

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Dilwyn Owen Williams
Prif Weithredwr
Cyngor Gwynedd
Council Offices
Shirehall St
Caernarfon
Gwynedd
LL55 1SH

Dear Mr Williams

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Cyngor Gwynedd.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am

keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, the largest single number of complaints received in 2014/15 related to Planning and Building Control. My office investigated three complaints in 2014/15 which is an increase compared to 2013/14; my office also issued one 'upheld' report. In reference to the time taken in responding to requests for information from my office, I am concerned to note that all responses took in excess of four weeks.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on the PSOW's website.

Yours sincerely



Nick Bennett
Ombudsman

Copy: Leader, Cyngor Gwynedd

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, 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 2014/15. 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 2014/15, 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 2014/15 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 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

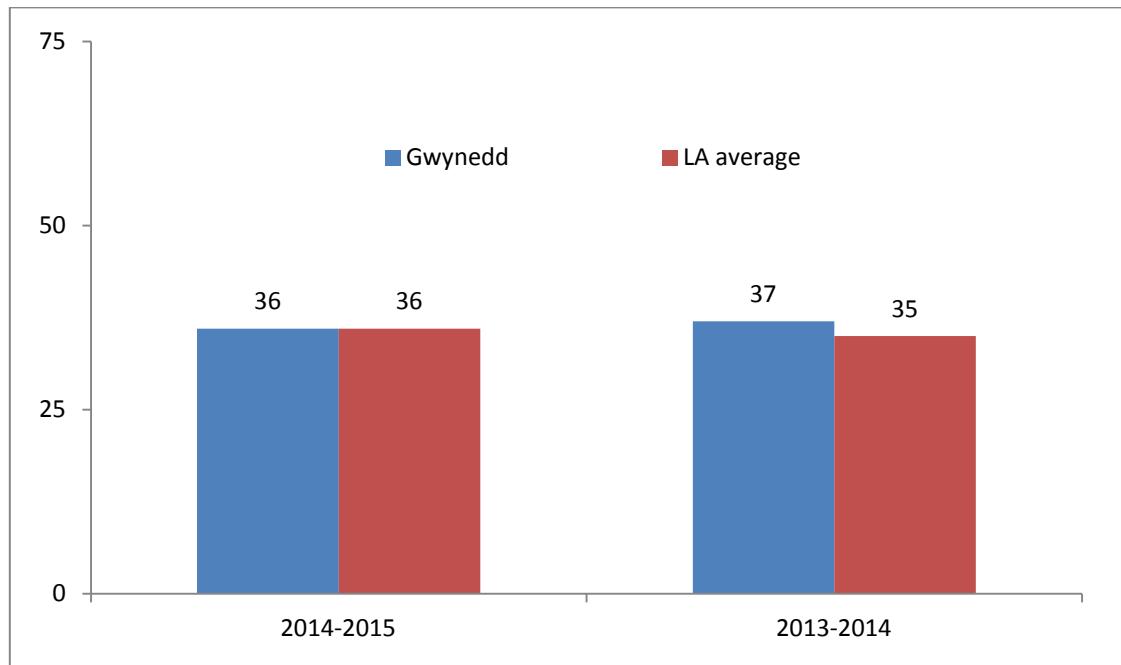
Housing Stock

As with previous exercises, the figures for 2014/15 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.

A: Comparison of complaints received by my office with average, adjusted for population distribution

