



## SUMMARIES OF THE OMBUDSMAN'S REPORTS ISSUED DURING 1999/2000

### EDUCATION

#### Schools Admission Appeal

##### 99/0228/AO1/000 & 99/0288/AO1/001 – The Appeal Committee of Corpus Christi Roman Catholic High School, Cardiff

The report related to two separate complaints from parents about the decision of an Appeal Committee which had rejected their appeals against the refusal by the Governing Body of places at the school for their children. The Ombudsman concluded that there had been a number of fundamental flaws in the arrangements made for the hearing of the complainants' appeals and in the way those appeals were determined. The Appeal Committee itself was not properly constituted. One of the three members appointed as a lay member was ineligible under the terms of the Education Act 1996 because before her retirement she had been a teacher and she had also been a Governor of the school which was the subject of the appeal. The law required an Appeal Committee to consist of a minimum of three qualified members, but there were only two in this instance. The Appeal Committee was not, therefore, properly constituted, and was not qualified to make any decision in relation to the complainants' appeals.

There were also other significant failures and breaches of Government guidelines in the arrangements made for the appeals and in the appeal proceedings themselves. They included the following:-

- a) The Governing Body's case was sent to the complainants only four days before the hearing whereas all documentation should have been sent to the parents at least a week in advance of the hearing.
- b) The Council on Tribunals was not notified of the appeal hearings.
- c) The Appeal Committee had no clerk to assist the members in regulating the proceedings.
- d) No written record was kept of the proceedings.
- e) The written notification of the Appeal Committee's decisions gave no reasons for the decisions.

- f) The members of the Appeal Committee were unable to explain why the appeals of some appellants in a particular priority category were allowed whereas the appeals of others in the same priority category were disallowed.
- g) Two members of the Appeal Committee were unaware of the two stages through which an appeal should be processed.
- h) The members appeared to have accepted the school's case that there would be prejudice to the provision of efficient education at the school if the appeals were allowed without requiring the school to substantiate that claim. They did so despite specific advice in the Government's guidelines requiring a school to substantiate its claim with supporting evidence.

The Ombudsman was also concerned that the Governor presenting the school's case for dismissing the appeals, in a letter to the appellants, had purported to restrict each of them to an arbitrary time limit of ten minutes for the submission of their respective cases. The Ombudsman was also concerned by a statement made by one of the Appeal Committee members that she and other members of the Appeal Committee had been alone with the school's Governor and the Headteacher before the first appeal was heard, and that having asked the Headteacher how many pupils the school could admit, she accepted his reply that the school was already full. Two other members of the Appeal Committee said that they had received no training in the procedures to be followed by Appeal Committees, and neither were aware of the Government's guidelines.

The Ombudsman regarded the Appeal Committee's failures as maladministration. He was also satisfied that the maladministration had caused an injustice to the complainants in that they had been deprived of their right to have their appeals heard and determined in accordance with the Government's guidelines and the principles of good administration. The appropriate remedy was the re-hearing of the complainants' appeals by a differently constituted Appeal Committee. However, one of the complainants had said that he would no longer accept a place at the school for his son even if one were offered to him. No useful purpose would therefore be served by offering him a fresh appeal. The Ombudsman recommended that the other complainant be offered the opportunity to appeal again against the refusal of a

place for his daughter, and that the appeal be heard by a differently constituted Appeal Committee as soon as possible.

The Ombudsman said that there was no evidence to suggest that the members of the Appeal Committee had conducted the appeals other than in good faith and in the belief that their decisions would be in the best interests of the school and the children already admitted to the school. He said their task had been a difficult one, but that was why it was important for all Appeal Committee members to receive adequate training and to have the assistance of an experienced clerk with a good working knowledge and understanding of the relevant rules and code of practice. He suggested that the Appeal Committee might ask the local education authority whether it could offer such training and the services of an experienced clerk.

## **ELECTORAL REGISTRATION**

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### **99/0092/CM/207 – Carmarthenshire County Council**

The complainant was aggrieved that the electoral registration officer of Carmarthenshire County Council had not included his name and that of his wife on the electoral register effective at the date of the elections to the National Assembly for Wales in May 1999. As a result of the omission, he and his wife had been unable to vote at that election. The evidence gathered in the course of the investigation tended to support the County Council's view that the principal reason for the omission of the complainant's name and of his house from the electoral register was because the previous occupier had changed the name of the house on the electoral registration form sent to the house by the Council to the name of the new house which the previous occupier had built on adjacent land. The previous occupier had returned that amended form to the Council. The electoral registration office had therefore assumed that the previous occupiers continued to occupy the complainant's house, and that they had merely changed the name of the house. Reference to the complainant's house under its previous name had therefore been deleted from the register, although it still existed, and the new house was included on the assumption that it was the new name of the complainant's house when in fact it was a new house.

However, the Ombudsman concluded that a more thorough canvassing system might well have detected the error. For example, a door to door canvass as early as October 1996 would have shown that a new house had been built next to the complainant's house. An examination of the County Council's own

building control records would have shown that by 10<sup>th</sup> October 1996, the walls of the new house had reached wall plate level. An examination of the County Council's planning and council tax records by October 1998 at the latest would similarly have revealed that a new house had been built on the little estate where the complainant lived. Given the partly urban character of the polling district, a door to door canvass would have been appropriate. Although the lack of door to door canvassing at the initial stage of compiling a register did not of itself amount to maladministration, nevertheless, when that omission was coupled in this instance with the failure to detect the existence of the new house by making use of the County Council's own records, the cumulative shortcomings amounted to maladministration by the County Council. Although the maladministration was not the principal cause of the error in the register, it contributed significantly to the failure to detect the error.

As a result of the maladministration, the complainant had been unable to vote at the Welsh Assembly elections in May 1999, and that was an injustice to him. That particular injustice could no longer be remedied, but the electoral register had already been amended for the future by the inclusion on it of the complainants as the occupiers of their house. In order to avoid a recurrence of the maladministration and of the injustice, the Ombudsman recommended the Council to review its canvassing arrangements in order to ensure that a more thorough check of the Council's own records was made in future, and with a view to introducing door to door canvassing at least in the polling district where the complainant lived and similar polling districts.

## **HIGHWAYS**

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### **Blight**

### **99/0398/F/105 – Flintshire County Council**

The Council proposed to construct a new bypass, the preferred route of which would be approximately 15 metres from the boundary of the complainant's cottage. Since 1994 both the former Clwyd County Council and the Council had sought funding approval from the Welsh Office in order to design the scheme, but such approval had not been given. Nevertheless, the proposed bypass remained in the Council's highways programme. None of the complainant's land was required for the construction of the bypass, but her attempts to sell her cottage had been unsuccessful. Prospective purchasers had withdrawn because the proposed bypass was "uncomfortably close" to the

cottage. The complainant had served a blight notice on the Council, but the Council in turn had served a counter notice on the grounds that no part of the cottage would be required for or in connection with the bypass.

The complainant subsequently asked the Council to exercise in her favour its discretion under the Highways Act 1980 to purchase her cottage on the grounds that its enjoyment would be seriously affected by the construction of the highway. Although the exercise of its discretion under the 1980 Act had not been delegated by the Council to its officers, officers nevertheless refused to submit the complainant's request to the elected members because, in the opinion of officers, the lack of any detailed scheme made it impossible to judge whether the property would be "seriously affected" within the meaning of the 1980 Act. The Ombudsman decided to pursue enquiries into the complaint to the stage of issuing a public report in view of the Council's failure to give due and proper consideration to the exercise of its discretion. However, before the investigation was completed, Council officers reported the complainant's request to the Council's Transportation and Planning Committee. The officers' report to the Committee summarised the circumstances leading to the complainant's request: it also referred to the relevant law, government advice and professional advice from the Council's engineers and valuer. The complainant had been sent a copy of the report before the Committee meeting, and she had been given an opportunity to submit comments on the report and her own representations for the Committee's consideration.

The Committee duly considered the relevant issues as well as the complainant's submissions before concluding that a decision should be deferred on her request until sufficient design work on the proposed bypass had been undertaken. The Ombudsman was satisfied that the Council had taken reasonable steps to remedy any injustice to the complainant as a result of its earlier failure to give due consideration to the exercise of its discretion. The Ombudsman explained to the complainant that he could not question the merits of the members' decision. Any injustice she claimed to have suffered as a consequence of that decision did not arise from the Council's earlier maladministration. Moreover, the interpretation of the relevant statutory provisions was a matter for a court of law and not for the Ombudsman. The Ombudsman discontinued his investigation on the grounds that the complaint had been settled to his satisfaction and because further enquiries would be unlikely to achieve any useful purpose or result in a different outcome. He issued a short report confirming his decision.

## **Traffic Regulation Order**

### **98/0927/F/074 - Flintshire County Council**

The complainants, who owned a shop fronting a square in the centre of a town in Flintshire, complained about the way in which the County Council had carried out an environmental improvement scheme in the square. Many of the complainants' grievances concerned the merits of the Council's scheme for enhancing the appearance of the square and the merits of possible further proposals for restricting vehicular access to or parking in the square. The Ombudsman has no jurisdiction to comment on the merits of a local authority's proposals. However, the Ombudsman was concerned in this case with the way in which the Council had implemented the scheme which had been undertaken. The Council had made errors which should not have been made.

In particular, the Council had published a notice of its intention to make a Traffic Regulation Order prohibiting the driving of vehicles on part of the square. Any proposal to make such an Order must by law be advertised, and an opportunity must be given to the public to submit objections to the proposals. In this case, the notice of the proposal said that objections to the Order were to be sent to the Council by 12th February 1999, but work started on site and parts of the square were closed to traffic on 25th January 1999, nearly three weeks before the period for objections was due to expire. The commencement of works in such circumstances amounted to maladministration. Other failures compounded the maladministration. An earlier parking places order made in 1988 permitting parking in the square was overlooked despite the existence of "plates" in the square giving notice of time limited parking spaces there. There was also a failure to make the Council's proposals sufficiently clear to the complainants, although the Ombudsman was not persuaded that officers had tried to mislead the complainants as the complainants alleged.

