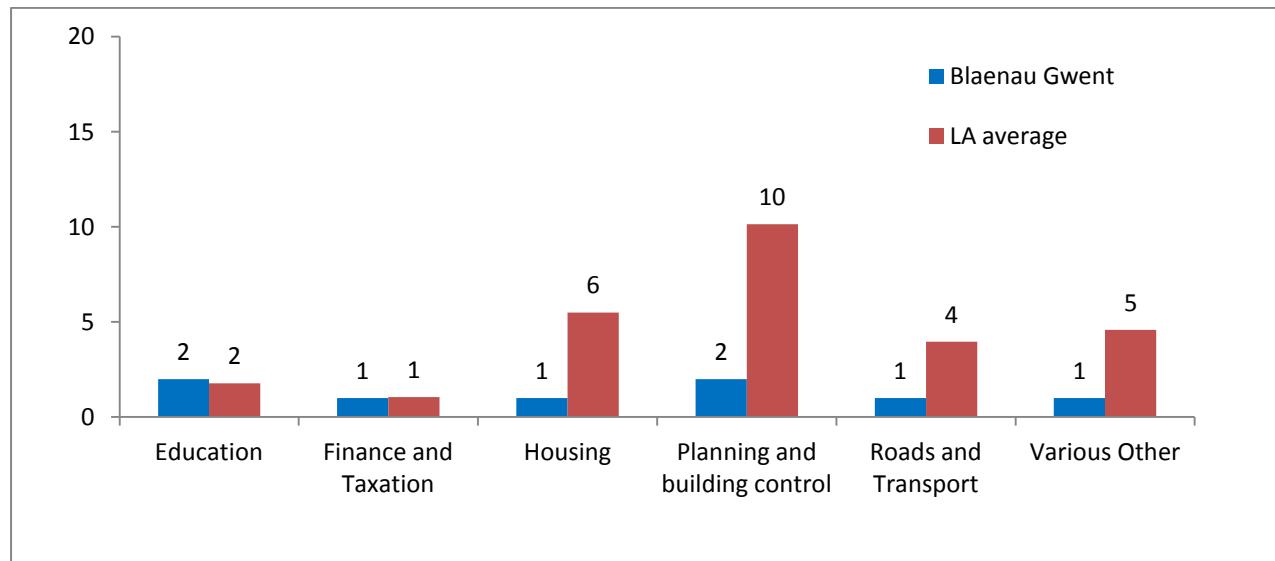
Subject	2012-2013	2011-2012
Adult Social Services	2	0
Benefits Administration	1	0
Children's Social Services	2	0
Education	0	2
Environment and Environmental Health	4	0
Finance and Taxation	0	1
Housing	2	1
Planning and building control	2	2
Roads and Transport	0	1
Various Other	4	1
<b>Total</b>	<b>17</b>	<b>8</b>