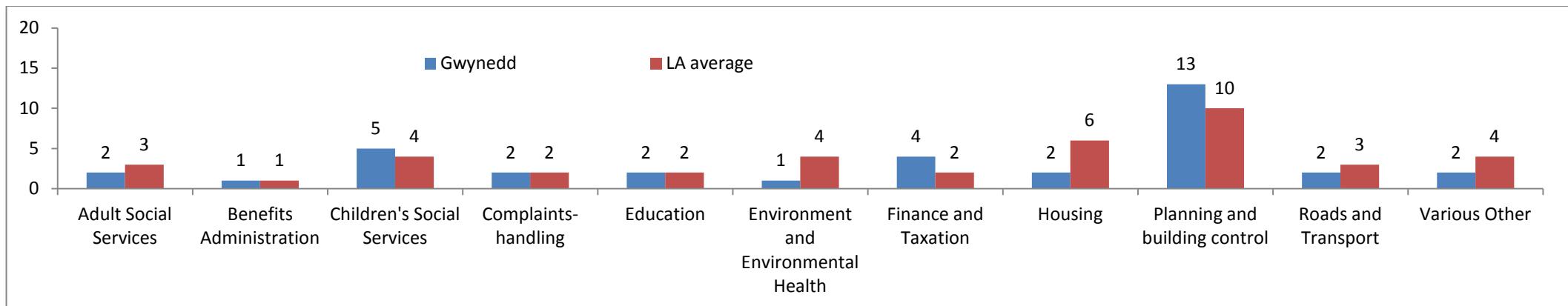


B: Complaints received by my office

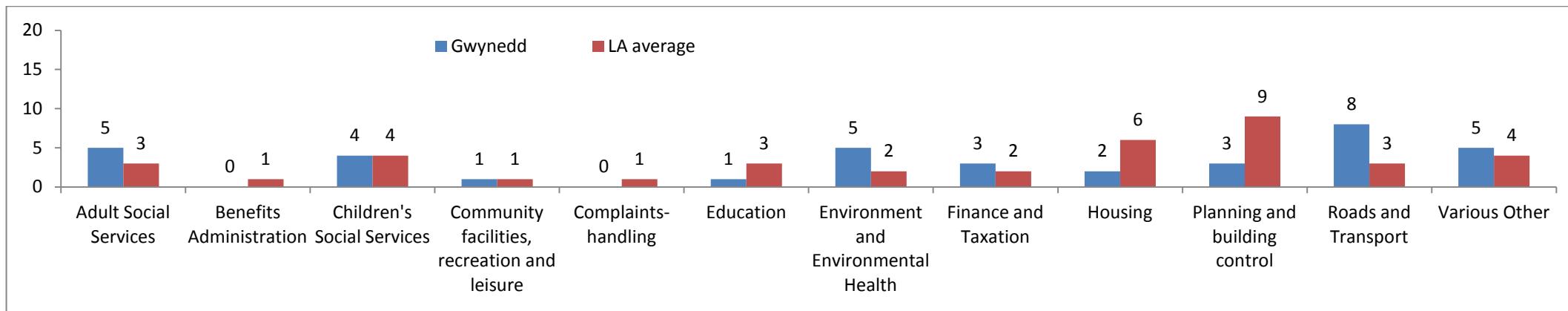
Subject	2014/15	2013/14
Adult Social Services	2	5
Benefits Administration	1	0
Children's Social Services	5	4
Community Facilities, recreation and leisure	0	1
Complaints-handling	2	0
Education	2	1
Environment and Environmental Health	1	5
Finance and Taxation	4	3
Housing	2	2
Planning and building control	13	3
Roads and Transport	2	8
Various Other	2	5
Total	36	37

