

POLICY AND RESOURCES

CABINET BOARD

27TH JULY 2012

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES

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ITEM No. 1
PART 1 SECTION A

REMOVAL OF RESTRICTIONS ON TIME OF MARRIAGE AND CIVIL PARTNERSHIPS

1. Purpose of Report

- 1.1 To advise Members of the removal of restrictions on time of marriages and civil partnerships.

2. Background Information

- 2.1. During the summer of 2010 the Government launched their “Your Freedom” website to get public views to suggest ideas to repeal what were said to be unnecessary laws; restore civil liberties; and strip away unnecessary restrictions on businesses.
- 2.2. The forum attracted a high number of ideas amongst which was the removal of the restriction on the times of marriages and civil partnerships.
- 2.3. Currently marriage and civil partnership ceremonies are only allowed between the hours of 8am and 6pm, historically day light hours.
- 2.4. GRO Circular 6/2012 confirmed that The Protection of Freedoms Act had received Royal Assent and the Act contained a provision to remove time restrictions on marriage and civil partnerships.
- 2.5. The commencement date for this provision has now been set for 1 October 2012. From that date onwards, a marriage or civil partnership may take place at any time during the day or night.
- 2.6. The change is permissive: simply removing the legal restriction on the times of ceremonies. There is no obligation on local authorities and religious groups to provide services outside the traditional hours, and it is a decision the Council can make.

3. Current Position

- 3.1 Couples wishing to arrange a marriage or civil partnership will, as now, need to discuss their wishes in advance with the relevant local authority or religious group.

3.2 The National Registration Panel has been collating draft guidance for the assistance of local authorities in planning for this change, and this will be available shortly.

3.3 An important factor in this relaxation are the views of approved premises who could be asked to provide a venue for ceremonies. We asked Approved Premises owners the following questions:

- *Are you in favour of this new proposal?*
- *Do you think that this proposal will have a positive or negative impact on your business?*
- *Do you propose to offer ceremonies outside the current time frame and if so what would be the latest time you would be prepared to offer a ceremony?*
- *Would you consider increasing fees for ceremonies taking place “out of hours”*

3.4 Although the number who returned the survey was small, all the Approved premises which replied were supportive of the change and would want to offer ceremonies outside the current time restrictions.

3.5 This will, in turn mean that ceremonies could be requested to be carried out at any time of day or night and some times already spring to mind that might be requested such as midnight on New Year’s Eve.

4. **Proposals for consideration**

4.1 There are two options that Members are requested to consider:

4.2 **Option 1:**

4.2.1 Implement the changes; launch a press release to raise awareness that restrictions are removed and wait to be approached by couples requesting certain time slots, giving the Head of Service powers overall to be able to decide when or when not ceremonies can be arranged. We will have to consider important operational aspects including health & safety (especially that of staff); fees for carrying out these ceremonies and also consider staff remuneration.

4.3 **Option 2:**

4.3.1 Do not implement changes and leave hours as they are at present between 8am and 6pm. However, this option would also impact on Approved Premises who would be restricted, and potentially lose trade, as celebrants could take their business to venues in Registration districts that embrace the change.

5. **Recommendation**

5.1 That the Head of Legal Services implement the changes and introduce a scheme for the availability of the service setting appropriate fees and other conditions considering each application as it arises in line with staff availability and other conditions and operational issues.

6. **Reason for Proposed Decision**

To exercise statutory discretion in accordance with the new legislative regime.

7. **List of Background Papers**

Protection of Freedoms Act 2012.

8. **Wards Affected**

All

9. **Officer Contact**

Mr David Michael – Head of Legal & Democratic Services
Tel:01639 763369
E –Mail: d.michael@npt.gov.uk

COMPLIANCE STATEMENT

REMOVAL OF RESTRICTIONS ON TIME OF MARRIAGE AND CIVIL PARTNERSHIPS

(a) **Implementation of Decision**

The decision is proposed for implementation after the 3 day call-in period.

(b) **Sustainability Appraisal**

Community Plan Impacts:

Economic Prosperity	No impact
Education and Lifelong Learning	No impact
Better Health and Well Being	No impact
Environment and Transport	No impact
Crime and Disorder	No impact

Other Impacts:

Welsh Language	No impact
Sustainable Development	No impact
Equalities	Positive
Social Inclusion	Positive

(c) **Consultation**

There has been no requirement under the Constitution for external consultation on this item.

ITEM No. 2
PART 1 SECTION B

**PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT
2011/12 AND THE ANNUAL LETTER**

1. Purpose of Report

To advise Members of the content of the Public Services Ombudsman for Wales Annual Report 2011/12 and the Annual letter for that year received from the Ombudsman.

2. Background

Over the years the Public Services Ombudsman for Wales (“the Ombudsman”) has issued a report with a general commentary on complaints which the Ombudsman’s office has received together with statistics relating to different classes of public body Local Authorities being one of them. In latter years the Ombudsman has also issued an Annual letter to individual public bodies commenting on the performance of those public bodies.

3. Comments

3.1. An extract from the Ombudsman’s report is reproduced at Annex A to this report. The first part of the extract reproduces the Ombudsman’s commentary on his workload. I have not reproduced the pie chart in colour but would comment to Members that 32% of complaints related to the health function i.e. National Health Service bodies, the next largest category of complaints is those which relate to planning and building control at 16%, housing at 15% and social services at 10%. These figures relate to Wales as a whole and to all services within the Ombudsman’s jurisdiction.

