

Our ref: PT/jm

Ask for: James Merrifield

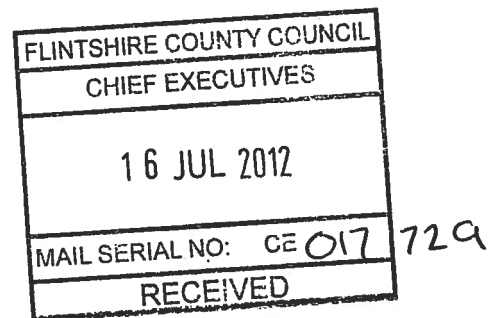
Your ref:

 01656 644 200

Date: 13 July 2012

 James.Merrifield@ombudsman-wales.org.uk

Mr Colin Everett
Chief Executive
Flintshire County Council
County Hall
Mold
Flintshire
CH7 6NR



Dear Mr Everett

Annual Letter 2011/12

Following the recent publication of my Annual Report, I am pleased to enclose the Annual Letter (2011-2012) for Flintshire County 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, although there has been a slight increase in the number of complaints received by my office, this figure remains below the Local Authority average. It is pleasing to note that the number of complaints taken into investigation for 2011/12 remains the same as the figure for 2010/11.

It is also pleasing to note the small number of 'Upheld' reports issued by my office. Your performance in responding to requests for information compares favourably with the Local Authority and All Wales averages.

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

A handwritten signature in black ink, appearing to read 'Peter Tyndall', written in a cursive style.

Peter Tyndall
Ombudsman

Appendix

Explanatory Notes

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

Section C compares the number of complaints against Flintshire 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 Flintshire 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 Flintshire 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 Flintshire 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 Flintshire Councillors during 2011-2012.

Finally, Section 'I' contains the summaries of all reports issued in relation to Flintshire 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

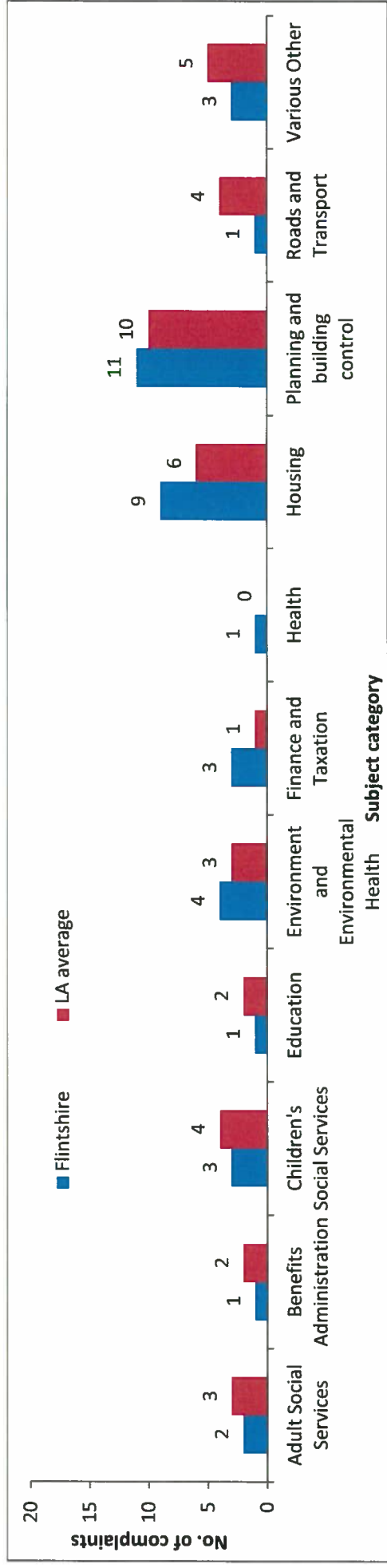
Subject	2011-2012	2010-2011
Adult Social Services	2	3
Benefits Administration	1	2
Children's Social Services	3	5
Education	1	3
Environment and Environmental Health	4	2
Finance and Taxation	3	0
Health	1	0
Housing	9	7
Planning and building control	11	9
Roads and Transport	1	2
Various Other	3	1
Total	39	34