C: Comparison of complaints by subject category with LA average

2014/15



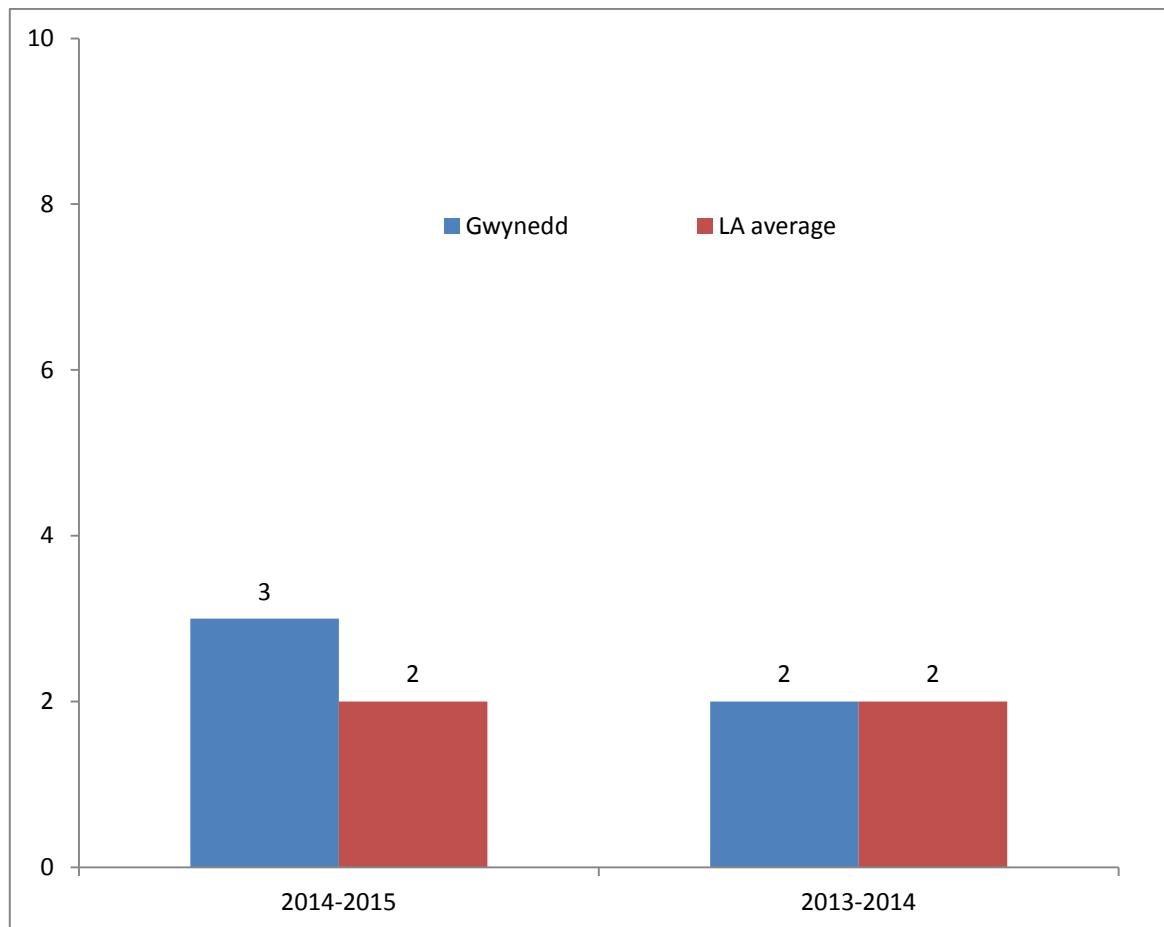
2013/14



D: Complaints taken into investigation by my office

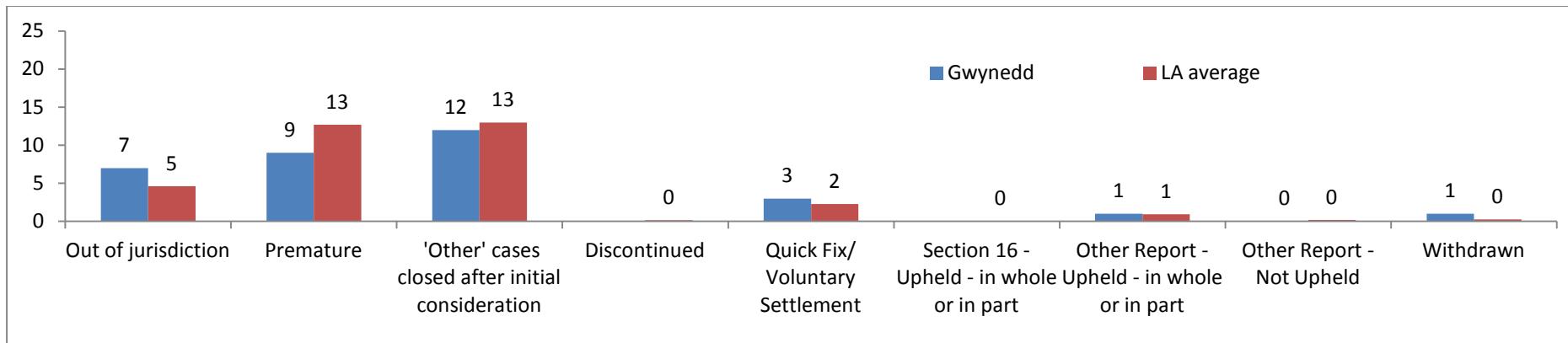
	2014/15	2013/14
Number of complaints taken into investigation	3	2