### C: Comparison of complaints by subject category with LA average

2012-2013



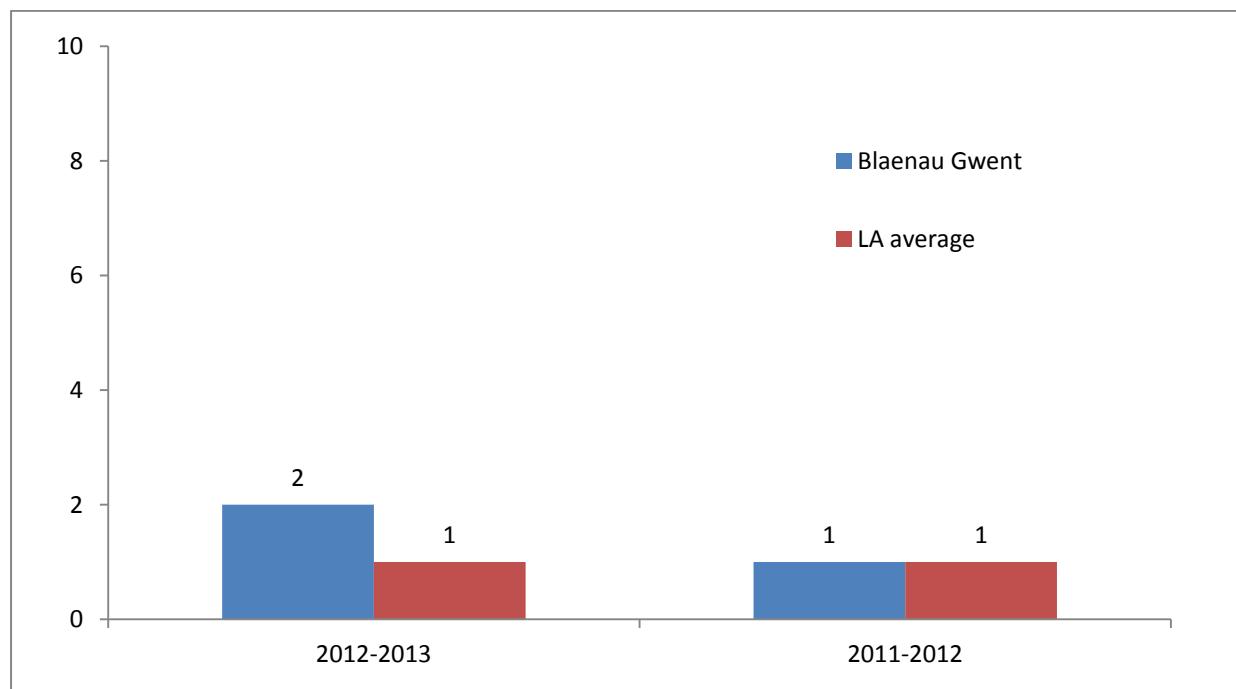
2011-2012



**D: Complaints taken into investigation by my office**

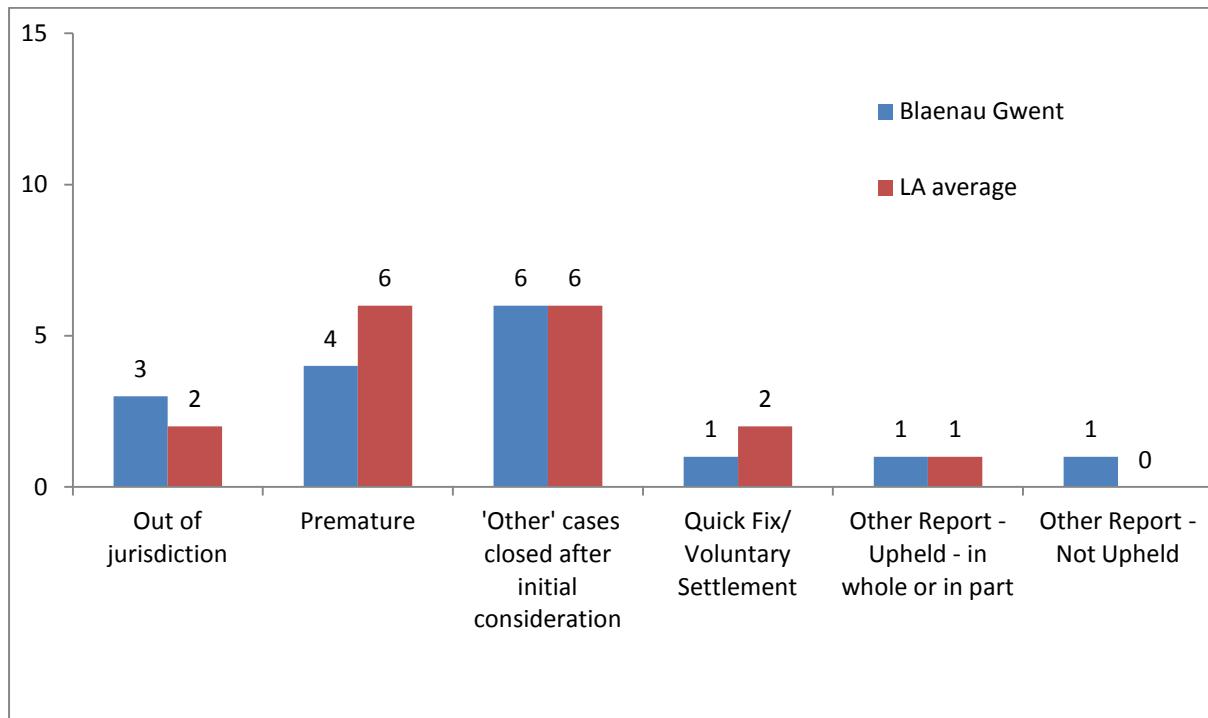
	<b>2012-2013</b>	<b>2011-2012</b>
Number of complaints taken into investigation	2	1