However, there was no evidence that the Council's maladministration had been the source of an injustice to the complainants. Although they believed that the scheme would have an adverse effect on their business, there was no evidence of an adverse consequence for them resulting from the commencement of works before the Traffic Regulation Order was made. In any event, work ceased on that part of the highway which was to have been the subject of any Order immediately the error was discovered by the Council. Moreover, the scheme was modified and changes were made in order to try and accommodate the complainants' views. The road which was to have been closed to traffic was reopened



to traffic, and two way traffic and some parking was still permitted in the road where the complainants' shop was located. Even if the complainants were to show that the scheme had had an adverse effect on their business, that would be a consequence of the scheme itself and not of the administrative failures identified in the Ombudsman's report. Nevertheless, the Ombudsman's report asked the Council to ensure that in future schemes such as those carried out in the square did not begin until a Traffic Regulation Order had been properly made. In particular, he asked the Council to ensure that those affected by similar proposals in future were properly consulted.

## HOUSING

### Adaptations for the Disabled

#### 99/0008/R/180 – Rhondda Cynon Taff County Borough Council

The complainant, a Council tenant, complained of delay by the Council in adapting and extending her house to enable her blind son to have a separate bedroom as recommended by social workers and an occupational therapist. The blind son also suffered from severe learning difficulties, and he had particular difficulty in sleeping. He often stayed awake at night talking and disrupting the sleep of his twin brother with whom he shared a bedroom. His behaviour had had a particularly disruptive effect on his twin brother which had resulted in a serious deterioration in the brother's behaviour, and which a consultant child psychiatrist had confirmed was largely due to the lack of sleep. The family's social worker, on 12th May 1997, had requested an assessment of the blind son's needs with a view to providing a separate bedroom for him. On 20th August 1997 an occupational therapist had recommended particular works of adaptation including the provision of a separate sound proof study/bedroom. The recommendation was passed to the Council's Housing Department on 16th September 1997. However, construction work did not start until 27th April 1999, and it was not completed until 9th August 1999, over two years after the social worker had submitted her recommendations.

Delays within the Council's Housing Department and the Property Consultancy Unit contributed significantly to the overall delay. It took the Housing Department two months to tell the Social Services Department that it was having difficulty reading the occupational therapist's handwriting. The Consultancy Unit was not asked to design a scheme until four months after the Housing Department had

received the Social Services Department's recommendations. It took a further nine months to design a scheme, and over a month was taken simply to open the only tender received, that submitted by the Council's own Direct Labour Unit. There was no evidence that the work had been properly directed or co-ordinated. Each stage of the process seemed to have been dealt with in isolation without due regard to any overall programme or the duty to meet the needs of the complainant's disabled son.

The Ombudsman regarded the overall delay, particularly given the urgency of the work, as so unreasonable as to amount to maladministration. The work had been completed by the time the Ombudsman's report was issued, and the complainant was very pleased with the new facilities which the Council had provided, but her son had been deprived of the facilities to which he had been entitled for a longer period than had been necessary, and the complainant had been obliged to cope with her son's difficulties for longer than reasonably necessary. The Ombudsman recommended the Council to pay the complainant £500 to remedy the injustice. The Council had already taken steps to avoid a recurrence of the maladministration by appointing a particular officer in the Housing Department to lead such projects in future and to provide a single point of contact for tenants.

### Disabled Facilities Grant

#### 99/0149/N/142 – Neath Port Talbot County Borough Council

The complaint was made by a father on behalf of his son who had been seriously injured and disabled as a result of a car accident in September 1998. The son had returned home from hospital to live with his parents in December 1998. The father was dissatisfied with the way the Council had dealt with his request for assistance towards the cost of providing facilities in his home for his son and making adaptations to his home to help his son cope with his disability.

Subject to the Council receiving a valid application and the rules on eligibility, the award of a disabled facilities grant to disabled people such as the complainant's son was mandatory. Irrespective of that particular statutory duty, the Council had a separate statutory obligation to the disabled as social services authority under the Chronically Sick and Disabled Persons Act 1970 to make arrangements for adaptations to the disabled person's home. However, because the demand for disabled facilities grants exceeded the funds the Council had available, the Council had introduced a priority system for the award of mandatory disabled facilities grants. Priority

depended on the award of points, the calculation of which was based entirely on the disabled person's replies to the Council's questionnaire. The calculation was made by an administrative assistant, and if the administrative assistant awarded the disabled person fewer points than the Council's threshold figure, the disabled person's request for a grant was not considered further despite the Council's statutory obligations. In particular, the disabled person was not seen by a professionally qualified officer until the disabled person's points total reached the Council's threshold figure.

The Ombudsman had previously expressed concern about the way the Council was administering its system for prioritising requests for grants to provide facilities for the disabled. The Council's process had appeared to have become bureaucratic and insensitive to the particular needs of the individual. The Council's system had also to be considered against the background of its statutory duties and the pattern of its financial expenditure. For the financial year 1998/99, the Council had allocated £3.8 million of its funds for spending on discretionary house renovation grants and only £2.3 million on mandatory disabled facilities grants. Furthermore, it had failed to spend all the funds it had allocated for disabled facilities grants, but it had overspent on discretionary grants. The Ombudsman was also concerned that the Council had not addressed separately its responsibilities as social services authority to the disabled. The Ombudsman regarded it as unacceptable for the Council, as social services authority, simply to direct an enquirer down the route of seeking a disabled facilities grant particularly when it knew that there might be no prospect of the enquirer receiving assistance for a long time, and when the process of assessing need and determining priority was so inadequate. He regarded the shortcomings in the Council's system for fulfilling its statutory duties to the disabled as amounting to maladministration.

However, the injustice to the complainant and his son directly attributable to the maladministration was limited. On his return home from hospital, the Council had sent the son two letters, one offering him an assessment of his needs and the second advising him to contact the Council's grants department about a disabled facilities grant. The complainant acknowledged that both letters had been received, but neither the father nor the son had responded. Following the father's representations, a Council disablement assessment officer had visited the son at his home, and the necessary forms to enable the son to submit a formal application for a disabled facilities grant had been sent to him in May 1999. Despite having been sent the necessary forms, however, at the date of the Ombudsman's report, neither the father

nor the son had submitted a formal application to the Council for a grant. Until either the father or the son submitted a duly completed application form, the Council's duty to determine an application within six months did not arise. The delay in reaching a decision on the award of a grant was, therefore, not due to a failure by the Council. The Ombudsman, nevertheless, asked the Council to ensure that its priority system for the award of grants was in future clearly based on a thorough, professional assessment of the disabled person's circumstances and needs, and to ensure that the priority system did not lead to a failure to help those whom the Council had a duty to assist.

## Transfer

### 99/336/AC/212 – Conwy County Borough Council

Prompted by the murder of a young girl in its locality, the Council had introduced a policy whereby any person convicted of an offence under the Sex Offenders Act 1997 was excluded from its housing register. The policy also applied to existing tenants seeking a transfer to alternative accommodation. The complainant was an existing Council tenant who had been convicted of two separate sex offences some 30 years earlier in a different part of the country. He had asked the Council for its consent to transfer his tenancy to a house on a neighbouring estate which was about to become vacant. The complainant was told that as a result of the Council's policy relating to sex offenders, he could not be considered for a transfer. The complainant and his wife were aggrieved at what they saw as the unfairness of the Council's decision. The Ombudsman decided to pursue enquiries into the complaint to the stage of issuing a public report in view of the Council's apparent blanket policy of excluding all sex offenders from its housing register irrespective of the circumstances and despite the advice of its professional officers that it was unlawfully fettering its discretion. However, the Council's cabinet subsequently agreed that the policy should be reviewed and that the complainant's transfer application be registered on the housing register. The cabinet also agreed to the Chief Housing Officer's recommendation that the Council's policy be reviewed after consultation with the police, the probation service, the Social Services Department and the Education Department. In the circumstances the Ombudsman decided to discontinue the investigation into the complaint, and he issued a short report confirming his decision.

**99/0072/CY/150 – Caerphilly County Borough Council**

The complainant alleged that the Council had wrongly sold a parcel of land near his home, which he said formed part of a public open space, despite an earlier decision to defer the sale pending its consideration of his objections. The Council's predecessor, the former Rhymney Valley District Council, had decided in 1992 to retain the land which was the subject of the complaint as well as other surrounding land as public open space. However, in 1993 the former Council had excluded the land which was the subject of the complaint from the larger area designated as public open space in its draft development plan. Nevertheless, despite its exclusion from the area designated as public open space in the development plan, the Council, on receiving a request from the complainant's neighbour to buy the land, had decided to treat all the land as public open space. It gave public notice in a local newspaper of its intention to dispose of the small parcel of the land in response to the neighbour's request. No objections were submitted to the proposed disposal as a direct result of the public notices, but before the sale was completed, the complainant became aware of the proposal and complained to the Council.