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

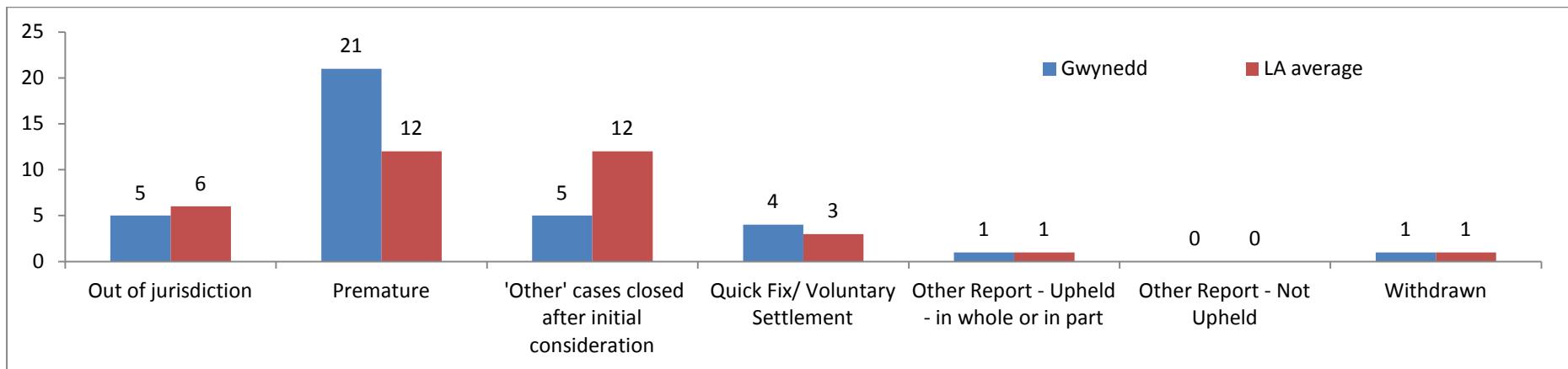


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

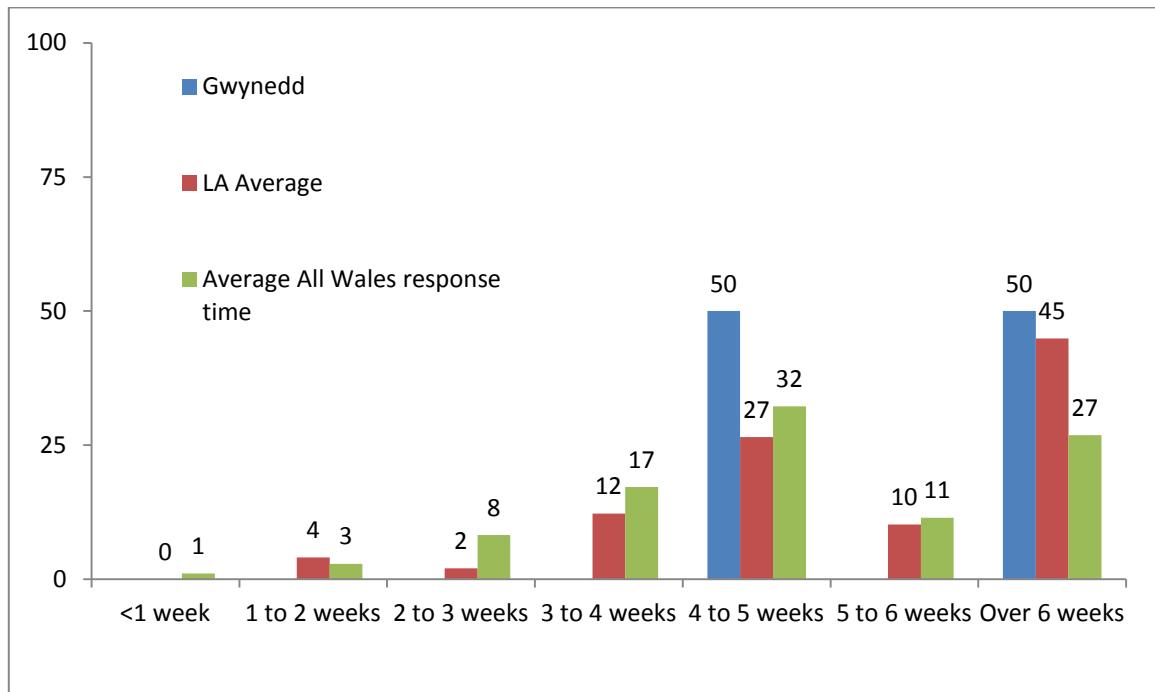
2014/15



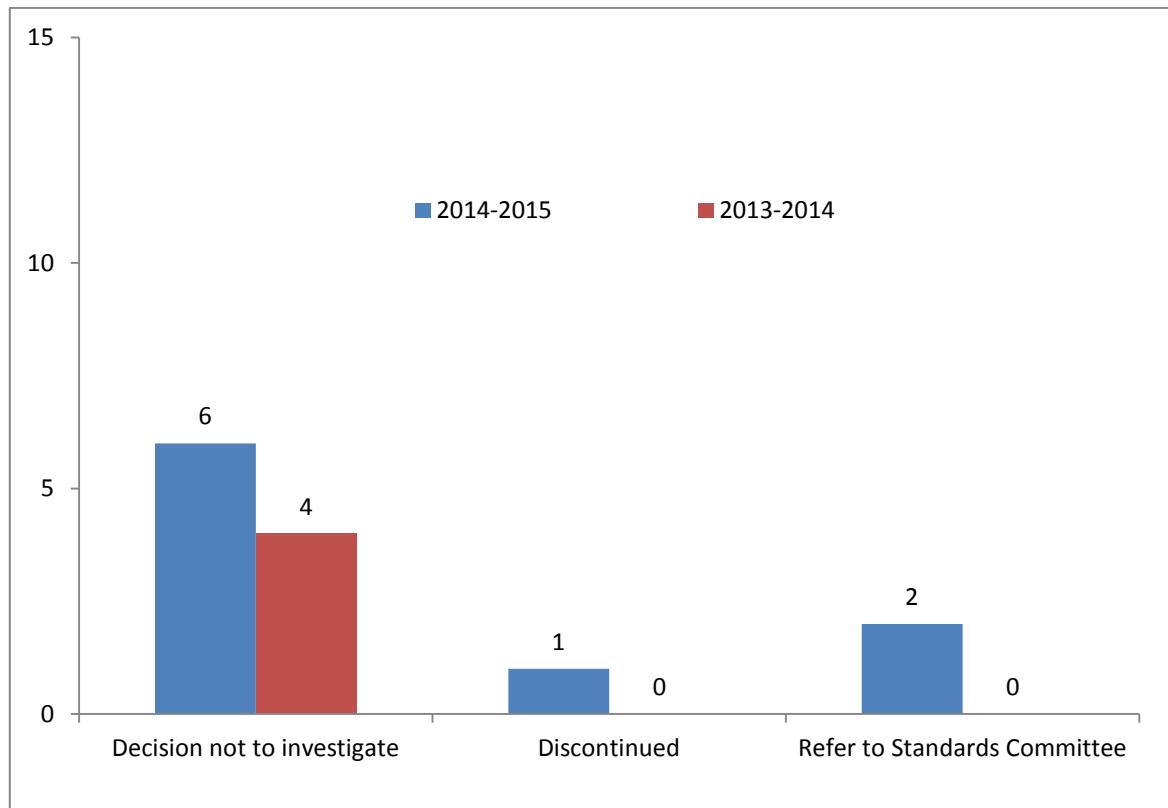
2013/14



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



H: Code of Conduct complaints



I: Summaries

Benefits Administration

Quick fixes and Voluntary settlements

Gwynedd Council – Council Tax Benefit

Case reference 201402897 – December 2014

Mr A complained about the Council's administration of the council tax charge at his former residence in Bangor which he rented with some students. He said that the Council unreasonably delayed in determining that he was liable for the period 1 June 2013 to 1 June 2014. The Council had sent demand notices addressed both to him and his former housemates causing friction between them over who was liable to pay.

On receipt of the complaint, the Ombudsman established that the Council had sufficient information on 23 December 2013 to determine that Mr A was liable for the charge. It did not bill him correctly in his sole name until after 14 July 2014. The Ombudsman contacted the Council setting out his concerns and it agreed to undertake the following in settlement of the complaint:

- a) apologise to Mr A and pay to him the sum of £50 in recognition of the unreasonable delay before the demand notice was issued and for the trouble caused between him and his former housemates; and,
- b) offer Mr A an extended repayment plan of 12 monthly instalments for the outstanding sum.

Environment & Environmental Health

Quick fixes & Voluntary settlements

Gwynedd Council – Noise and other nuisance issues

Case reference 201303166 – April 2014