3.2. The second part of the extract is the table which reports the outcome of cases dealt with by the Ombudsman. This reflects the cases disposed of by the Ombudsman’s office rather than those received.

3.3. In relation to the table I would explain that, whereas some years ago the Ombudsman investigated all complaints submitted to him, he now refers back to local authorities complaints which have not gone through the local authority’s own complaints system. Thus, out of thirty seven cases dealt with by the Ombudsman nineteen were in fact referred back to the Council for it to deal with them through the internal complaints procedure. I will say that it is often the case now that matters are either resolved at that stage

or the complainant decides not to take the matter further to the Ombudsman. Six cases were treated outside the jurisdiction of the Ombudsman and nine cases were closed after the Ombudsman made initial enquiries.

- 3.4. The other cases are referred to in the Ombudsman's annual letter which appears as Annex B. The letter is reproduced in black and white. When looking at the comparison bar charts, the NPT information is always on the left.
- 3.5. The figures produced by the Ombudsman in the Appendix to his letter are useful to a certain extent although fluctuations from year to year are inevitable and the figures themselves are small; therefore, it would be a mistake to read too much into the statistics. The number of complaints received overall is said to match the number which one would expect for a local authority of this size.
- 3.6. Members will note that the Council has responded to the Ombudsman within his four week deadline in relation to all complaints submitted and I would thank colleagues for their assistance in hitting this target.

4. List of Background Papers

Annual letter to Neath Port Talbot County borough Council from the Ombudsman 13th July 2012 and Ombudsman's Annual Report 2011/2012.

5. Wards Affected

All

6. Officer Contact

Mr. David Michael – Head of Legal and Democratic Services
Tel No: 01639 763368
Email: d.michael@npt.gov.uk

3. Complaints of maladministration and service failure

Headline figures

- We received 1,866 enquiries, **up 66%** on 2010/11
- We received 1,605 new complaints, **up 13%** on 2010/11
- We achieved 176 quick fixes/voluntary settlements, **up 47%** on 2010/11
- We issued 178 investigation reports, **down 43%** on 2010/11
- We closed 1,547 cases, **down 5%** on 2010/11
- Number of cases on hand at 31 March 2012 was 455 cases, an increase of **54%** on 2010/11
- We had no investigations older than 12 months old open at 31 March 2012

Caseload – overall position

The number of complaints about public bodies that I receive continues to increase. As the figures in the table below indicate, the overall level of complaints has increased by 13% compared to the position for 2010/11.

	Total Number of Complaints
Cases carried over from 2009/10 (includes Code of Conduct complaints)	563
New public body complaint cases 2010/11	1,425
Total complaints 2010/11	1,988
Cases carried over from 2010/11 (includes Code of Conduct complaints)	295
New public body complaint cases 2011/12	1,605
Total complaints 2011/12	1,900
Cases to be carried forward to 2012/13 (includes Code of Conduct complaints)	455

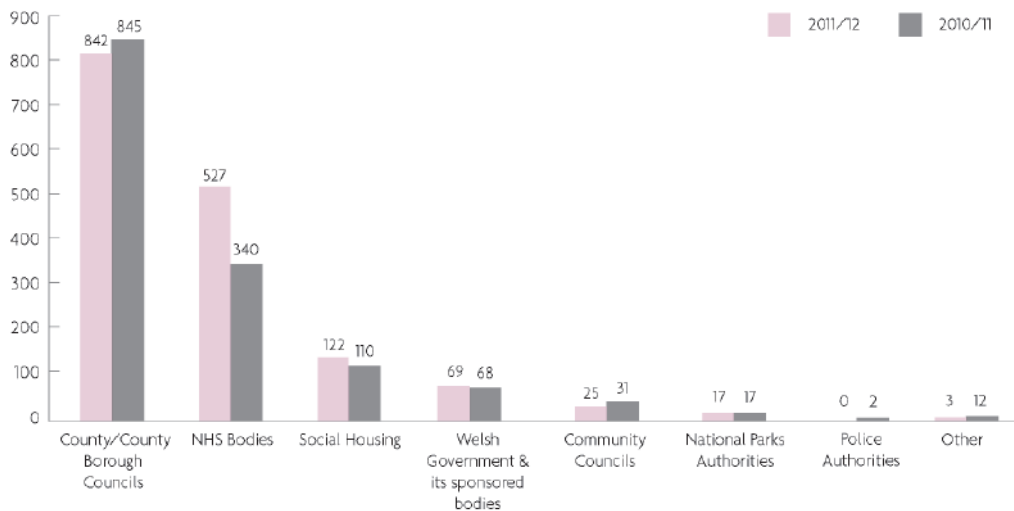
In addition, the office dealt with 1,866 enquiries during 2011/12, compared with 1,127 last year.

Whilst during 2010/11 we managed to cut the number of cases carried forward from one year to another to a caseload on hand of 295 from 563 in 2009/10, it is of some concern that the level of cases to be carried forward to 2012/13 will be 455. This to a great degree is accounted for by the fact that we have had to deal with an increase in cases received (including code of conduct cases – many of which were received near to the end of the year – see page 18)

Sectoral breakdown of complaints

The chart below shows the trends in complaints received per sector. Complaints about county councils continue to be the most numerous type of complaint received. This is to be expected given that they are direct providers of a wide range of services to the public. It is worth noting that the volume of county council complaints has remained fairly steady. The increase in health body complaints has, however, been exponential (527 complaints in 2011/12 compared to 340 in 2010/11).