A report was subsequently drafted for submission to the Council's Committee so that officers could obtain instructions from the elected members on how to proceed. The draft report said that the sale of the parcel of land to the neighbour and the sale of an adjacent parcel to another neighbour had "been suspended" pending consideration of the report. However, the report was not submitted to the Committee: it was withdrawn by the Chief Executive following his discussions with the Chairman prior to the meeting so as to enable further consideration to be given to the representations which the Council had received. The Chief Executive had assumed that the sales of both parcels would be postponed, and the officer who had prepared the report had also assumed that both sales had been suspended. However, because of a breakdown in communication between officers, the sale of the parcel of land which was the subject of the complaint was completed, and the intention to postpone the sale pending further consideration of the representations from the complainant and others was frustrated. The Ombudsman regarded the breakdown in communication as maladministration. However, the Ombudsman did not consider that the Council's maladministration had resulted in any injustice to the complainant. Access to the public open space had not been significantly affected by the sale of the particular parcel of land. The complainant, in common with

other members of the public, had alternative accesses to the public open space at two other points near his home. Nevertheless, the Ombudsman asked the Council to review its procedures so as to avoid a recurrence of a similar breakdown in communication in future.

**99/0328/CY/163 – Caerphilly County Borough Council**

The complainants alleged that the Council had delayed, without good cause, the sale to them of an area of land adjacent to their home although it had earlier agreed to the sale. The area of land which was the subject of the complaint was adjacent to the parcel of land which was the subject of report no 99/0072/CY/150 above and which had been mistakenly sold to another resident of the area where these complainants lived. These complainants contended that the Council's decision not to sell them one of the parcels of land was unjust and unfair when compared with its sale of the adjoining area of land to their neighbour. The evidence indicated the Council had intended that the sales of both parcels of land should be postponed pending its consideration of various complaints and representations made by local residents. Due to the breakdown in communication mentioned in report No 99/0072/CY/150, the sale of one parcel had, however, been completed. Whilst the Ombudsman recognised these complainants' disappointment that the Council had decided not to sell them the land they had wanted to buy but to retain it as public open space, he said that the decision was one the Council had been entitled to take. Nevertheless, the Council had recognised that as a result of its decision to withdraw from the transaction, the complainants had in good faith incurred abortive costs on fees and other expenses associated with their proposed purchase. The Council had, quite properly, agreed to reimburse them those fees. The Ombudsman considered that to be a fair and reasonable remedy for any injustice the complainants might have suffered in the circumstances. Given the steps taken by the Council to reimburse the complainants the expenses they had incurred, the Ombudsman did not consider that further enquiries by him would achieve a different outcome. He decided therefore to discontinue his investigation, and to regard the complaint as settled by the Council.



## NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT

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### 98/1144/CN/128, 99/0462/CN/158, 99/0483/CN/160 – Gwynedd Council

The complainants complained about the way in which the Council had made a tree preservation order in respect of trees on land near their homes. (A number of the trees were located on land in the ownership of one of the complainants.) They alleged that the Council had failed to comply with the procedural requirements governing the making of such orders, but they also alleged that a Council member had contravened the National Code of Local Government Conduct. Council officers acknowledged that the complainants had not been served with a copy of the confirmed order within the prescribed time limit. The Ombudsman also found that, despite the advice in the Welsh Office's technical advice note, the Council had also failed to give its reasons for rejecting objections to the tree preservation order and for confirming the order. There had also been unacceptable delay in replying to correspondence from one of the complainants. The Ombudsman found those failures to be maladministration.

However, of more serious concern to the Ombudsman was the conduct of a councillor who was a joint owner of some of the land affected by the tree preservation order. He was required by law to declare any interest in land in Gwynedd in a statutory register kept by the Council and open to public inspection. He had to keep any information in the register up to date. The entry made by the particular councillor in the statutory register, signed by him, stated that he did not have a beneficial interest in any land in the county, but that entry was incorrect. Ultimately, it was a matter for a court of law to decide whether the councillor had committed an offence by failing to register his interest in the land affected by the order, but the Ombudsman was satisfied that his failure to declare and register his interest also amounted to a failure to observe the National Code of Local Government Conduct. The Ombudsman was also satisfied that the councillor had failed to observe the Code of Conduct at a meeting of a Council committee at which the order had been confirmed. The councillor had failed to declare his interest at the meeting, and had not withdrawn from the meeting during consideration of the order. The Ombudsman also criticised the lack of any record, either in the minutes of the committee meeting or in the committee clerk's notes, of the identity of the member who moved confirmation of the order. He pointed out that the committee clerk's notes were an important record, and could be particularly important

when questions arose as to a member's conduct. He said committee clerks should routinely record in their personal notebooks the names of those who propose and second a motion or amendment, the names of those who speak in a debate and the names of any members who leave a meeting before it ends.

The Ombudsman is obliged to name in his report a councillor who has breached the National Code of Local Government Conduct unless he is satisfied that it would be unjust to do so. The councillor in this instance had been told of the Ombudsman's statutory duty, and he had been given the opportunity to submit reasons to the Ombudsman why it would be unjust to name him in the report. The councillor had not submitted such reasons, and he was therefore named in the report. The Ombudsman also found that the complainants had suffered some injustice as a result of the Council's failure to follow statutory procedures in confirming the tree preservation order. The appropriate remedy, as already suggested by Council officers, was for the need for the tree preservation order to be reviewed by the Council. To avoid a recurrence of the maladministration and of the injustice, the Ombudsman recommended the Council to ensure that:

- a) all its members were made aware of the need to update their individual entries in the statutory register of interests;
- b) officers familiarised themselves with the statutory procedures for making tree preservation orders;
- c) committee clerks kept an adequate written record in their notebooks of the identity of members who participate in discussions and of the identity of members who leave a meeting before it ends.

### 99/0065/N/140 – Neath Port Talbot County Borough Council

(See below under PLANNING – permission)

## PLANNING

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### Consultation

### 98/0858/PK1/015 - The Brecon Beacons National Park Authority

The complaint was about the way in which the National Park Authority had granted planning consent for the construction of a garage/store room at the rear of a fish and chip shop near the complainant's home.

The Ombudsman found that the sketch plan of the proposed site of the new garage endorsed on one of the plans accompanying the planning application was an inadequate description of the garage's intended location. Although the complainant was notified of the application, and although she asked the authority's case officer to explain the proposals to her, she could not tell from the plans what effect the proposals would have on her amenities. The case officer acknowledged that at the time of his visit to the site he did not know exactly where the garage/store room was to be located. He recorded in his notes that the site plan was vague and that the applicant should be asked for more details. However, instead of requesting the applicant to provide further details before the application was determined, the officer issued planning consent subject to a condition which required the applicant to submit to the authority for approval a large scale site plan showing the exact position of the new garage/store before commencing the development.

The Ombudsman found maladministration because the officer had insufficient information before him at the time he issued consent to enable him to appraise the proposal and to explain to the complainant its implications for her. He should have required the applicant to provide further information before making his decision. The maladministration had been compounded because the planning consent had been signed and issued by the officer when he had no delegated authority to do so, and because he had failed to reconsult the complainant when he had eventually received a scaled site plan from the applicant showing the exact location of the proposed garage. The officer should have realised by that stage that the proposals had implications for the complainant, and that she might well have relevant views which he should take into account before work was allowed to proceed.

As a result of the maladministration the complainant had suffered an injustice in that she had not been given sufficient information to enable her to assess fully the implications of the planning application for her enjoyment of her home and to decide whether or not to object to the application. It was not now possible to say with certainty whether the Park Authority's decision would have been different if there had been no maladministration, but on a balance of the evidence the Ombudsman believed the complainant would have objected to the proposal if she had been given fuller and more accurate information. If she had objected the application would have been submitted to the Planning Committee, and the evidence of members suggested that the committee would probably have agreed to a site visit before making a decision. The members interviewed also believed that, following such a site visit, officers would

probably have been asked to discuss with the applicant the possible relocation of the garage so as to avoid any adverse effect on the complainant. The Ombudsman recommended the authority to instruct the District Valuer to establish whether the complainant's home had been devalued as a result of the construction of the garage/store in its present position. If there had been such a devaluation, the Ombudsman recommended the authority to pay the complainant a sum by way of compensation equal to the amount of such devaluation. He also recommended the authority to pay a further £250 in recognition of the inconvenience she had suffered and her time and trouble in making her complaint. In order to avoid a recurrence of the maladministration, he asked the authority to review its arrangements for delegating its authority to determine planning applications so that those determining such applications and issuing planning consents were duly authorised to do so. He said such authority should be clearly recorded and be open to public inspection.

## Enforcement

### 99/0268/AN/115 – Isle of Anglesey County Council

The complaint was a delay by the Council in taking enforcement action in relation to what the complainants alleged was unauthorised development by the owners of a commercial garage on a site adjacent to their home. The complainants had bought their bungalow in 1987. By that date the garage had been operating on the site for some three years. Over the next ten years the garage had continued to expand, and the garage owners had submitted a number of planning applications to the local planning authority for permission to develop and expand the business. In April 1997 the garage owners had applied for planning consent to erect a new showroom some four metres from the complainants' boundary. The complainants objected, and the garage owners submitted a revised proposal showing the new showroom some 27 metres from the boundary. The planning application was eventually withdrawn, but in the meantime, the garage submitted a further application applying for retrospective planning consent to erect a showroom some ten metres from the complainants' boundary. This was considered by the Council's Planning Committee in July 1998. The committee indicated that it "was disposed to grant planning permission" subject to the garage owners covenanting in a planning agreement not to develop the site further. The garage owners questioned the Council's entitlement to require them to enter into such an agreement as a pre-condition of planning consent. In June 1999, the garage owners also submitted a further planning application for planning



consent to build another workshop on the site, some five metres away from the complainants' boundary. Both the second and the third planning applications were considered by the Planning Committee in November 1999. The members decided to grant retrospective planning consent for the workshop already built some ten metres from the boundary, but the consent was made subject to a number of conditions to protect the complainants' amenities. At the same time the Committee decided to refuse the third planning application. The complainants acknowledged that they had no option other than to accept the Council's decision. The Council had addressed their concerns. The Ombudsman had no jurisdiction to question the planning merits of the Council's decisions, and it was unlikely that further investigation of the complaint would result in a different outcome. In the circumstances the Ombudsman decided to discontinue the investigation, and he issued a report confirming his decision.