Mr A said that an odour nuisance had been affecting his property for many years. He told the Ombudsman that cigarette smoke, which drifted into his property from the property adjacent to his own, was causing this nuisance. He complained that the Council had not investigated his concerns about this properly. He indicated that he was also dissatisfied because its officers were not available during the evenings, which was when he usually noticed this odour nuisance. He also complained about the Council's complaint handling.

Following contact from the Ombudsman's office, the Council agreed to take the following steps:

- a) visit Mr A's property, on three separate occasions, within the next three months, in an effort to witness the odour nuisance;
- b) undertake these visits out-of-hours and by prior arrangement, or, if possible, as soon as it receives notification from Mr A (within office hours) that this nuisance is apparent;
- c) consider the possibility that the chimney might be responsible for the odour nuisance when its officers visit Mr A's property;
- d) set out, in a publicly available document, the circumstances in which its Public Protection Service would provide an out-of-hours service to members of the public;
- e) write to Mr A to confirm the details of the action that it has agreed to take.

The Ombudsman considered that these actions were reasonable and regarded Mr A's complaint as settled.

Planning and Building Control

Other reports – Upheld

Gwynedd Council – Handling of planning application

Case reference 201304558 – Report issued August 2014

Mrs W complained that the Council failed to follow its own procedure in considering a planning application from the property next door ('Green House') on the basis that, as it had received three objections to the application including comments from her local ward member, it should have been determined by the Planning Committee. She also complained that the Council refused her request for a site visit and that it failed to consider the impact the development would have on her amenity.

The Ombudsman found that the planning application should have been referred to the Planning Committee and upheld the complaint. The Ombudsman found that whilst the planning case officer was not obliged to view Green House from Mrs W's property, it should have responded to her request for a site visit. Finally, the Ombudsman found that the case officer's report did appropriately consider the impact of the development on her amenity. He did not uphold this complaint.

The Ombudsman recommended that the Council should:

- a) apologise to Mrs W and make her a payment of £350 for the failings identified in the report;
- b) remind all planning officers of the need to respond to requests for site visits from members of the public;
- c) remind all planning officers of the need to be clear about the intention of comments made by local ward members on applications.

The Council agreed to implement the recommendations.

Social Services – Adults

Quick fixes and Voluntary settlements

Gwynedd Council – Services for older people

Case reference 201402166 – August 2014

The complainant's relative, who has complex needs, had been found in a poor state whilst receiving Local Authority Care services. The Council had not yet made arrangements for suitable assessment or addressed a complaint about the service. The Council had applied for a variance of conditions for one of its care homes to accept the relative as he is under 65 so would not currently be allowed to reside there. As a POVA investigation was ongoing, the Council agreed it would resume the complaints procedure when the investigation was complete.