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

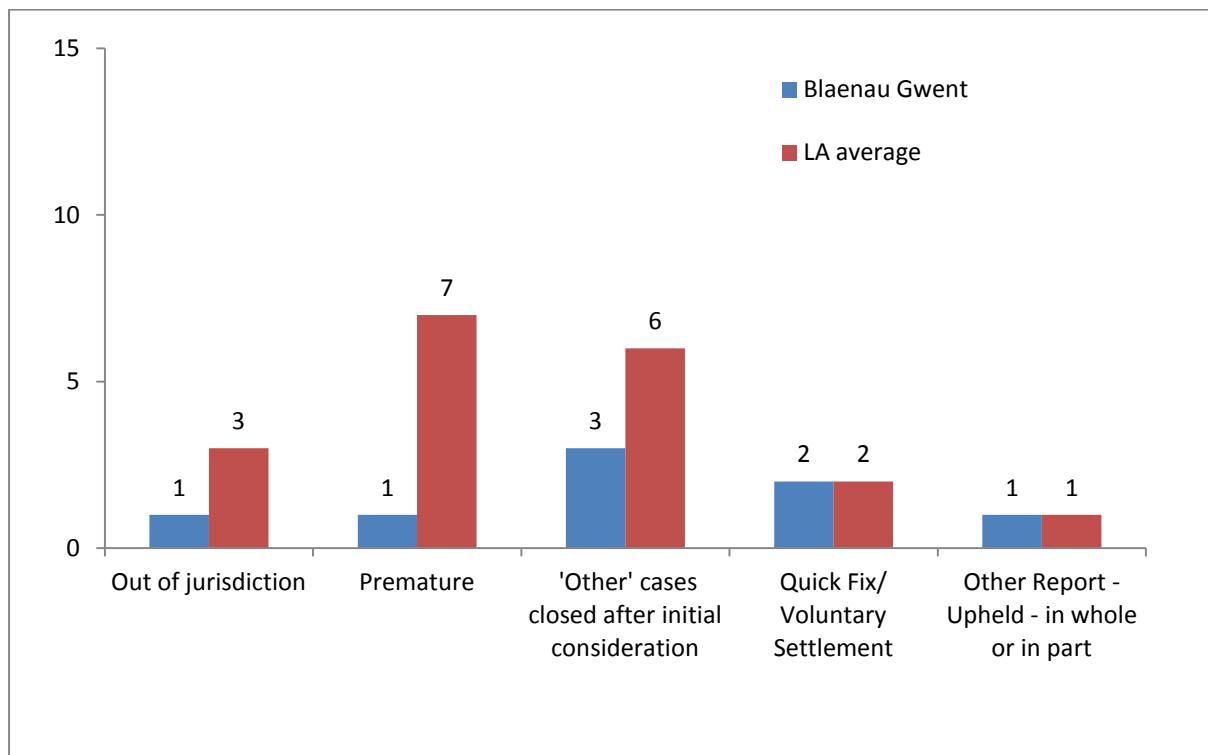


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

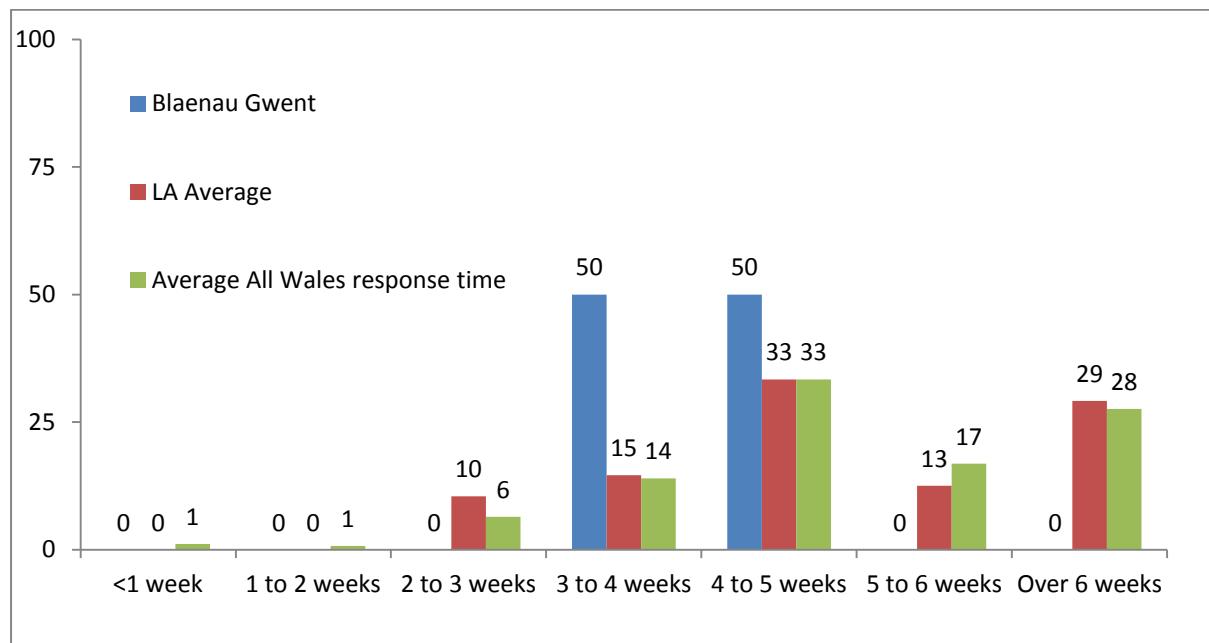
**2012-2013**



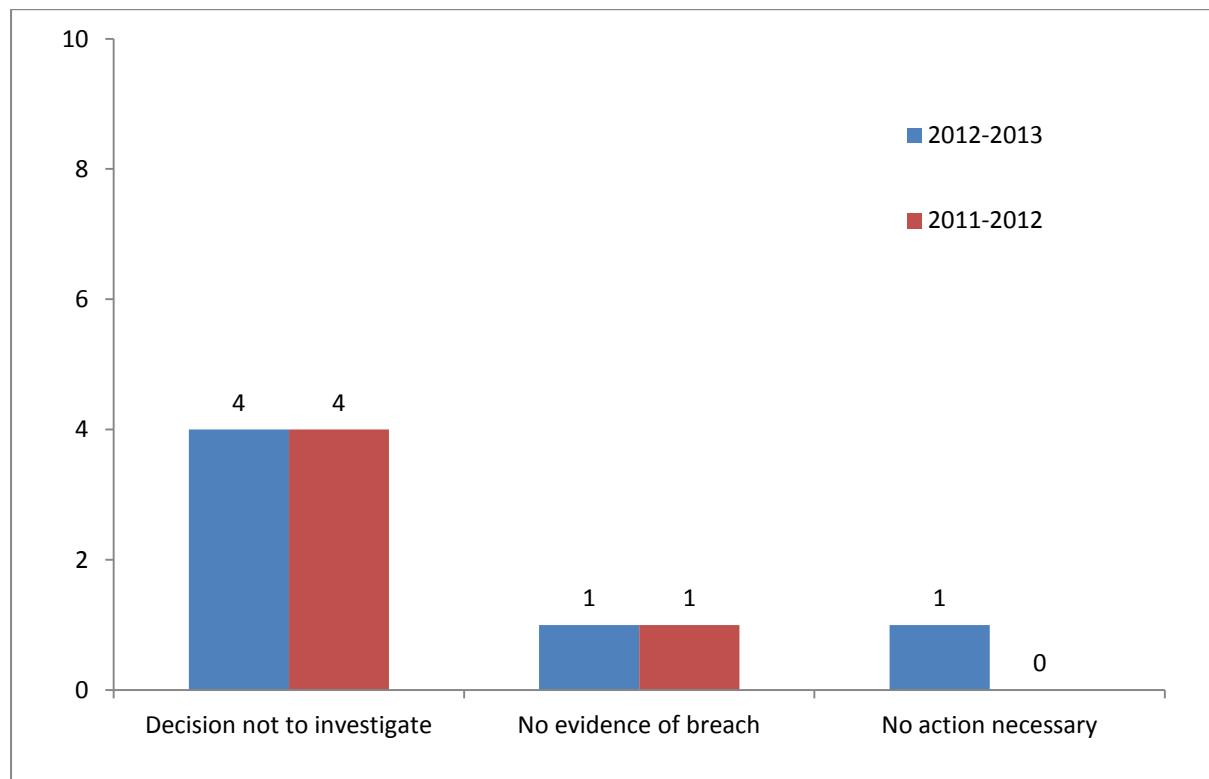
**2011-2012**



**G: Comparison of Blaenau Gwent's 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

### Planning and Building Control Summaries Upheld

#### July 2012 – Handling of planning application – Blaenau Gwent County Borough Council

Mr E complained about the manner in which the Council had dealt with a planning application to erect a new pedestrian ramp adjacent to the side elevation of his own property at 71B Blue Street and his wife's property at 71A Blue Street. Mr E said that the Council had failed to consult either himself or his wife about the development proposal and that they were denied an opportunity to object. He complained that the Council, when granting planning permission, had not considered the amenity of the occupiers of 71B Blue Street given that, as built, the ramp gave pedestrians direct access to the bathroom window and a view directly into the bathroom and bedroom. He