### **98/1114/CM/195 & 99/282/CM1/010 – The former Carmarthen District Council and Carmarthenshire County Council**

The complainants used to operate a catering business from premises which they owned next door to a commercial garage. They complained that the two Councils as local planning authorities had delayed taking planning enforcement action to prevent the garage being used for the dismantling of vehicles and as a scrap yard. They claimed that as a result of the Councils' delay they had been unable to sell their business as a going concern, and they claimed that their property had been devalued.

The Ombudsman decided that there had been unreasonable delay amounting to maladministration on the part of both Councils in addressing the complainants' concerns. The County Council acknowledged that the delay was unacceptable. The complainants had first drawn the former Council's attention to their concerns about the use of the garage premises in December 1995, but enforcement notices were not served on the garage owner until February 1999.

However, although the Ombudsman was satisfied that the maladministration had caused the complainants some injustice insofar as their concerns were not addressed promptly, he was not persuaded that the maladministration had been the sole or principal cause of the business losses which they claimed to have suffered. The evidence provided by one of the selling agents engaged by the complainants was inconclusive whilst the other selling agent had not responded to enquiries. Moreover, the complainants had ceased trading before they had complained directly to the

Planning Department. It seemed to the Ombudsman, therefore, that the complainants' decision to cease trading, and therefore to discontinue their attempts to sell their business as a going concern, may not have been prompted solely by the failures of the Council as local planning authority. He considered that the payment of £1,000 as already offered by the Council to the complainants would be an adequate remedy for the frustration and uncertainty they had suffered as a result of the Council's maladministration. He recommended that the Council make that payment to them. He also asked the Council to review its planning enforcement policies and procedures and to adopt revised policies and procedures without delay.

### **Permission**

### **99/0191/PK1/016 – Brecon Beacons National Park Authority**

The complainant was a company which owned fishing rights in a river in the National Park. It enjoyed the benefit of a right of way over nearby land to the river. It complained that the National Park Authority had granted planning permission for use of the adjoining land as a golf course without considering the danger posed to users of the right of way and fishermen by that use. It also alleged that the Park Authority's Monitoring Officer had repeatedly failed to reply to correspondence.

The Ombudsman was satisfied that the safety of users of the right of way and the fishermen fishing in the nearby river was a material planning consideration in deciding whether or not to grant planning consent for the golf course. However, although the complainant company had expressed concern about the safety issue, the Ombudsman was not satisfied that those concerns had been clearly drawn to the attention of members of the Planning Committee or that the safety issue had been adequately discussed. Officers had advised the Committee that the complainant's concern was merely a civil law issue between two land owners about possible interference with a right of way and not a material planning consideration. However, the Ombudsman was not satisfied that the safety issue had been sufficiently distinguished from the question of the private right of way which, at a superficial level, could be regarded as merely a civil law issue between two landowners. The question of danger to fishermen and others, however, extended the issue into a material planning consideration.

The maladministration had been compounded by the failure of the Park Authority's solicitor to take fresh instructions from planning officers and, more particularly, from the Planning Committee on the

concerns expressed by the Powys County Council's environmental health officer about safety after the Planning Committee had passed a resolution agreeing to the granting of consent but before the planning consent had been issued. (The issue of the consent had been delayed for some two and a half years because of failure to complete a planning agreement between the Authority and the golf course developers). The Park Authority had not been bound until the consent had been issued, and its Planning Committee could, therefore, have reconsidered the question in the light of the County Council's and the complainant's concerns about safety. Instead of taking fresh instructions or even informing planning officers, the Park Authority's solicitor had completed the planning agreement with the developers, and the consent had been issued without the safety issue being addressed. The maladministration had been compounded further by the repeated failure of the Park Authority's solicitor to reply to the correspondence addressed to him by the County Council, the community council, by the complainant and by the complainant's solicitors.

The Ombudsman had no jurisdiction to adjudicate on the merits of the safety issue. Ultimately that was a matter for the Park Authority. The Ombudsman said, however, that, given its failure to do so in the past, the Park Authority should now address the safety issue. He said that if the Park Authority concluded either that the planning consent should not have been granted or that appropriate conditions should have been imposed on the consent to protect the fishermen and the users of the right of way, it should consider making a discontinuance order under the Town and Country Planning Act 1990 imposing appropriate conditions with regard to safety on the use of the land as a golf course. He also asked the Park Authority to pay the costs incurred by the complainant in pursuing correspondence with the Park Authority on the safety issue for a period of nearly four years.

### **99/0189/PO/088, 99/0318/PO/091 & 99/0326/PO/092 – Powys County Council**

The complainants alleged that the Council, as local planning authority, had granted planning permission for the construction of a dwelling on a site in the open countryside contrary to the terms of the relevant development plan and the government's planning guidelines. The law required the Council to determine planning applications in accordance with the development plan unless material planning considerations indicated otherwise. The relevant development plan in this instance did not permit new dwellings in the open countryside other than in particular exceptional circumstances which did not

apply in this instance. The Council's Planning Committee had previously resolved to refuse permission for a dwelling, and there was no evidence before the Council when it approved a second, identical application, that circumstances had changed. Moreover, the Welsh Office, in its capacity as the trunk road authority, had warned that the junction between the lane which led to the site and a nearby trunk road was severely sub-standard. It had strongly recommended that the application should be refused because of the danger which would be created for traffic on the trunk road. Following the grant of permission, the Welsh Office had expressed its grave concern that its advice to refuse the application had been ignored by the Council. The Council had given no reasons for ignoring professional advice and the terms of the development plan, and it had rejected a warning from its own Monitoring Officer, who had presented a formal report to a meeting of the full Council, that the grant of planning permission in the circumstances would amount to maladministration.

The Ombudsman was satisfied that there were no material planning considerations which justified the Council granting consent contrary to the statutory presumption in favour of the development plan and contrary to the strong recommendations of its professional officers, the Welsh Office and its own Monitoring Officer. The Council's decision was perverse in the circumstances, and such perversity amounted to maladministration. However, the Ombudsman was not persuaded that the injustice to the complainants arising from the maladministration was other than very limited. They lived a considerable distance from the site. The house nearest the site was some 350 metres away. Nevertheless, the Ombudsman recommended the Council to draw the attention of all its members to the concerns expressed in the July 1993 report of the Welsh Affairs Committee of the House of Commons about the conduct of Planning Committees, and to the terms of a subsequent letter of October 1993 from the Secretary of State for Wales to all Welsh local authorities.

### **99/0065/N/140 – Neath Port Talbot County Borough Council**

The complaint was about the grant of outline planning permission for residential development on two pieces of previously undeveloped land near the complainant's home. The law required the Council to determine the two planning applications in accordance with the development plan unless material considerations indicated otherwise. The two sites were outside the boundary of the settlement designated in the local plan, and in determining the two applications, the Council had to have regard to the presumptions in the local plan and the structure

plan that permission would be refused. The Council had placed on deposit a new draft plan which proposed the inclusion of the two sites within the boundaries of the nearby settlement. However, the deposit version of the draft plan was the subject of outstanding objections including objections from the complainant. It had not yet been the subject of a public inquiry. The Council had previously refused planning permission to develop the two sites, and the Secretary of State's inspector had upheld the refusal of permission in November 1993. In so doing the inspector had said that development of one of the sites "would severely ruin the attractive rural character (of the area), damage the landscape setting of (the settlement) and prejudice the objectives of the planning policies (in the development plan)". Given that background and the Council's refusal of identical applications only a few months earlier, there was a strong presumption against the grant of permission. No evidence had been submitted to the Council's Sub-Committee that the proposals fell within any of the exceptions to the presumptions against development set out in the development plan. The Ombudsman regarded the Council's decision to pre-empt the statutory process for considering changes to the development plan as maladministration in the circumstances. Moreover, the Council's Sub-Committee had no delegated authority to make the decision which had led to the grant of permission in the one case, and that error had compounded the maladministration.

The complainant had also expressed his concern about the conduct of a particular councillor. Although the councillor had declared a personal interest in the development of one of the sites, and had withdrawn from meetings at which that site had been discussed as required by the National Code of Local Government Conduct, nevertheless, he had accompanied members of the Council's Sub-Committee on a site inspection visit. The Code of Conduct emphasises that it is not enough to avoid actual impropriety: councillors should at all times avoid any occasion for suspicion and any appearance of improper conduct. The Ombudsman said there was no justification for a councillor accompanying his fellow councillors on a formal visit to a site which was the subject of a planning application in which the councillor had declared a personal interest and during which the councillors would be considering whether planning permission for development should be granted or not. He did not need to see the site or participate in the visit in order to carry out his functions as a councillor because he was debarred from participating in the process of determining the application. If the application had been discussed at a meeting, the councillor would have had to withdraw. The councillor was merely generating avoidable suspicion that he might be seeking improperly to

influence his colleagues. However, there was no evidence in this instance that the councillor had tried to influence his colleagues. The Ombudsman concluded that the councillor had breached the Code of Conduct, but in the circumstances of the particular case, he concluded that it would be unjust to identify the councillor concerned in his report.

The Ombudsman was satisfied that the Council's maladministration in pre-empting the statutory process for considering changes to the development plan had been the cause of an injustice to the complainant in that he had been deprived of his right to pursue his objections to the incorporation of the sites within the settlement boundary. The appropriate remedy in the circumstances was for the Council to make revocation orders revoking the outline planning permissions to develop the sites. The planning merits of such orders would ultimately be a matter for the National Assembly for Wales, but the making of the orders would not deprive the developers of the opportunity to argue their case, and the orders would not prevent the Council, in due course, from including within its development plan proposals for extending the settlement boundary to include the sites. However, in such a case, the complainant would have an opportunity to pursue his objections. The Ombudsman so recommended.