Complaints by public body sector

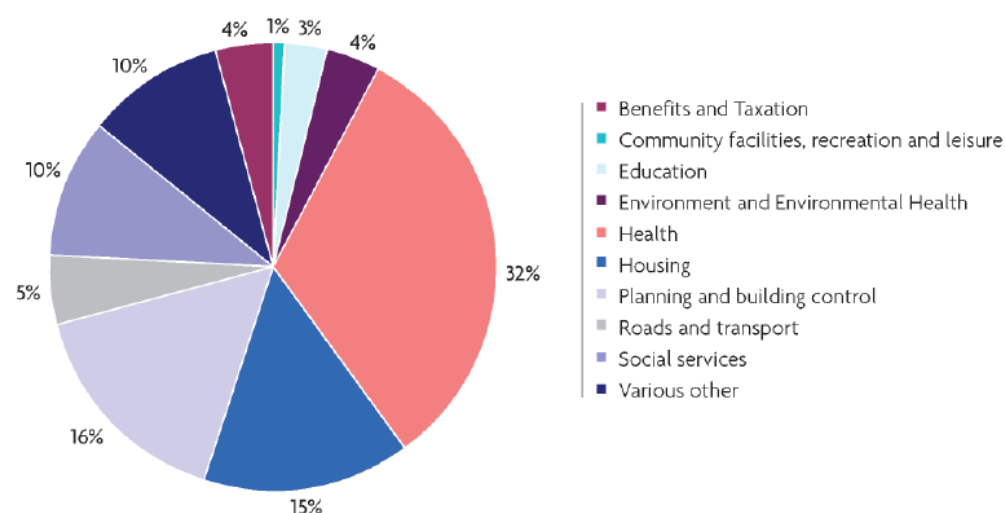


Complaints about public bodies by subject

The trend in relation to health complaints is confirmed when considering complaints by subject area. For the past four years, health complaints have been the most numerous types of complaint received. However, the increase in numbers of health complaints as a proportion of caseload continues to increase. As can be seen from the chart below, health now accounts for 32% of the caseload (this was 25% last year). Whilst it has to be borne in mind that the NHS Redress Measure came into force on 1 April 2011, I believe that this only partially accounts for the increase. I also believe that people are now more inclined to complain about poor service in the NHS than was previously the case and it is notable that almost half of health complaints are about clinical treatment in hospital.

Following the pattern of previous years, Planning and Housing are the next largest areas of complaint, accounting for 16% and 15% of the complaints received respectively during 2011/12.

Complaints by subject 2011/12



Outcomes of complaints considered

An overall summary of the outcomes of the cases closed during the past year, and a comparison with the position last year is given in the table below. Complaints included in the category 'Cases closed after initial consideration' include those received which:

- were outside of my jurisdiction
- were premature (that is, the complainant had not first complained to the public service provider, giving them an opportunity to put matters right)

- did not provide any evidence of maladministration or service failure
- did not provide any evidence of hardship or injustice suffered by the complainant
- showed that little further would be achieved by pursuing the matter (for example, a public body may have already acknowledged providing a poor service and apologised).

(A breakdown by listed authority of the outcome of complaints considered during 2011/12 is set out at Annex B.),

Complaint about a Public Body	2011/12	2010/11
Closed after initial consideration	1,158	1,113
Complaint withdrawn	16	48
Complaint settled voluntarily (includes iquick fix of 157 cases)	176	120
Investigation discontinued	19	38
Investigation: complaint not upheld	60	104
Investigation: complaint upheld in whole or in part	104	198
Investigation: complaint upheld in whole or in part – public interest report	14	13
Total Outcomes – Complaints	1,547	1,634

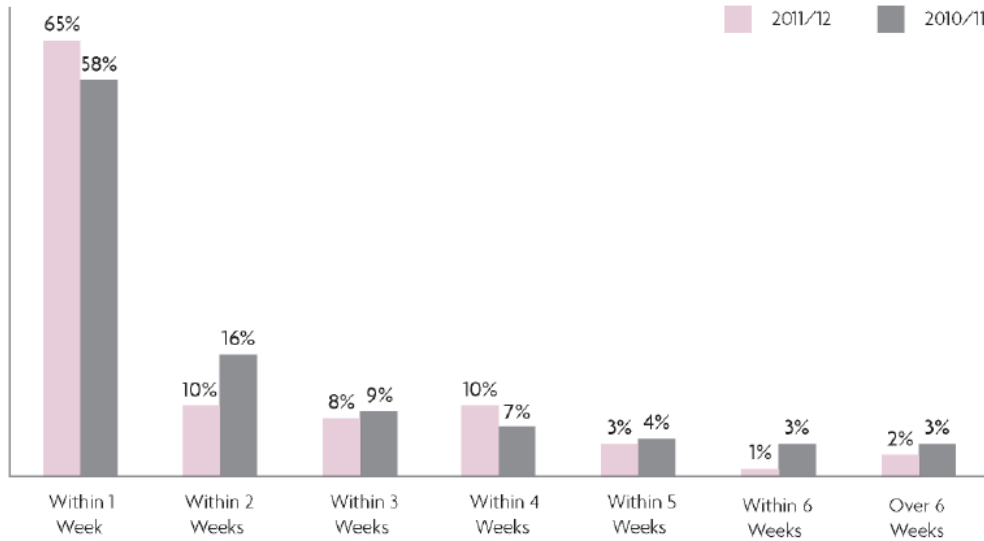
Decision times

Below are two charts which report on the decision time targets we set ourselves. We aim to tell complainants within 4 weeks whether we will take up their complaint from the date that sufficient information about the complaint is received. Performance in relation to this target has continued to improve. We set ourselves the specific target of achieving the four week deadline 80% of the time. During 2011/12, this was achieved in respect of 94% of the complaints received.