also complained that the Council had not considered the amenity of the occupiers of 71A Blue Street given that the ramp had been built over the kitchen window, blocking out the natural light. Mr E said that the amenity at both properties had been affected to such an extent that they had been devalued.

The investigation found that the Council had, in general terms, met its statutory obligations for consultation and notification. However, in respect of the Council's decision making, there was insufficient evidence that it had proper regard to all the material considerations when the application was determined, although it was under a statutory obligation to do so. Most notably, the Council's report on the application was materially inaccurate because it failed to refer to two of three windows in the side elevation of the neighbouring property. It also failed to set out any consideration of the effect of the development on the amenity at either 71A or 71B Blue Street and why the impact was acceptable. The opinion of the Ombudsman's professional adviser was sought and he expressed the view that a proper examination of the amenity and security issues in this case would, on balance, have led to a refusal of the application. The Ombudsman concluded that the Council's failure to evidence that it had fully considered the likely effect of the development proposal on the amenity and security at the complainant's property was maladministration. During the course of the investigation, the Ombudsman also identified poor administrative practice in the operation of its scheme of delegation for planning decisions.

The Ombudsman recommended that the Council should apologise to Mr and Mrs E for the failings identified in the report and offer them a payment of £250 in recognition of their time and trouble in pursuing the complaint. In addition, the Council should instruct the District Valuation Service to undertake a valuation of 71A and 71B Blue Street to determine whether there has been any loss of value arising from the construction of the new pedestrian ramp and, if necessary, compensate Mr E and Mrs E accordingly. Finally, the Ombudsman recommended that the Council should review its scheme of delegation to ensure that clear legal authority exists for its delegated planning decisions.

**Case reference 201100712**