## **Tree Preservation Order**

**98/1144/CN/128, 99/462/CN/158,  
99/483/CN/160 – Gwynedd Council**

(See under NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT above)

## **SOCIAL SERVICES**

### **Child Care**

**99/0461/BR/119 – Bridgend County Borough Council**

The complainants had complained to the Ombudsman that the Council had failed to take action after their daughter told a teacher at her school that she had been sexually abused by her step grandfather. In his report, the Ombudsman concluded that on Friday 3rd July 1998 the daughter had disclosed to a teacher at her school that she had been sexually abused by her step-grandfather. (The step grandfather was subsequently convicted and imprisoned for offences of indecency committed against the daughter over several years.) The teacher tried to contact the social services department but by



the time she did so (shortly before 5 pm on Friday 3rd July 1998), no-one was available and only an emergency number could be contacted. The headteacher decided that the daughter was not at risk of immediate danger over the weekend, and the school contacted the social services department again on the morning of Monday 6th July 1998. The social services department had no record of any contact from the school on that day, but the Ombudsman concluded in the light of the evidence obtained during his investigation that the teacher had reported the daughter's disclosures to the duty officer in the social services department. No action was taken by the social services department in response to the referral of the daughter by the school, and the Ombudsman concluded that the Council had failed in its duty to take immediate steps to respond to the disclosure and to protect the daughter from any further harm. The failure continued until some three weeks later when the daughter told her parents of the abuse she had suffered. The Council's failure amounted to maladministration.

Of additional concern to the Ombudsman was the evidence that the failure to follow child protection procedures in the daughter's case was not an isolated incident. Another pupil from the same school had been referred by staff to the social services department in June of 1998, but there was no evidence that appropriate enquiries had been made and the file on the pupil's case had been closed without explanation. That pupil had been referred to the social services department again by the headteacher in November 1998, but despite initial consideration of the case, there was no record of any further action having been taken by the social services department or any evidence of the reasons for not pursuing child protection procedures. The social services department's failures were compounded by, and might even in part be attributable to, the department's wholly inadequate records. Other failures also compounded the maladministration. Despite guidelines issued to schools in 1997, the school had failed to follow up the referral of the daughter to the social services department in writing. The social services department's procedures required that the referrer be told of the eventual decision as to whether an investigation was necessary or not. The evidence showed that schools were rarely if ever told of the action taken in response to the referral of a pupil. Communication between schools and the social services department appeared to have been inadequate. Such a situation seemed to have been allowed to develop despite statutory guidance issued by the government under legislation relating to the protection of children. The Ombudsman was also concerned at the Council's failures to respond in an appropriate way to correspondence from the complainants' solicitors. Correspondence between the

solicitors and the Council's education and social services departments continued for nine months, but despite the seriousness of the complaint, the solicitors were unable to obtain a clear and co-ordinated response from the Council.

The Ombudsman was satisfied that as a result of the Council's maladministration, injustice had been caused to the daughter and her parents. The daughter's step grandfather was convicted of indecently assaulting her over a period which extended from September 1991 to September 1998 when the step grandfather was arrested. The assaults continued after Friday 3rd July 1998, the date when she had confided in her teacher. If the Council had carried out its duty to protect the daughter immediately she had disclosed the assaults on her, she would probably have not been abused again by her step grandfather. The Council's failure to protect her was a grave injustice to her. She had not confided in an adult and spoken about the abuse perpetrated on her before 3rd July because her abuser had told her that no-one would believe her. She told her mother that she had not confided in anyone earlier because she had felt ashamed, and because she had feared that if she had done so she would not have been believed. The Ombudsman concluded that the lack of any response after she had confided in her teacher had no doubt heightened the daughter's belief that no-one would believe her and that her complaint would be ignored. That was an added injustice to her. The parents had also suffered an injustice. They were entitled to expect that the Council would take immediately steps to protect their daughter from further abuse, and they were entitled to expect the Council to respond promptly and comprehensively to the complaint they had made through their solicitors. They themselves contacted the police immediately when their daughter confided in them. The Ombudsman agreed with the complainants that they and their daughter had been let down badly by the Council.

The Ombudsman asked the Council to consider carefully ways in which it might be able to help the daughter to overcome what had been done to her and to make the most of the educational, career and other opportunities available to her. She was by the date of the report almost an adult, and would be leaving school at the end of the academic year. It might well be that the Council would be able to help her either financially or in other ways with her further education, training and personal development. The Ombudsman hoped the Council, as education and social services authority, using to the full the experience of its professional officers, could devise ways of acknowledging and showing, in an appropriate way, its regret for its failures. The Ombudsman suggested that a senior Council representative or representatives visit the daughter to

apologise to her in person, to reassure her that she was right to confide in her teacher and to ensure that she was not in any way vulnerable to recriminations from her step grandfather's family. He suggested that the Council's representatives also discuss with the parents possible ways in which the Council might be able to help the daughter make the most of her future. He asked the Council to let him know when responding to his report what steps it proposed to take in the light of his suggestions. In addition the Ombudsman recommended that the Council should pay all the parents' legal costs if they were not legally added, and pay them a further sum to be agreed with the Ombudsman, to reflect their time and trouble in having to pursue their complaint through their solicitors and through the Ombudsman's office. He also suggested that the Council arrange for senior representatives to call on the parents to express the Council's regret and to explain to them the steps they were taking to help their daughter and ensure that the failures did not recur.

In order to avoid a recurrence of the maladministration and of the injustice, the Ombudsman recommended a thorough and comprehensive review of the Council's child protection procedures. He said schools must be reminded that all referrals of a pupil to the social services department should be confirmed as soon as possible in writing. Social services department staff should be instructed to keep clear, written records of all referrals, of the action taken in response to a referral, of the results of all enquiries made, of the assessment made in the light of such enquiries and of all decisions made with regard to a child believed to be at risk of abuse. Steps should also be taken to ensure that the investigation of and response to a complaint relating to a child which involved more than one department of the Council was properly co-ordinated, and that anyone making a complaint was told of his or her right to pursue the complaint through statutory procedures. The need for further training of social services and school staff should be reviewed, and particular emphasis should be placed on the role of the duty officer in the social services department. All staff should be aware that child protection cases should be given priority, and should be allocated to a case officer immediately. Schools should be informed of the steps taken by the social services department in response to the referral of a pupil.

## Community Care

### 99/0117/CM/210 – Carmarthenshire County Council

Part of the Council's support, as social services authority, for the complainant's handicapped, adult step-daughter was provided by a female "family aide" employed by the Council, who looked after the daughter during part of the week. The complainant was aggrieved that the Council's Director of Social Services no longer permitted the family aide to look after his daughter at the family aide's home. He alleged that the change to the arrangements for his daughter's care had been made without consideration of his daughter's particular circumstances, and that they had made his daughter unhappy. He was particularly aggrieved that the Council had refused to restore the previous arrangements although an independent Review Panel had recommended that the daughter be allowed to spend some time at the family aide's home. In responding to the complaint, the Council said that the Director of Social Services had introduced a prohibition on staff taking clients of the Social Services Department to their own homes as part of its policy on dealing with alleged or suspected cases of abuse of vulnerable adults. Although there was no reference in the Council's published policy on abuse to a prohibition on Social Services clients being taken to the homes of Council employees, the Director of Social Services maintained that the general tenor of the policy was aimed at preventing clients being placed in a position where they might be vulnerable to abuse.

The Ombudsman said that the merits of the Director of Social Services' decision to debar the Council's social services staff from taking clients of the Department to the member of staff's home was not an issue within his jurisdiction. Nevertheless, he recognised the very persuasive arguments in favour of such a policy. However, the Ombudsman was not persuaded that the Director of Social Services had delegated authority from the Council to introduce the restriction or that the restriction was an implicit element of the Council's policy on the management of suspected cases of abuse of vulnerable adults. Even if it could be argued that the Director had authority to introduce the particular policy, the issue should subsequently have been referred to the Council's Social Services Committee for consideration and review given the terms of the independent Review Panel's recommendations. That Independent Review Panel had considered the father's complaint in accordance with the statutory social services complaints procedures. It had recommended that the Social Services Department should reinstate the arrangement whereby the daughter could spend some

time in her family aide's home as she had been doing for several years. It had also recommended that, as a "blanket approach" could severely affect particular individuals, consideration should be given to making exceptions if individual circumstances allowed. Finally, the Panel had expressed concern that the daughter's care plan had not been reviewed for two years despite provision in the plan that it should be reviewed annually. The Review Panel's recommendations had, however, been rejected by the Director of Social Services.

individual circumstances where such an exception was justified. He also asked the Council to ensure that the daughter's particular needs were reviewed without further delay.