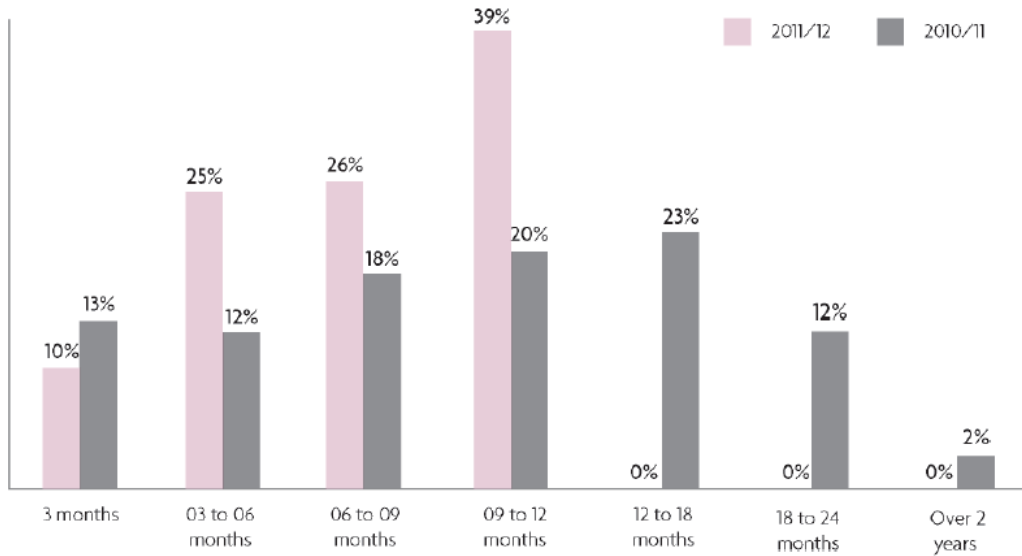
The second target we set ourselves is to conclude cases within 12 months from the point that a decision is made to take up a complaint (that is, to commence investigation of a complaint). I am particularly pleased at the outcome illustrated below. However, I should point out that although in percentage terms the chart shows a 100% success rate, actually there was one case closed during the year which took longer than 12 months to investigate. This related to a complex children’s social services complaint.



Decision times for informing complainants if complaint will be taken up



Decision times for concluding public body investigations



Complaints Advice Team

The Complaints Advice Team (CAT) provides our frontline service and responds to enquiries to the office. Enquiries are contacts made by potential complainants asking about the service provided, which do not, in the end, result in a formal complaint being made to me. At this point of first contact, we will act in various ways, such as:

- advise people how to make a complaint to me
- where appropriate, seek to resolve a problem without taking the matter to the stage of a formal complaint
- where people have not already complained to the relevant public body, we will advise them appropriately, sending their complaint directly to that body on their behalf if that is their wish.
- where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them.

However, beyond dealing with enquiries, the CAT is also charged with looking for effective, swift and innovative ways to resolve when we do receive formal complaints. They look to see if there are means to address complainants' concerns, without the need to progress matters to detailed investigation. We are increasingly making greater use of a 'quick fix' approach and even those people we cannot help appreciate receiving a decision promptly and by phone. I have been particularly pleased that against the target of achieving 100 quick fixes during the year, we actually resolved 157 complaints in this way.

Examples of 'quick fixes' achieved by the CAT are as follows:

Case 201101221 - Education/Transport

Mr R complained that he had been told by the Council to obtain the services of a driver to take his disabled daughter to school and that he would be reimbursed for the cost. He employed a driver, at a cost of £840. The Council refused to reimburse Mr R, as the driver did not drive a licensed taxi. Mr R said he had not been advised of such a requirement. The complaint had been ongoing for over a year. The documents from the Council did not show that Mr R had been told that it was a requirement to use a licensed taxi. My officer liaised with the Council officers who said that they believed that Mr R would have been told of the requirement, but they had no record of any such conversation. The Council agreed to reimburse Mr R the £840 and added a £60 time and trouble payment for the delay in its handling of the complaint.

Case 201102617 - Community Facilities

Mr F has had an allotment for many years and, in recent years, began to cultivate a piece of spare, overgrown land adjacent to his plot. He planted fruit trees there and erected a shed. He had moved home nine years previously, informing the Council of his change of address. However, following reorganisation around three years ago, the Council wrongly wrote to his old address when it gave him notice to remove the shed and trees from the plot. Mr F did not receive the notice and the Council proceeded to remove the shed. Mr F complained to the Council, who told him he was in breach of his allotment tenancy for not informing them of his change of address. My officer contacted the Council and explained that Mr F had informed it of his change of address and had received mail to the correct address for many years until the Council's reorganisation around three years ago. The Council accepted an error had occurred and provided Mr F with a new shed and paid him £60 redress to cover the cost of an item stored in the destroyed shed.

Case 201100842 - Council Tax

Mrs A complained that the Council had put the liability for Council Tax in her name, not her son's. She could not afford to pay the debt and the Council had passed the debt to Bailiffs. She had received notification from the Bailiffs that they would enter her home to remove goods to the value of the debt and Mrs A would not leave her home in case this happened. She and her son had tried to change the liability for the debt into her son's name, but had been told this could not be done. My officer spoke to the Council. It agreed to withdraw the Bailiffs from the case; put the liability in the name of Mrs A's son and advise him of the ways the debt and ongoing Council Tax bills could be paid.