B: Complaints taken into investigation by my office

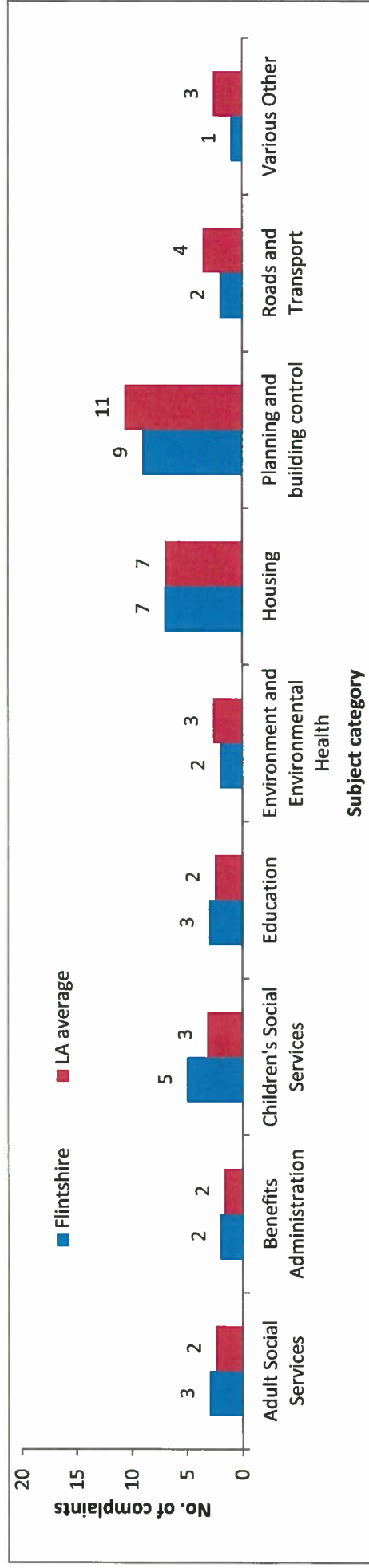
	2011-2012	2010-2011
Number of complaints taken into investigation	3	3