The Ombudsman concluded that as the complaint concerned a decision made by the Director of Social Services, the recommendations of the independent Review Panel should have been referred to someone else, such as the Chief Executive, or to the Social Services Committee. In this instance, the complaint related to an important decision on Council policy, and the Review Panel's recommendations should, therefore, have been referred to the Social Services Committee. In any event, the Council needed to ensure that its policies were not applied so rigidly that no consideration was given at all to the particular circumstances of an individual who might be adversely affected by the policy and to whether an exception should be made in the case of that individual. The Ombudsman was also concerned that no formal review had been undertaken of the daughter's needs since August 1997. It was particularly important to review her needs given her unhappiness at the changes made in the arrangements for her. Moreover, given the implications for the daughter of the change in policy, her needs should have been reviewed before changes to the arrangements for her were introduced, and her parents should have been consulted beforehand. The Ombudsman regarded the failure to take instructions from the Social Services Committee before introducing the policy on prohibiting staff taking clients to their homes, and the failure to refer the recommendations of the Review Panel to the Social Services Committee as maladministration. The failure to undertake a formal review of the daughter's needs for over two years despite the change in policy and despite the Review Panel's recommendations compounded that maladministration. As a result of the maladministration, the complainant had suffered an injustice in that his grievance had not been adequately addressed by the Council. The appropriate remedy for that injustice was for the Council's Social Services Committee to consider the recommendations of the Review Panel, and the Ombudsman so recommended. The Ombudsman also asked the Council to review the policy on staff taking clients to their homes as introduced by the Director of Social Services with a view to ensuring that due consideration was given to making exceptions in





## COMMISSION FOR LOCAL ADMINISTRATION IN WALES

### *Triennial Review of the operation of Part III of the Local Government Act 1974*

#### INTRODUCTION

1. Section 23(12) of the Local Government Act 1974 (as amended by the Local Government Act 1988) requires the Commission for Local Administration in Wales to undertake a review during 1999 of the operation of the provisions of Part III of the 1974 Act concerning the investigation of complaints. The Commission may convey its views following such a review to government departments and representatives of authorities within its jurisdiction. The last occasion on which the Commission submitted recommendations following a review of Part III of the 1974 Act was in 1993. A copy of that review is attached as Appendix 1 to this review. *(Not included with this Annual Report)*. No further recommendations were made following the Commission's review of the Act in 1996, partly because the 1993 recommendations had not yet been incorporated in amending legislation and partly because of the 1996 Financial Management and Policy Review by the DETR of the English Commission, whose jurisdiction is also derived from the same 1974 Act, which might have resulted in changes to the jurisdiction of the Welsh Commission.

2. In reviewing Part III of the 1974 Act this year, the Welsh Commission has had to bear in mind that the government is already considering the possible reorganisation of the system of public sector Ombudsmen in England. That review, conducted by the Cabinet Office, is currently considering the possible amalgamation into one Commission for Public Administration in England of the current Commission for Local Administration in England, the office of Parliamentary Commissioner for Administration and the office of Health Service Commissioner. The review's terms of reference state "the review will make recommendations about the public sector Ombudsmen, including recommendations on their statutory powers and duties, having regard for constitutional issues". The reviewers have looked briefly at the position in Wales in the course of their review. The National Assembly Advisory Group has already recommended that consideration be given in due course to the offices of Welsh Administration Ombudsman, Health Service Commissioner for Wales and Commissioner for Local Administration in Wales being held by the same person. The government is also consulting on the possibility of the Commission for Local Administration in Wales undertaking the role of a

Standards Board for Wales to investigate allegations of misconduct in local government, and it has been considering the possibility of adding registered social landlords to the list of bodies within this Commission's jurisdiction. This triennial review of the 1974 Act by this Commission is not concerned with those issues, and it has been undertaken without prejudice to the outcome of the consideration being given to such structural changes. Nevertheless, the Commission believes that this review should be read in the light of those other reviews.

#### Reiteration of the recommendations made in 1993

3. The recommendations made in 1993 have yet to result in amendments to the 1974 Act. Those recommendations remain valid in 1999. The Commission, therefore, recommends that:-
- Housing Benefit Review Boards and internal organisation, management and discipline within residential special schools be brought within the Local Commissioner's jurisdiction;
  - Local authorities be prohibited from publishing the name of a complainant (other than in confidence for the purposes of an authority's internal consideration of a complaint) without the consent of the Local Commissioner;
  - Section 26(4) of the 1974 Act be amended to make it clear that the complaint must be made to a member of the local authority for the purposes of having the complaint referred to the Local Commissioner;
  - the terms of Section 31(3) be extended to permit a local authority to make an ex gratia payment to settle a complaint of maladministration where it is satisfied that there has been consequential injustice.

#### Support for the recommendations made by the Commission for Local Administration in England arising from its parallel review of Part III of the 1974 Act

4. The jurisdiction of the Commission for Local Administration in England is also governed by Part III of the Local Government Act 1974, and the Welsh

Commission has been consulted by the English Commission on its parallel review. Some of the recommendations made by the English Commission (such as those which deal with proposed changes to the government of London) are relevant only to England. Many of the remaining recommendations are, however, relevant to Wales although some of the issues to which they relate have not yet arisen in the course of enquiries into complaints made to the Welsh Commissioner. The Commission for Local Administration in Wales supports the English Commission's recommendations which are set out in Appendix 2 to this review. *(Not included with this Annual Report).*

### **An additional recommendation - Internal drainage boards**

5. The Commission wishes to make one further recommendation. Internal drainage boards are statutory bodies established under the Land Drainage Acts. Some of the members are elected by those paying drainage rates and others are appointed by those local authorities which pay a levy to the board. Flood Defence Committees (which are different from Internal Drainage Boards) are within jurisdiction by virtue of Section 25(1)(d) of the Local Government Act 1974 as amended. However, given the role of drainage boards in relation to drainage and flood defences, and given that drainage functions of local authorities and the Environment Agency are within jurisdiction, there appears to be no persuasive reason why such boards should remain outside jurisdiction. The Commission, therefore, recommends that they be brought within the jurisdiction of the Local Commissioner.

Commission for Local Administration in Wales  
Derwen House  
Court Road  
Bridgend  
CF31 1BN

**E.R. MOSELEY**  
Commissioner

4 November 1999

**DAVID BOWEN**  
Secretary to the Commission



## SUBMISSION TO THE NATIONAL ASSEMBLY ON PROPOSALS FOR A CHILDREN'S COMMISSIONER

Miss Laura Williams,  
Deputy Committee Clerk,  
Health and Social Services Committee,  
The National Assembly for Wales,  
Cardiff Bay,  
Cardiff.  
CF99 1NA.

Dear Miss Williams,

4 November 1999

### Proposed Children's Commissioner for Wales

I understand that the National Assembly's Health and Social Services Committee is considering the possible role of a Children's Commissioner for Wales, and that it has invited comments on the proposal for establishing such a post. The Committee may find it helpful to have comments from this Commission, and some comments together with information on the current role of this Commission are set out below. As requested, the comments are relatively brief and are directed at point 2 of the points on which the Committee has requested comments.

This Commission was established 25 years ago by the Local Government Act 1974. The role of Local Commissioners is to investigate complaints by the public that they have suffered injustice as a result of maladministration by local authorities and certain other public bodies in Wales. The Local Commissioner (or Ombudsman) is not an advocate for a complainant. He is an independent investigator and adjudicator appointed by the Crown. I am the current Local Commissioner for Wales.

Complaints must be submitted in writing, but if a complainant is unable to act for himself a complaint may be submitted on the complainant's behalf by someone suitable to represent him. A Local Commissioner cannot undertake an investigation on his own initiative, and he may not question the merits of a decision taken by an authority in the exercise of a discretion vested in that authority. A number of matters are in any event outside a Local Commissioner's jurisdiction. In particular, and of relevance to the proposals for a Children's Commissioner, a Local Commissioner may not investigate any action concerning conduct, curriculum, internal organisation, management or discipline in any school, or educational establishment

maintained by an authority. Likewise, a Local Commissioner may not investigate a complaint if the complainant has a right of appeal to a tribunal or Government Minister or a right of action in a court of law although he may conduct an investigation notwithstanding such a right if he is satisfied that in the particular circumstances it is not reasonable to expect the complainant to take such a course of action. Complaints must be made within twelve months of the day the complainant became aware of his grievance, although a Local Commissioner may investigate a complaint made out of time if he considers it reasonable to do so.

Comparatively few complaints are made by or on behalf of children. Precise figures are not immediately available, but an indication of the incidence of such complaints can be gained from the statistics for 1998/99 which show that complaints about education services and social services combined were only some 11% of the total number of complaints determined in that year. Such complaints relating to children as are received tend to be submitted by the children's parents or grandparents. Over recent years such complaints have concerned educational special needs, facilities for the disabled and a few about the care and assistance given by social services departments. Few complaints relate to children in the care of local authorities, and of those in that category a number are submitted by relatives who are aggrieved that a child or grandchild has been taken into care or that access has been denied to them.

One particular report which I issued in November 1992 concerned the abuse of severely handicapped teenage boys attending a residential special school by a council care worker. Amongst the recommendations I made in that report was that the school should be subject to regular, unannounced inspections by Council representatives. Such a system, coupled with a well publicised complaints system, seemed to be the most effective way of reducing the risk of a recurrence of the failures identified in that instance. Children need personal and immediate access to an independent person who can hear and pursue their grievances.

The information I have been given to date suggests that those proposing the establishment of a post of Children's Commissioner for Wales have in mind a



role combining that of advocate for children generally, a social services inspector, an investigator of complaints as well as a policy adviser. Irrespective of the current statutory limitations on my jurisdiction, such a role would go considerably beyond that of an Ombudsman as currently established by United Kingdom legislation, although the role appears to include some aspects of the work of an Ombudsman in some other countries. It is not, therefore, a role which would be compatible with the current role of a Commissioner for Local Administration in Wales. The appointment of a Children's Commissioner with an investigative role would not, on the other hand, of itself preclude Local Commissioners from investigating complaints made on behalf of children who had suffered injustice as a result of maladministration by a local authority, if the complaint was otherwise within jurisdiction.