Case 201002083 - Housing

Mrs H complained of a leaking pipe under her floor. A contractor had called but, after some considerable time, had not returned to carry out the repair. Despite numerous phone calls, nothing had been done. Mrs H was a vulnerable adult so my officer called the Housing Association to see if the repair could be expedited. By 1.00pm the same day, my officer received a call saying that a housing manager had called on Mrs H and a repair had been agreed. The Association promised to put in a new surface pipe, as opposed to ripping up the floor, within three working days.

Joint investigations

Under the PSOW Act, I am able to co-operate with other Ombudsmen and I draw attention in my Annual Reports to any such joint investigations. However, no complaints received by me or colleague Ombudsmen in other parts of the United Kingdom have necessitated such a joint investigation over the past year.

COUNTY/COUNTY BOROUGH COUNCILS

County/County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Blaenau Gwent	1	1	3		2		1			8
Bridgend	2	12	8		3			2		27
Caerphilly	6	21	20		5			1	1	54
Cardiff	12	32	27		8	1	9	1		90
Carmarthenshire	7	19	25		5	1	1	4		62
Ceredigion	4	10	9		2		1	2		28
Conwy	5	9	6		4					24
Denbighshire	1	17	11	1	4		2		1	37
Flintshire	4	13	13	2	3		1			36
Gwynedd	6	17	8		5		2		1	39
Isle of Anglesey	3	10	6	1	3	1	4	1		29
Merthyr Tydfil	8	1	4		3					16
Monmouthshire	4	20	12		1		1			38
Neath Port Talbot	6	19	9		1		1	1		37
Newport	3	5	7	2	2		1			20
Pembrokeshire	4	9	20		4			1		38
Powys	7	11	9		3		2			32
Rhondda Cynon Taf	4	28	16		4		2			54
Swansea	7	20	21		5		4		1	58
The Vale of Glamorgan	6	12	11	1	2					32
Torfaen	3	11	8	1	1			1		25
Wrexham	9	15	15		8	1	1	1		50
TOTAL	112	312	268	8	78	4	33	15	4	834


OTHER LOCAL AUTHORITY

Other Local Authority	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
National Park Authorities										
Brecon Beacons			2		1					3
Pembrokeshire Coast	1	2	3							6
Snowdonia	4	1	4							9
TOTAL	5	3	9		1					18
Schools Admissions Appeals Panels										
St. Joseph's Catholic and Anglican High School								1		1
Cardiff High School				1						1
Brynmawr Foundation School							1			1
Llanishen High School			1							1
St Joseph's Roman Catholic Infant School							1			1
Welshpool High School			1							1
Ysgol Bryn Onnen								1		1
Tynewydd Primary School								1		1
Governors of St Joseph's Cathedral Infant & Junior School							1			1
TOTAL			2	1			3	3		9
Drainage Boards										
Powysland Internal Drainage Board	1									1
TOTAL	1									1
OVERALL TOTAL 'OTHER LOCAL AUTHORITY'	6	3	11	1	1		3	3		28

Our ref: PT/jm

Ask for: James Merrifield

Your ref:

 01656 644 200

Date: 13 July 2012

 James.Merrifield@ombudsman-wales.org.uk

Mr Steven Phillips
Chief Executive
Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
SA13 1PJ

Dear Mr Phillips

Annual Letter 2011/12

Following the recent publication of my Annual Report, I am pleased to enclose the Annual Letter (2011-2012) for Neath Port Talbot County Borough Council.

The Annual Letter provides you with a clear and concise breakdown of all complaints received and investigated by my office during 2011/12 in relation to your Council. You will also find details of the time taken by your Council in responding to requests for information from my office, as well as summaries of all reports issued in relation to your Council.

As outlined in my Annual Report, the total number of complaints received by my office about maladministration and service failure increased by 13% compared with 2010/11. Whilst health complaints continue to be the most numerous type of complaints received by my office, Planning and Housing remain the next largest areas of complaint.

It is pleasing to note the increased levels of 'Quick Fixes' and 'Voluntary Settlements' which would often not be possible without the cooperation of public bodies. This means that it has been possible to increase the number of complaints closed at earlier stages without the need for a full investigation (where it is clear that there are no systemic issues associated with the complaint).

Nevertheless, my office had reason to issue a number of Public Interest Reports during 2011/12 which raised serious concerns and failings. A number relate to local authority complaints, I would encourage all councils to revisit these reports, which are available on my website, to ensure that the lessons are learnt. Others relate to health matters but could also have general learning opportunities for local authorities.

I raised concerns in last year's Annual Letters regarding the amount of time taken by public bodies in Wales in responding to requests for information from my office and it is disappointing that this situation has not improved. The statistics for 2011/12 show that average response times for Local Authorities, as well as other bodies in Wales, has worsened to the extent that roughly three quarters of responses are received more than four weeks after they were requested. I continue to urge all Welsh public bodies to assist my staff in progressing their investigations by providing responses in a timely manner.

In reference to the performance of your Council, I have noted a decrease in the number of complaints received by my office in comparison to 2010/11. The number of complaints received is now also equal to the figure which could be expected for your Authority. Whilst there has been an increase in the number of complaints taken into investigation, this figure is also equal to the number which could be expected for your Authority.

The figures indicate that there has been increases in the number of complaints relating to Adult Social Services and Planning and Building Control, which remains the largest single area of complaint. It is pleasing to note that there were no responses to requests for information from my office were took longer than four weeks.

