

Report To: Standards Committee
Date of Meeting: 13th July 2012
Report Author: Monitoring Officer
Title: Public Services Ombudsman for Wales's Annual Report 2011/12

1 PURPOSE OF REPORT

1.1 To advise Members of the publication of the Annual Report for 2011/12 of the Public Services Ombudsman for Wales (the Ombudsman) entitled 'Improving Access: Delivering Improvement'.

2 BACKGROUND

2.1 The Ombudsman has published his annual report for 2011/12 entitled 'Improving Access: Delivering Improvement'. The full report can be viewed by Members by visiting the Ombudsman's website www.ombudsman-wales.org.uk clicking on the 'Publications' tab and following the link to the Annual Report 2011/12.

2.2 The report deals with the Ombudsman's casework, which is the investigation of complaints by members of the public about public services in Wales and the conduct of Members of local authorities.

2.3 The relevant part of the report for the Standards Committee is Chapter 4 at page 18 which deals with Code of Conduct complaints and Appendix 2 at page 59 which gives a statistical breakdown of outcomes by local authorities.

2.4 In 2011/12 the Ombudsman received 412 new Code of Conduct complaints, a rise of 49% on the 2010/11 figure of 277.

2.5 The 412 new complaints are broken down below in terms of complaints received by type of authority for the years 2010/11 and 2011/12:

	2011/12	2010/11
Community Council	206	142
County/County Borough Council	177	135
National Park	28	1
Police Authority	1	0
Total	412	277

2.6 In his report the Ombudsman states that it is not surprising that the increase in complaints has occurred during the year in the run up to the recent local government elections. He does however express his extreme disappointment that it appears that the Code is being used in this way.

- 2.7 The Ombudsman also expresses his concern about certain practices emerging amongst Town and Community Councils. The Ombudsman specifically refers to Prestatyn Town Council in his report and the fact that he has corresponded with the Clerk to Prestatyn Town Council in relation to their mutual concern about the number of complaints received in respect of members of Prestatyn Town Council.
- 2.8 In the Ombudsman's view this level of complaints reflects a very hostile set of interactions between Councillors and must lower the esteem in which the Town Council is held by electors. The Ombudsman has urged the Council to reflect on the culture which is giving rise to these complaints and how behaviour might be changed to reverse this trend.
- 2.9 The Ombudsman is aware that some of these complaints are being made by a small number of members of the public. He will actively consider what further steps are available to him to tackle the problem.
- 2.9 The Clerk to Prestatyn Town Council has commented to the effect that the Town Council shares the Ombudsman's concerns about the large number of trivial complaints from a small number of Town Councillors about their fellow Councillors. The recent election has seen a significant change of town councillors with 10 out of 18 being new members. The Town Council has confirmed that it is keen for a new start.
- 2.10 Of the 412 complaints received by the Ombudsman during 2011/12 the largest proportion, 39%, related to matters of 'equality and respect'. There was a notable increase in the number of complaints relating to 'objectivity and propriety' which amounted for 25% of complaints.
- 2.11 There were 345 cases closed in 2011/12 of which 270 were closed after initial consideration. The number of cases referred to a Standards Committee or to the Adjudication Panel for Wales was 19 compared to 45 in 2012/11.
- 2.12 Appendix C of the report shows, by authority, a breakdown of the cases closed in 2011/12. There were 9 cases relating to Denbighshire of which 5 were closed after initial consideration, in one case no action was considered necessary, one was withdrawn, one was referred to Standards Committee and one to the Adjudication Panel for Wales.
- 2.13 In his report the Ombudsman also refers to changes to practice. The first of these is the use of local resolution procedures such as Denbighshire's Self Regulatory Protocol. The second is the practice whereby the Ombudsman, will if he is minded to close an investigation because he believes that a Standards Committee is unlikely to administer a sanction, refer the matter to the Monitoring Officer who may carry out a local investigation.
- 2.14 The Ombudsman also refers in his report to his proposal that a cap be placed on any indemnity offered by local authorities to members when defending themselves against an allegation that they have breached the Code of Conduct. The proposed cap is £10,000. The Ombudsman awaits a response from the WLGA to this proposal.

3 RECOMMENDATION

- 3.1 That Members note the contents of the Public Services Ombudsman for Wales' Annual Report 2011/12.