The current jurisdiction of this Commission (for example the need for a complaint in writing alleging maladministration and the various limitations on jurisdiction) does not make it easy for a child in a local authority residential institution to make a complaint unless there is an adult in regular contact with the child who is sufficiently interested in the child's welfare to be willing to act as his advocate and submit a complaint on the child's behalf. There may well be a case, therefore, for an advocate of the kind contemplated by the Committee, called a Children's Commissioner, to undertake such a role. Such an advocacy role would not overlap with the current role of Local Commissioners.

I have no objection to this submission being published. If I can be of any further help to the Committee, or the Committee would like me to provide further information, please let me know.

Your sincerely,

**ELWYN MOSELEY**  
Commissioner



## PARLIAMENTARY JOINT COMMITTEE ON THE DRAFT LOCAL GOVERNMENT (ORGANISATION AND STANDARDS) BILL

*Memorandum submitted by the Commissioner for Local  
Administration in Wales (Local Government Ombudsman for  
Wales), Elwyn Moseley*

### INTRODUCTION

1. I am the Commissioner for Local Administration in Wales (the Local Government Ombudsman for Wales). I was appointed in 1991. The Committee have invited me to give evidence on the draft Local Government (Organisation and Standards) Bill, and in particular Part II of the Bill which deals with the conduct of local government members and employees. This memorandum is submitted in response to that invitation.

### MY CURRENT JURISDICTION

2. My jurisdiction derives from the Local Government Act 1974 as amended. I investigate complaints from members of the public who claim to have suffered injustice as a consequence of maladministration by local and other public authorities in Wales. A number of matters are outside my jurisdiction including personnel issues, commercial transactions (other than land transactions) and the internal management of schools. I am an inquisitor, and the process of investigating and adjudicating on complaints is an inquisitorial process. I am required to conduct my investigations in private, and information obtained by me or my investigators in the course of or for the purposes of an investigation must not be disclosed except for the purposes of the investigation and any report on it. Subject to certain very limited exceptions, neither I nor my officers can be called to give evidence in any legal proceedings on any matter coming to our knowledge in the course of an investigation. With the exception of councillors who have breached the current code of local government conduct, and apart from identifying the authorities concerned, my reports must not mention the name of or identify any person unless I consider it necessary to do so in the public interest.

### INVESTIGATIONS OF BREACHES OF THE CURRENT CODE OF CONDUCT

3. Maladministration can include breaches of the current national code of local government conduct. However, the investigation of breaches of the code can only be undertaken in the context of my current jurisdiction. The Commission was not established

with the primary aim of enforcing the code: it is a common misconception that the Commission is a kind of police force or auditor. Nevertheless, the Commission is the only independent public body with statutory authority to investigate breaches of the current code of conduct and publish a report on such a breach.

4. The current code of local government conduct was issued in April 1990. It replaced an earlier code issued in 1975. The government circular accompanying the code emphasises that the Local Government Ombudsman may find that a breach of the code by an individual member of an authority constitutes maladministration by the authority. By virtue of amendments to the Local Government Act 1974 which came into effect on May 3rd 1990, I am now required to name in my report on an investigation a councillor who has breached the code and give particulars of the breach unless I am satisfied that it would be unjust to do so.

### REPORTS ON BREACHES OF THE CURRENT CODE OF CONDUCT

5. Since my appointment as Ombudsman in 1991, I have issued some two dozen reports in which I have concluded that a councillor (or councillors) has breached the code of conduct. (A collection of summaries of each of these reports is available, and can be provided for the Committee if members of the Committee would find them helpful in assessing the level and nature of breaches of the code in Wales over the last eight years or so.) Even allowing for the restrictions on my jurisdiction, the number of proven breaches is relatively low given the total activity of local authorities in Wales. In order to place the issue further in context, it may be worth noting that last year (April 1st 1998 to 31st March 1999) only eleven of the 1,134 complaints I received included even the vaguest of allegations of misconduct, and of the cases determined during the year only three resulted in public reports.

### ACTIVITIES WHICH HAVE CAUSED CONCERN IN THE PAST

6. However, individual cases have caused and do cause concern. The particular areas of local authority

activity which have been most vulnerable to abuse in the past have been the allocation of council houses, the award of house renovation grants, the grant of planning permission and, to a lesser extent, land transactions. All authorities face difficult decisions in allocating scarce resources fairly when the demand from the public for services greatly exceeds the resources available to provide those services. The absence of a fair, efficient and effective administrative framework for making such decisions (such as clear and objective criteria for determining priority) can make systems vulnerable to abuse and cause suspicion to be easily aroused. Some of the reports I have issued in the past have referred, for example, to the arbitrary allocation of Council houses including allocations to relatives of councillors despite the absence of any evidence that those relatives were entitled to priority. Other investigations concerned the award of house renovation grants or found that members of planning committees had spoken or voted on planning applications despite their personal connections with the applicants.

7. Some of the investigations showed that the code had been breached simply because the member concerned had not declared a personal interest at the committee meeting at which the house was allocated or the planning permission was granted. In other instances the breach was compounded by the councillor speaking and voting on the issue. Evidence of such breaches are sometimes not too difficult to obtain during an investigation because for example the minutes of the Committee concerned normally show whether the member concerned was present at the relevant time, and whether he declared his interest. What is not so easy to establish is the extent to which a member may have influenced a decision outside the formal meetings of a Committee. The only evidence may be the favourable outcome of the Council's deliberations to the councillor concerned: the allocation of the house to his relative for example. In that context, it is important that any new executive arrangements proposed in the government's Bill provide for the declaration and recording of personal interests whenever a councillor or employee participates in decision making whether or not the decision is made in a formal meeting open to the public.

### CHANGES IN RECENT YEARS

8. However, judging by the complaints received in the last two or three years, the incidence of breaches of the code associated with some types of local authority activity (the allocation of council houses, for example) appears to have diminished partly as a result of a change in the law in Wales and partly because of concern expressed by the Welsh Affairs Committee

and action taken by the Secretary of State. By virtue of the Local Housing Authorities (Prescribed Principles for Allocation Schemes) (Wales) Regulations 1997 local ward councillors representing either the area where a property is located or where the qualifying person lives may no longer decide on the allocation of Council housing accommodation. The system of patronage prevalent in some areas appears, therefore, to have disappeared thus reducing the number of complaints that local councillors had misused their position. Similarly, the number of adverse reports related to the grant of planning permission in rural areas contrary to published development plans and without an acceptable explanation has reduced since the publication of the Welsh Affairs Committee's third report on Rural Housing in the 1992/1993 Parliamentary Session, and since the subsequent action taken by the then Secretary of State for Wales. Acceptable administrative practices can, therefore, prevent processes being abused for private or personal gain, and avoid the fostering of suspicion and cynicism.

### THE GOVERNMENT'S PROPOSALS AND THE LOCAL GOVERNMENT (ORGANISATION AND STANDARDS) BILL

9. It seems to me that the most important change proposed by the government in the second part of its Bill is the introduction of penalties for breaches of a new code of conduct. Ethical standards officers of the new Standards Board for Wales will be able to investigate allegations of breaches of the new code and refer such breaches either to a Council's Standards Committee or to the Adjudication Panel which will be able to disqualify a councillor for up to five years. The government's proposals appear to envisage a mixture of the current, informal and confidential inquisitorial process followed by Ombudsmen and the open adversarial processes of a court. It may not be easy to combine those processes in an effective, efficient and fair way. Moreover, a code, by its very nature, may be rather imprecise. It is unlikely to be drafted in terms similar to criminal law statutes and be made up entirely of specific prohibitions or mandatory requirements. If a councillor were to disagree with the conclusions reached by an ethical standards officer would he be able to ask for all the evidence to be reheard by the Adjudication Panel? If so what would be the implications in terms of time and the cost of the investigation? Would witnesses be cross-examined in public? If so what would be the implications in terms of anonymity for and the privacy of complainants? Would the ethical standards officers be subject to cross-examination in public? What would be the status of the ethical standards officer's report on his investigation of allegations?



Would it contain recommendations? As drafted the Bill does not appear to allow an ethical standards officer or the Standards Board any discretion as to whether to undertake an investigation of an allegation or not. That contrasts with the wide discretion given to Local Government Ombudsmen by the Local Government Act 1974. The ethical standards officer must publish a report of each investigation however trivial and unfounded the allegation. If the Standards Board is to avoid becoming “bogged down with numerous, mischievous or frivolous complaints” (see paragraph 4.23 of the Welsh Office’s consultation paper “A Stronger Voice for Local People”) the ethical standards officers should have the same wide discretion as an Ombudsman.

## THE GOVERNMENT’S PROPOSALS FOR WALES - THE OPTION OF CONFERRING ON THE LOCAL GOVERNMENT OMBUDSMAN THE ROLE OF THE STANDARDS BOARD FOR WALES

10. The government’s consultation paper suggests at paragraph 4.20 that if the likely workload were to be insufficient to justify a new body, “the function (of the Standards Commission for Wales) could be conferred on the Commission for Local Administration in Wales (the Local Government Ombudsman). This might entail the need for consequential changes to the Ombudsman’s jurisdiction and to the Bill as drafted.” It is unclear whether the government envisages one person holding two separate offices with separate jurisdiction and powers or whether the Ombudsman’s jurisdiction would simply be extended. At first glance both these options appear to have **advantages** including the following:-

- a) the use of an existing organisation which has experience of investigating allegations of breaches of the current code.
- b) the avoidance of the expense and duplication involved in setting up a completely new organisation.
- c) the Commission for Local Administration is independent.
- d) the Ombudsman already has wide powers to obtain information.
- e) the current inquisitorial procedures followed by an Ombudsman are familiar to local authorities and are relatively prompt and informal.