Finally, I have outlined my concern at the 49% increase in the number of Code of Conduct complaints received by my office in this year's Annual Report, together with steps which I will consider taking to tackle any emerging practices in respect of such complaints. I have also set out changes designed to promote a local resolution process and reduce the number of complaints by councillors against other councillors which are brought to my office. Consequently, I hope to be able to report a decline in the number of Code of Conduct complaints received next year.

A copy of this letter will be published on our website shortly. If you consider it would be beneficial, I would be glad to meet with you to discuss the contents of this letter and the work of my office.

Yours sincerely

Peter Tyndall
Ombudsman

Appendix

Explanatory Notes

Sections A and B provide a breakdown of the number of complaints about Neath Port Talbot County Borough Council which were received and taken into investigation by my office during 2011-2012.

Section C compares the number of complaints against Neath Port Talbot which were received by my office during 2011-2012, with the local authority average for the same period. The figures are broken down into subject categories.

Sections D and E compare the number of complaints against Neath Port Talbot which were received and taken into investigation by my office during 2011-2012, with the local authority average (adjusted for population distribution¹) during the same period.

Section F compares the complaint outcomes for Neath Port Talbot during 2011-2012, 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 response times of Neath Port Talbot during 2011-2012 with the average response times for all local authorities, and all public bodies in Wales during the same period. Graph G measures the time between the date my office issues 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 Neath Port Talbot Councillors during 2011-2012.

Finally, Section 'I' contains the summaries of all reports issued in relation to Neath Port Talbot during 2011-2012.

In order to assist in measuring performance during 2011-2012, many sections also contain the relevant figures for 2010-2011.

Housing Stock

As with the figures for 2010-2011, the figures for 2011-2012 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.

¹ <http://www.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=16889>. All figures have been rounded to 0 decimal places.

A: Complaints received by my office

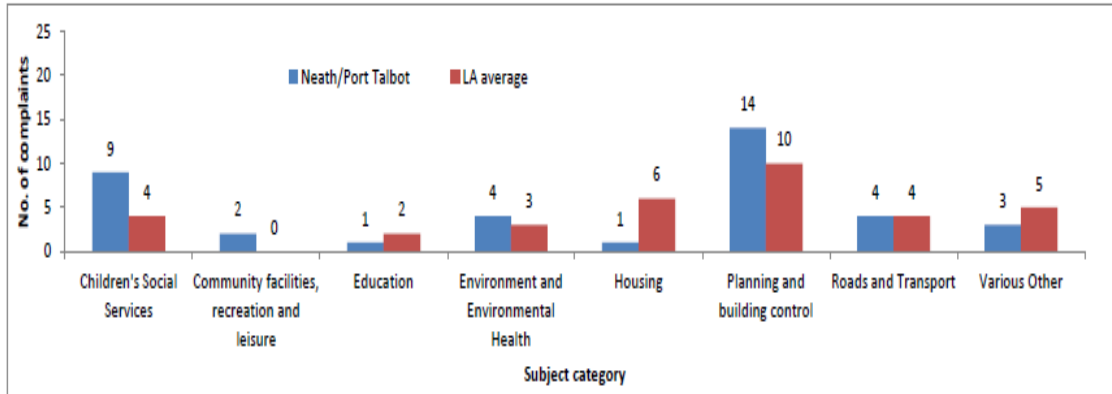
Subject	2011-2012	2010-2011
Adult Social Services	0	3
Benefits Administration	0	1
Children's Social Services	9	6
Community facilities, recreation and leisure	2	1
Education	1	2
Environment and Environmental Health	4	2
Finance and Taxation	0	1
Health	0	0
Housing	1	5
Planning and building control	14	12
Roads and Transport	4	7
Various Other	3	4
Total	38	44

B: Complaints taken into investigation by my office

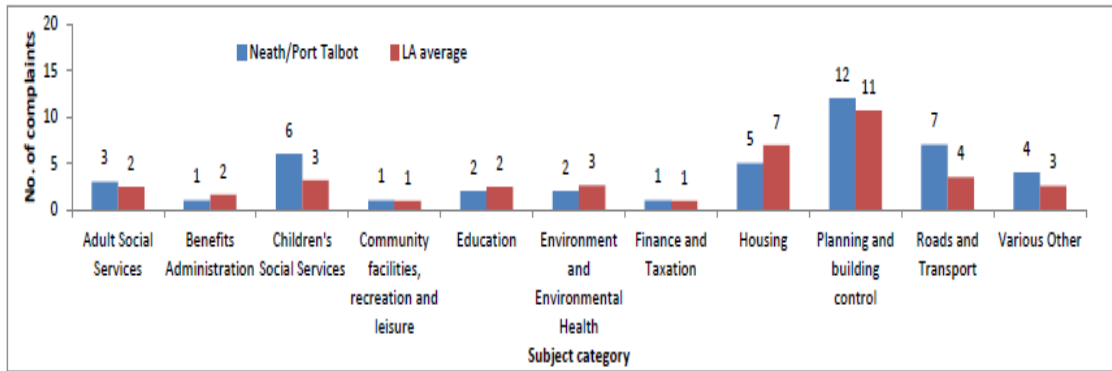
	2011-2012	2010-2011
Number of complaints taken into investigation	2	1