C: Comparison of complaints by subject category with LA average

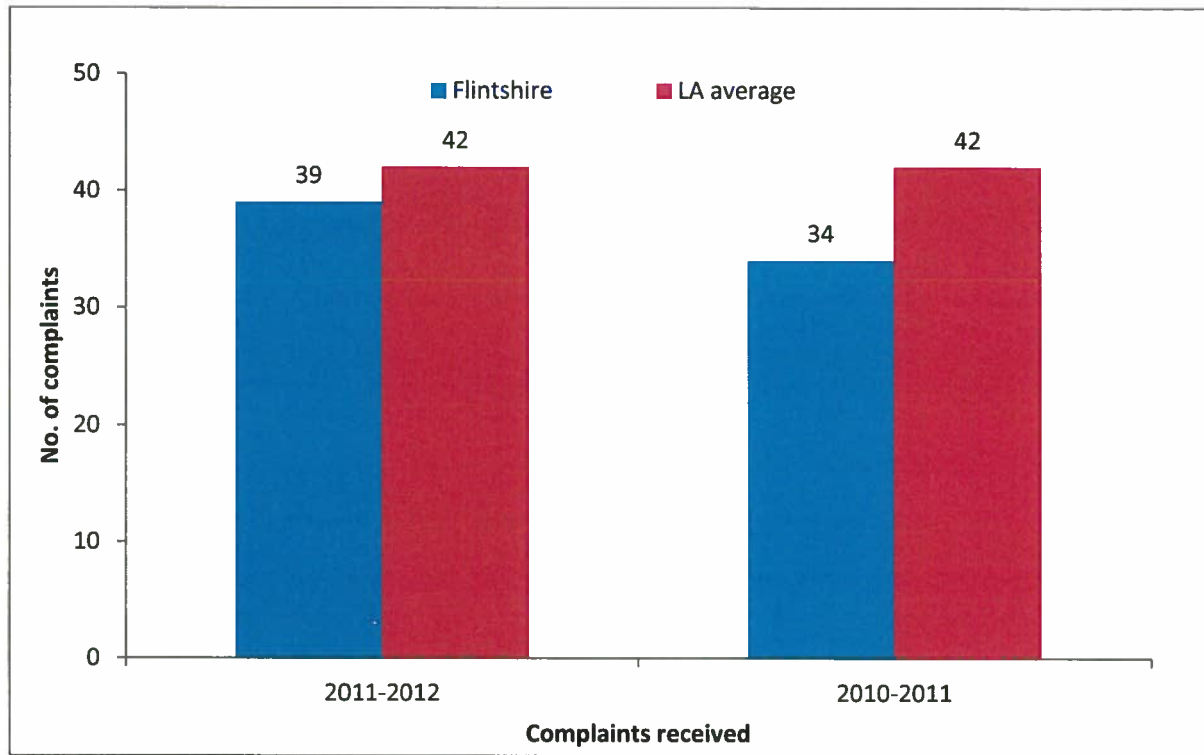
2011-2012



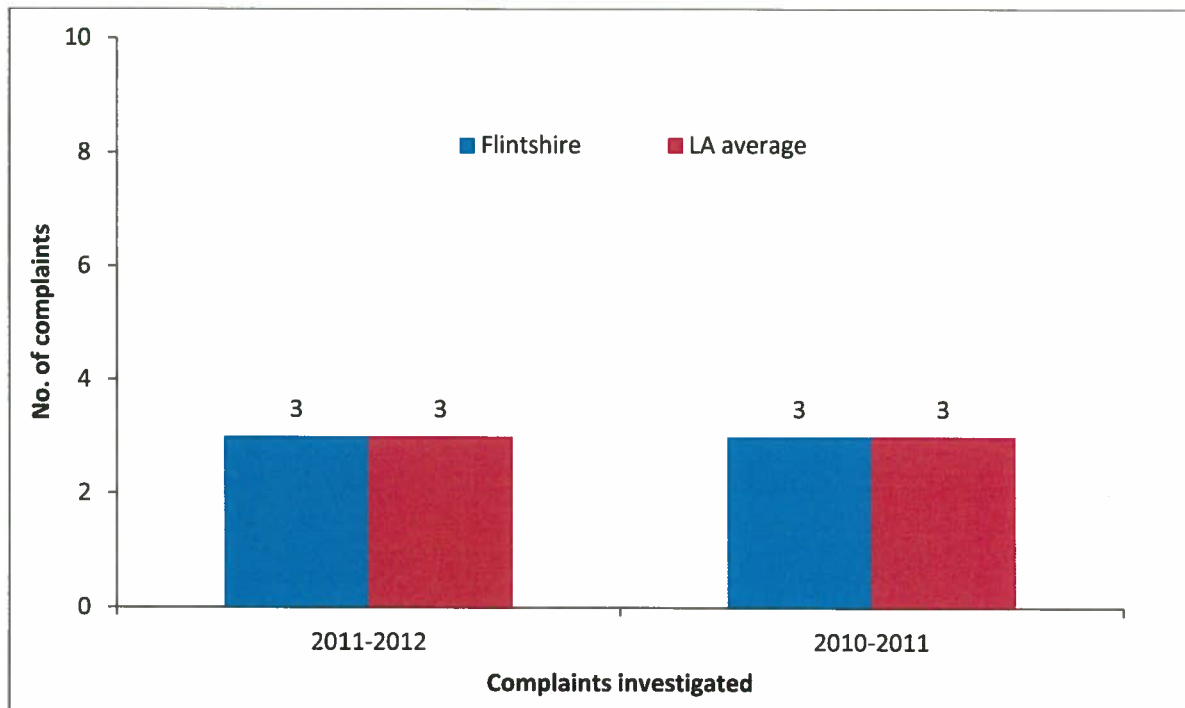
2010-2011



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

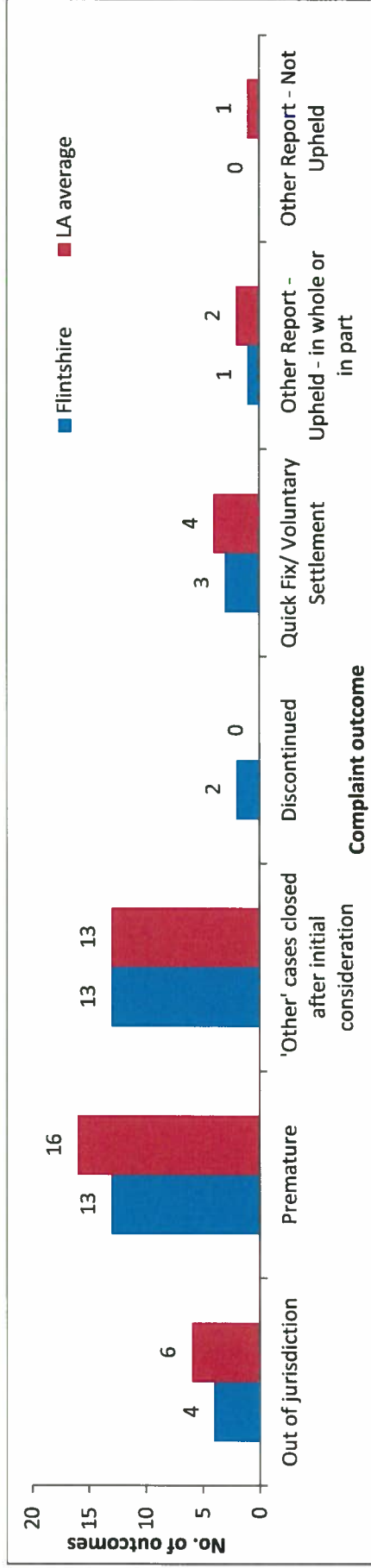


E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

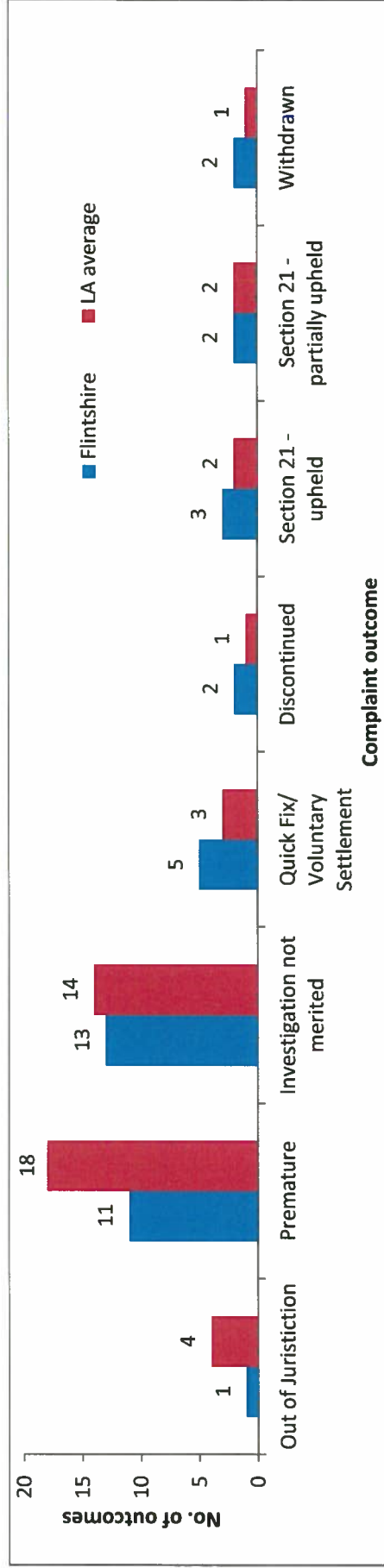


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

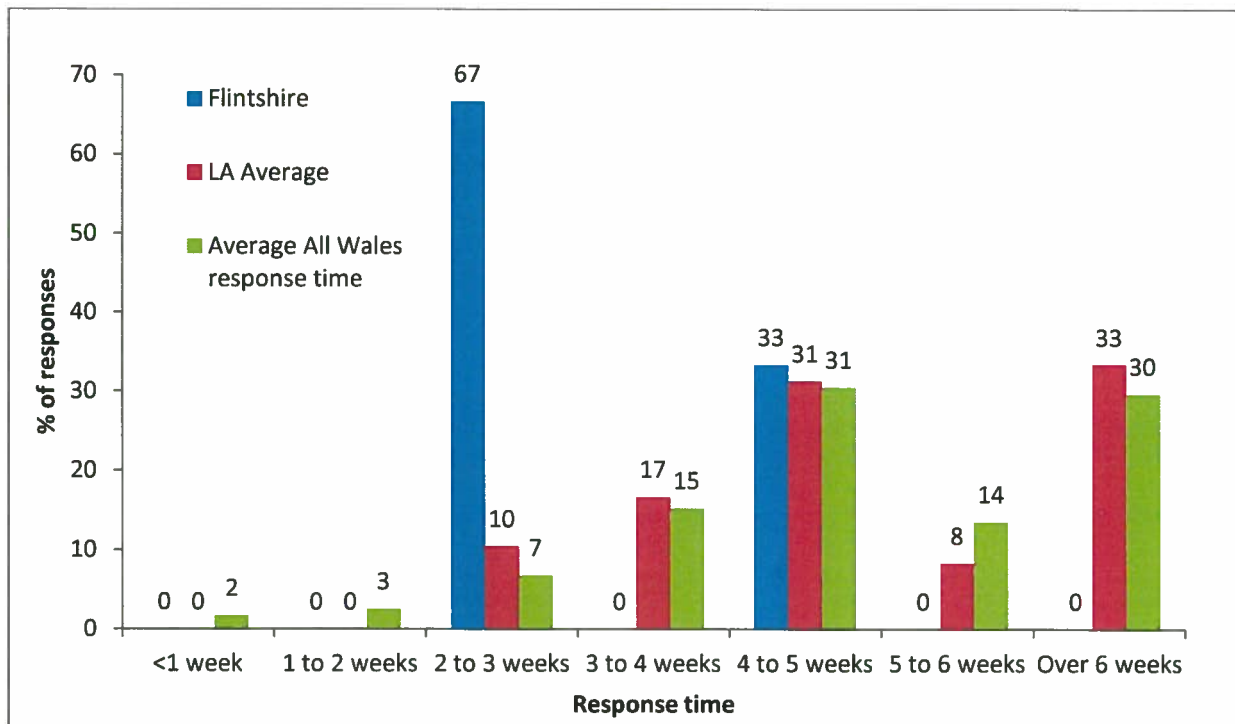
2011-2012



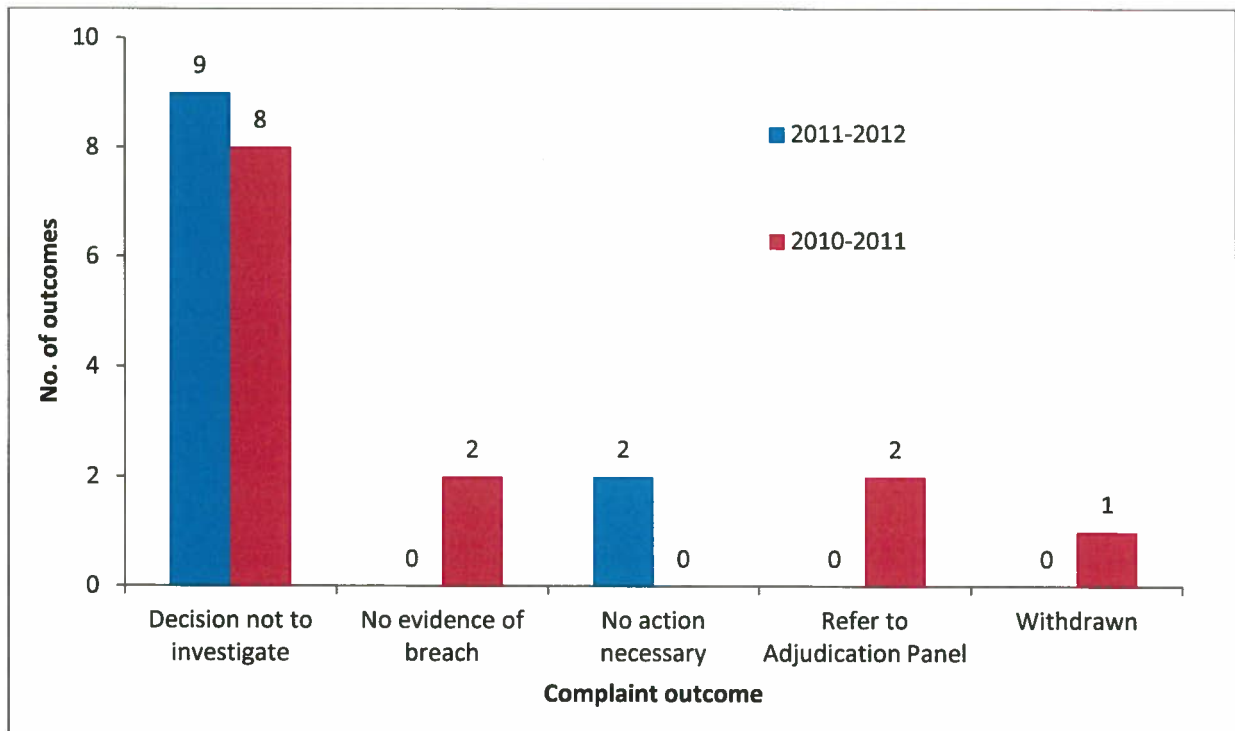
2010-2011



G: Comparison of Flintshire'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

Planning and Building Control

Upheld

August 2011 – Handling of planning application – Flintshire County Council

Mrs J complained, on behalf of a number of local residents, about Flintshire County Council's decision to grant planning permission for a glass recycling plant at a nearby industrial estate. Mrs J complained that the Council had failed to notify residents of the application and that there was maladministration in the way planning permission was granted.

The Ombudsman found that, despite the Council having decided to notify local residents of the planning application by letter, this did not in fact happen. This caused the residents some injustice as they may have lost their opportunity to comment on the application (albeit it was advertised in other ways). The Ombudsman upheld this part of the complaint and recommended that the Council should review its procedures for sending out notification letters. The Ombudsman also recommended that the Council should apologise to the residents who had complained and pay each of them £100 in recognition of their lost opportunity to comment. The Council agreed to the recommendations.

The Ombudsman did not uphold the complaint about the way the planning permission was granted. Although the Ombudsman accepted that the residents might disagree with the decision to grant permission, there was no evidence of maladministration in the way the decision had been taken. It was apparent that the grant of permission was in accordance with the Unitary Development Plan, and that relevant factors had been taken into account; as such the Ombudsman could not criticise the Council's decision.

Case reference 201001564