11. There may, however, be **disadvantages**. These

could include the following:-

- a) the Commission for Local Administration is not a police force or prosecutor. Although I am not a judge, I do have a role with some similarities to an adjudicator or regulator. I reach a conclusion on my investigation and I publish a report incorporating my decision. Subject to my duty to issue a further report, my role is then at an end. The report is not a preliminary to some other judicial process although it has to be considered by the authority whose actions are the subject of the report. It would be inappropriate for an Ombudsman or his investigators, therefore, to be subject to cross-examination in public on his conclusions in a separate adversarial process. The law as it stands, in any event, prevents that happening. The proper way to challenge an Ombudsman’s report is by way of judicial review in the High Court.
- b) An Ombudsman must try and preserve the anonymity of complainants and individuals from whom he obtains information. This obligation is incompatible with the oral public hearings envisaged in the Government’s consultation paper. It would be difficult to reconcile a right to anonymity for complainants and witnesses with the need to be fair to a councillor vulnerable to punishment.
- c) Any new role as an ethical standards officer, whether it was held by an Ombudsman as a separate statutory office or not, might conflict with an Ombudsman’s existing role in seeking remedies for injustice caused by maladministration. The prohibition on the disclosure of information by the Ombudsman and his staff might also be a difficulty.

12. An Ombudsman should, in any event, be allowed to investigate allegations of breaches of the code of conduct and produce a report, as I do now, when a complaint to him has been made by someone who claims to have suffered consequential injustice. The report would set out the facts as the Ombudsman had found them and his conclusions as to whether there had been a breach of the code or not. The report would not identify individuals or impose a penalty. A copy of the report could be sent to the Standards Board or the Adjudication Panel as appropriate, but the Ombudsman’s involvement with the allegation of a breach of the code should then be at an end.

13. The two roles of Ombudsman and ethical standards officer could perhaps be combined if either role were to come to an end as soon as a report was

sent to the Adjudication Panel. Fairness might require the Adjudication Panel to give a councillor alleged to have breached the code an opportunity to question the findings of fact in any report. Nevertheless, in order to avoid a complete rehearing of the evidence, a presumption might be appropriate (subject to the implications of the Human Rights Act 1998) that the facts as recited in the report by the Ombudsman/ethical standards officer were deemed to be correct unless the report had already been successfully challenged by way of judicial review or new evidence, not previously available to the Ombudsman/ethical standards officer, was produced. The role of the Adjudication Panel would then be confined to determining an appropriate penalty after giving the councillor concerned an opportunity to be heard.

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14. In any event, it might be preferable if appointments to the Standards Board and the Adjudication Panel were not to be made by the National Assembly for Wales but by the Queen albeit after consultation with the Assembly. These would be quasi judicial appointments, similar to the office of Ombudsman, and they should not be or appear to be political appointments or vulnerable to political pressure. The draft Bill also empowers ethical standards officers to suspend councillors from office pending the completion of an investigation. It seems to me, in the interest of fairness, that suspension should be a matter for the Adjudication Panel after consideration of an application by the ethical standards officer. I also note that the draft Bill does not include guidance as to when an issue should be referred to a Council's Standards Committee and when it should be referred to an Adjudication Panel. Likewise, the draft Bill does not indicate what sanctions, if any, a Council's Standards Committee could impose for breaches of the code of conduct.

2 July 1999

Derwen House,  
Court Road,  
Bridgend,  
CF31 1BN.

**ELWYN MOSELEY**  
Commissioner for  
Local Administration in Wales

# COMMISSION FOR LOCAL ADMINISTRATION IN WALES

## COMMISSION FOR LOCAL ADMINISTRATION IN WALES

### BALANCE SHEET AS AT 31st MARCH 2000

| 1999    |                                  | 2000    |        |
|---------|----------------------------------|---------|--------|
| £       |                                  | £       | £      |
|         | Current Assets                   |         |        |
| 5,013   | Debtors                          | 4,410   |        |
| 50      | Cash in hands of officer         | 50      |        |
| 120,282 | Cash at bank                     | 100,461 |        |
| .....   |                                  | -----   |        |
| 125,345 |                                  | 104,921 |        |
| .....   |                                  | -----   |        |
|         | <u>Less</u>                      |         |        |
| 22,974  | Current Liabilities              | 25,221  |        |
| .....   | Sundry Creditors                 | -----   |        |
| 102,371 | Net Current Assets               |         | 79,700 |
| -----   |                                  |         | -----  |
| 102,371 | Total Net Assets                 |         | 79,700 |
| =====   |                                  |         | =====  |
|         | Financed by:                     |         |        |
| 33,663  | General Fund                     |         | 27,991 |
|         | Provision for Repairs, Renewals  |         |        |
| 68,708  | and other Occasional Expenditure |         | 51,709 |
| -----   |                                  |         | -----  |
| 102,371 |                                  |         | 79,700 |
| =====   |                                  |         | =====  |

18 April 2000

**E.R. MOSELEY**

Local Commissioner

**D. BOWEN**

Secretary to the Commission

We certify that we have completed the audit of the statement of accounts which have been prepared in accordance with the accounting policies applicable to the Commission.

We have carried out our audit in accordance with the Grant Memorandum agreed between the Commission for Local Administration in Wales and the Welsh Office. Our audit included examination, on a test basis, of evidence relevant to the amounts in the accounts sufficient to give reasonable assurance that the accounts are free from material misstatement.

In our opinion the accounts present fairly the financial position of the Commission for Local Administration in Wales as at 31 March 2000 and its income and expenditure for the year then ended.

Date: 17 May 2000

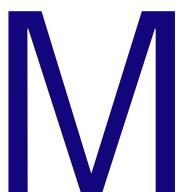
Name: Colin Davies  
District Audit



## COMMISSION FOR LOCAL ADMINISTRATION IN WALES

### REVENUE ACCOUNT FOR THE YEAR ENDED 31st MARCH 2000

| 1998/99        |  | 1999/2000      |
|----------------|--|----------------|
| Actual         |  | Actual         |
| £              | EXPENDITURE                                      | £              |
| 469,206        | <b>Employees</b>                                 | 482,831        |
| 57,507         | <b>Pensions</b>                                  | 59,179         |
|                | <b>Premises</b>                                  |                |
| 372            | Repair and maintenance of buildings              | 529            |
| 1,554          | Fuel, light and cleaning materials               | 2,160          |
| 1,214          | Furniture and fittings                           | 711            |
| 36,321         | Rents and rates                                  | 36,147         |
| 3,557          | Service charge re common services                | 4,004          |
|                | <b>Supplies, Equipment and Tools</b>             |                |
| 22,567         | Office equipment                                 | 30,352         |
| 6,800          | Books and periodicals                            | 7,624          |
|                | <b>Establishment Expenses</b>                    |                |
|                | Printing, stationery and general office expenses | 2,499          |
| 2,520          | Postage and telephones                           | 6,738          |
| 6,099          | Travelling and subsistence                       | 10,015         |
| 10,320         | Insurances                                       | 3,113          |
| 2,715          | Advertising                                      | 1,039          |
| 671            | <b>Miscellaneous</b>                             |                |
|                | Publication and distribution of information      | 6,742          |
| 9,968          | Audit fee  | 631            |
| 869            | Other expenses                                   | 14,480         |
| 12,767         | <b>Contingencies</b>                             | 0              |
| 0              |  |                |
| <b>652,128</b> | <b>TOTAL EXPENDITURE</b>                         | <b>668,794</b> |
|                | <b>INCOME</b>                                    |                |
| 983            | Interest on car loans                            | 499            |
| 7,997          | Bank Interest                                    | 8,413          |
| 371            | Sale of reports                                  | 211            |
| 0              | Sale of Equipment                                | 0              |
| 0              | Other income                                     | 0              |
| <b>9,351</b>   | <b>TOTAL INCOME</b>                              | <b>9,123</b>   |
| <b>642,777</b> | <b>NET EXPENDITURE</b>                           | <b>659,671</b> |
| <b>635,000</b> | <b>CONTRIBUTION BY WELSH OFFICE</b>              | <b>654,000</b> |
| 7,777          | DR SURPLUS/DEFICIT TO GENERAL FUND               | DR 5,671       |
| <b>33,662</b>  | <b>GENERAL FUND BALANCE</b>                      | <b>27,991</b>  |



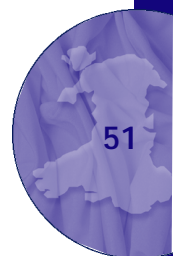
## STAFF IN POST AT 31ST MARCH 2000

### COMMISSION FOR LOCAL ADMINISTRATION IN WALES

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|                                 |             |   |
|---------------------------------|-------------|---|
| Secretary to the Commission     |             | DAVID BOWEN   |
| Office Manager and Investigator |             | KENNETH RODERICK  |
| Investigators                   | (Part Time) | ANNE EVANS<br>CATHERINE GANE<br>GEOFFREY JONES<br>GEOFFREY LEWIS<br>ELIZABETH THOMAS<br>HOWARD THOMAS |
|                                 | (Part Time) |   |
| Investigating Assistant         |             | HUW DANIEL  |
| Clerical/Secretarial Assistant  | (Part Time) | ANGELA GARFIELD   |
| Secretarial Assistants          |             | NATALIE BURLING<br>ANDREA GREY<br>CHRISTINE PERRY   |

Commission for Local Administration in Wales,  
Derwen House,  
Court Road,  
BRIDGEND.  
CF31 1BN.





DAVID BOWEN  
Secretary





KENNETH RODERICK

ANNE EVANS



CATHERINE GANE

GEOFFREY JONES



GEOFFREY LEWIS

ELIZABETH THOMAS



HOWARD THOMAS

HUW DANIEL



## STAFF OF THE COMMISSION



from left to right  
NATALIE BURLING, ANGELA GARFIELD, CHRISTINE PERRY, ANDREA GREY

*photographs by Catherine Gane*