C: Comparison of complaints by subject category with LA average

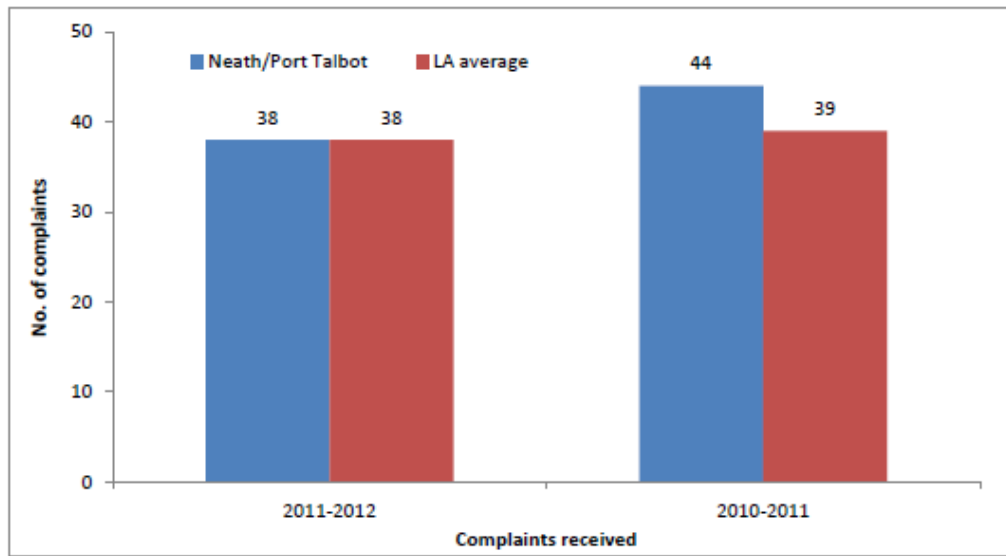
2011-2012



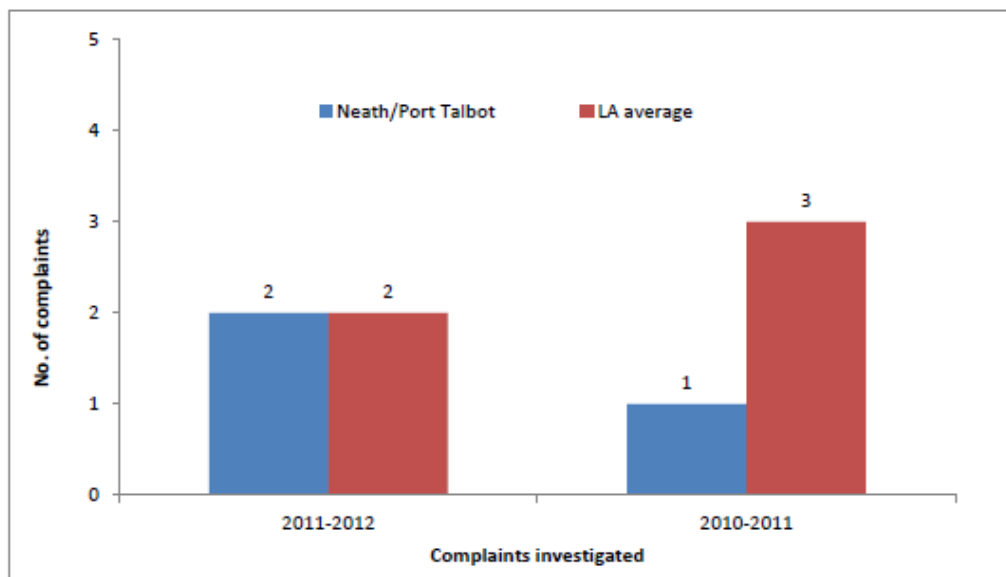
2010-2011



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

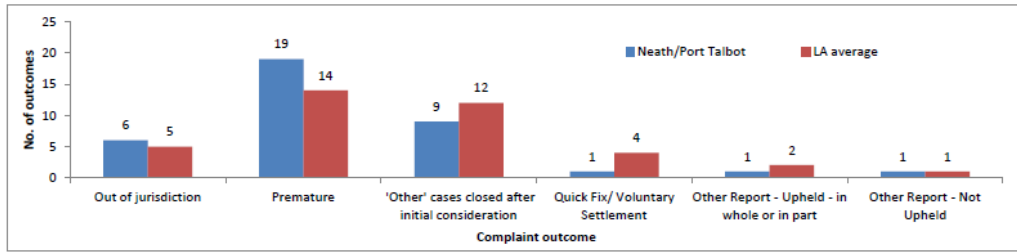


E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

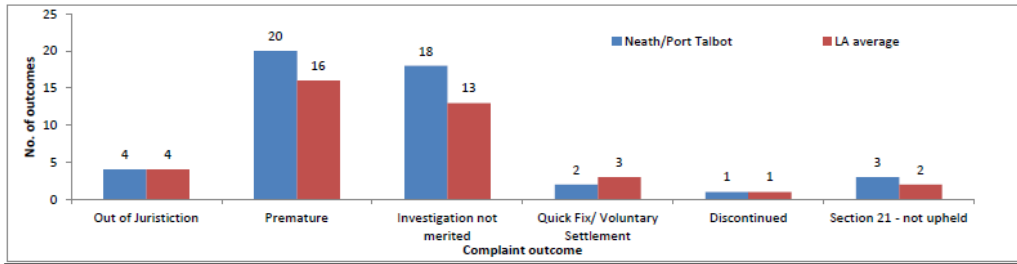


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

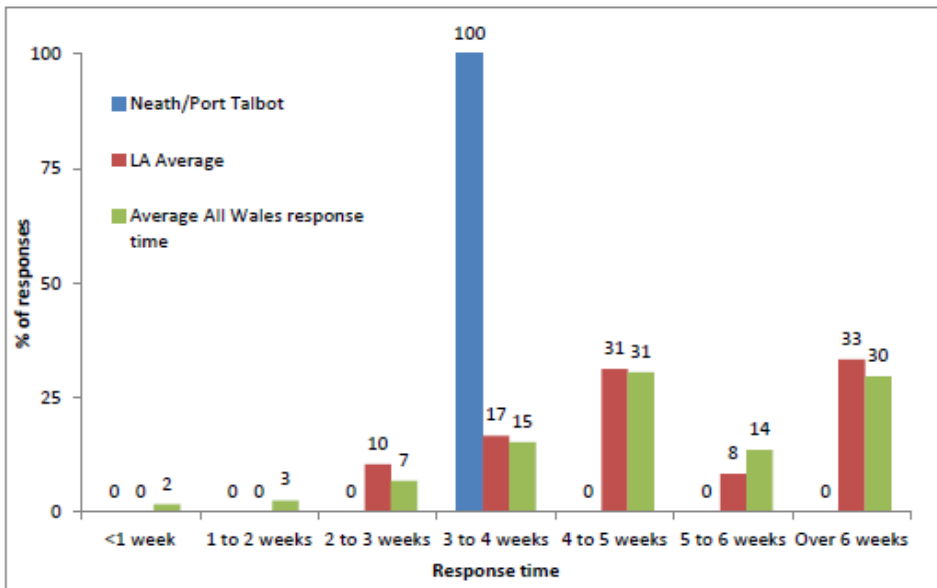
2010-2011



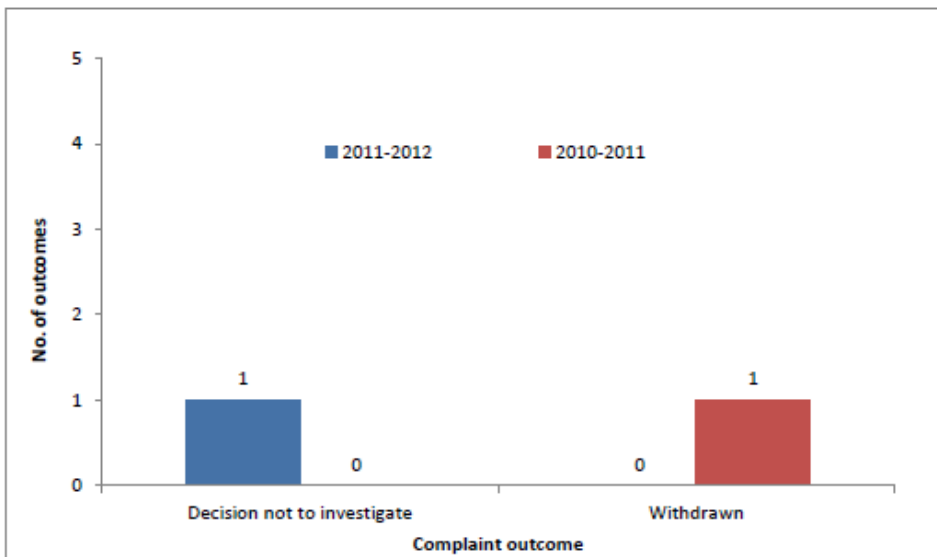
2010-2011



G: Comparison of Neath Port Talbot's times for responding to requests for information with average LA and average All Wales response times, 2011 – 2012



H: Code of Conduct complaints



I: Report summaries

Housing

Not Upheld

January 2012 – Applications, allocations, transfer and exchanges – Neath Port Talbot County Borough Council

Mrs A complained about the failure by the Council to re-house her in what she considered to be suitable accommodation following incidents of discrimination and racial abuse. She said that the Council's Housing Manager had misused her position to prevent Mrs A from being allocated a property because of her personal dislike of her. The Ombudsman found that the Council, and, more recently, the organisation to which the Council had transferred its housing stock, had acted in accordance with its lettings policy; Mrs A had been given appropriate points under the scheme, and had not been allocated properties for which she had bid either because they were larger than she had been assessed as needing or because she had insufficient points. The Ombudsman did not uphold the complaint.

Case reference 201002406

Various Other

Upheld

November 2011 – Miscellaneous – Neath Port Talbot County Borough Council

Ms H complained that the Council had unfairly restricted street trading on a beachfront; had unfairly prevented her from trading in beach goods despite granting her a licence to do so; had prevented her from trading at a beach festival; and had not properly dealt with her complaint.

The Ombudsman found that the Council was entitled to decide who could trade on its land. The decision to restrict the number of street traders was one the Council was able to take, and the reason given – to encourage permanent traders – was not wholly unreasonable. The Ombudsman also concluded that the Council was free, as the landowner, to decide which traders attended the festival. The Ombudsman found that the Council was entitled to revoke Ms H's lease to trade in beach goods as it had evidence that she was trading in breach of the conditions of her lease and street trading licence, and it had warned her of the consequences if she continued to do so. The Ombudsman did not uphold these parts of Ms H's complaint.

The Ombudsman partly upheld Ms H's complaint about how her complaint had been dealt with. He found that there had been some delay and that Ms H's request that her complaint be dealt with at stage 3 of the Council's then complaints procedure had been overlooked. The Council agreed to apologise to Ms H for these failings.

Case reference 201100472