

Report to: Standards Committee

Date of Meeting: 25th October 2013

Lead Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Public Services Ombudsman for Wales' Annual Report 2012/13

1. PURPOSE OF REPORT

1.1 To inform Members of the Annual Report of the Public Services Ombudsman for Wales (the Ombudsman) for the year 2012/2013.

2 BACKGROUND

2.1 Each year the Ombudsman publishes an annual report on the activities of his office in dealing with complaints against public bodies in Wales.

2.2 The Ombudsman's office investigates complaints of maladministration by public bodies and, of more relevance to this Committee, complaints relating to alleged breaches of the Code of Conduct by elected members of Unitary, City, Town and Community Councils.

2.3 The Ombudsman's report is attached as Appendix 1.

2.4 The headline news contained in the report is that the number of complaints about the conduct of Members received during 2012/13 fell by 29% compared to the number received in 2011/12.

2.5 The Ombudsman attributes this decline largely to the fact that 2011/12 was an election year and that the Code of Conduct complaints system was inappropriately used for political mischief making. He also believes that the reduction can also, to a degree, be attributed to the success of local resolution in many authorities.

2.6 The reduction in complaints was more pronounced in respect of complaints relating to City, Town and Community Councils which reduced from 205 in 2011/12 to 140 in 2012/13. The number of complaints received in respect of unitary authorities was down from 178 in 2011/12 to 150 in 2012/13.

- 2.7 The majority of complaints received during 2012/13 related to 'equality and respect'. These complaints accounted for 35% of all complaints. There were three other categories of complaint that accounted for a significant proportion of complaints received. These were 'accountability and openness' (19%), 'disclosure and registration of interests' (18%), and 'integrity' (18%).
- 2.8 There were 371 complaints closed in 2012/13. Of these, the vast majority, 283, were closed after initial consideration which includes those where there was; no prima facie evidence of a breach, the alleged breaches were insufficiently serious to warrant an investigation or the incident occurred before the Member was elected.
- 2.9 Of the remainder of cases closed, there were 18 in which the investigation was discontinued, 23 where there was no evidence of a breach and 15 where no action was deemed necessary. Only 20 of the 371 cases were referred for a hearing, 15 to Standards Committees and 5 to the Adjudication Panel for Wales
- 2.10 Members' attention is drawn to the tables at Annex C to the Ombudsman's report which set out the statistical breakdown of outcomes by local authority. Four complaints were closed in respect of Denbighshire Members after initial consideration. There were no matters considered to require an investigation.
- 2.11 Members will note that 68 matters relating to complaints about Prestatyn Town Council were closed after individual consideration. Two complaints were the subject of investigation but the investigations on both cases were discontinued. There were no matters relating to Prestatyn Town Councillors that resulted in a finding of a breach of the Code. There was a marked reduction in the number of complaints received in respect of Prestatyn Town Councillors in 2012/13 which may well account for the significant reduction in the total number of complaints relating to City, Town and Community Councils across Wales.
- 2.12 The Ombudsman describes in the report, the changes to practice that have been introduced in the past years. These issues have been discussed by the Committee previously and are the adoption of local resolution procedures and the referral of matters which the Ombudsman does not feel are likely to attract a sanction to the local Monitoring Officer to consider a local investigation.
- 2.13 The Ombudsman's report also refers to the High Court decision relating to Councillor Calver of Manorbier Community Council and the consequential changes that have been made to the Ombudsman's guidance to Members.
- 2.14 The Ombudsman's performance in informing complainants, within 4 weeks of receiving sufficient information about the complaint, whether the complaint will be investigated has improved. This now happens in 92% of cases. The performance in completing investigations within 12 months has not improved from 2011/12.

2.15 The Ombudsman also refers in his report to the need for a cap on the level of indemnities provided to Members in standards cases. The Ombudsman supports a voluntary cap of £20,000 and the use of legislation to impose a cap if a voluntary agreement is not secured.

3 RECOMMENDATIONS

3.1 The Members note the contents of this report.