



Our ref: 201103857

Ask for: Sinead Cook

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Date: 27 March 2012

 Sinead.Cook@ombudsman-wales.org.uk

Mr Reg Atkinson  
Chairperson  
Bettws Newydd Opposition Group  
The Old Mill  
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Dear Mr Atkinson

I have now considered your complaint against Pembrokeshire Coast National Park Authority. I am sorry to tell you that I have decided that your complaint on behalf of Bettws Newydd Opposition Group (BNOG) is not one which the Ombudsman should investigate. I appreciate that this will be a disappointment to you so please allow me to explain the reasons for this decision.

You complained that the Monitoring Officer's investigation into the complaints concerning the Planning Application for Bettws Newydd was unsatisfactory. You are of the view that points of maladministration caused by individual officers should be brought before the PCNPA Scrutiny Committee for possible disciplinary action. You say that members of BNOG have lost confidence in the administration of the planning process and that the public will suffer loss of amenity due to the visual intrusion of the development.

The Ombudsman considers complaints of maladministration or service failure on the part of public bodies which causes hardship and injustice to members of the public. I should explain that the Ombudsman (or his staff acting on his delegated authority) has considerable discretion in determining which matters should be investigated. In exercising that discretion the Ombudsman needs to consider the nature of the complaint, whether there is evidence of significant hardship as a result of what has occurred, or whether the prospect of achieving a worthwhile outcome is sufficient to justify commencing an

investigation. The Ombudsman cannot investigate each and every complaint put to him and has to decide which ones should be investigated after considering the individual merits of each case.

I should also explain that the Ombudsman is restricted by law from considering action taken in respect of staff discipline or other personnel matters (apart from procedures for recruitment and appointment).

The Authority has conducted a comprehensive investigation into BNOG's complaints about the handling of the planning application and subsequent issues that arose. The Investigative report is very detailed and the Authority has acknowledged significant failings in the way the planning process was administered. It has also taken a number of steps for improvement to ensure that this situation will not recur in future.

Whilst you have indicated a desire for disciplinary action to be taken against individual members of staff for failings that have been identified the Ombudsman cannot consider action taken in respect of staff discipline and could not make a recommendation to the Authority to conduct disciplinary action against individual staff members. Neither could he consider any disciplinary action which may have already been taken.

It is my view that the action taken by the Authority to investigate the matter and its commitment to put into effect subsequent recommendations from the report was reasonable. I do not consider that an investigation by this office would achieve anything further for BNOG.

Under the provisions of the Public Services Ombudsman (Wales) Act 2005, it must also be established that the complainant has suffered an unresolved hardship or injustice as a result of the authority's actions. I note that you say that BNOG members have lost confidence in the administration of the planning process. It is my view that the report and the recommendations adequately addresses this issue, therefore I am not persuaded that this matter is unresolved.

You also say that 'we all suffer a loss of public amenity due to the visual intrusion of this development'. Whilst this may represent the views of some local residents, it is a subjective opinion and does not constitute a significant hardship or injustice suffered.

I am sorry to tell you, therefore, that I have concluded that your complaint is not one which we should investigate.

I have copied this letter, which constitutes a formal statement of reasons for the decision not to investigate your complaint, to Pembrokeshire Coast

National Park Authority. If you are dissatisfied with my decision you can request a review. However, we will not consider a review request if you just say you disagree with our decision. In order for us to consider your review request you should write to us by 26 April 2012 and will need to show either that:

- In reaching our decision, we have not properly taken into account important information relevant to your complaint, which you can identify, that was available to us, or
- You have new and relevant information that was not previously available, and which may affect the decision we made.

Please let me know if you want any documents you have provided to be returned to you. We routinely destroy our files 6 months after the case is closed.

Yours sincerely



Sinead Cook  
Investigator

Complaints Advice Team