



Llywodraeth Cymru
Welsh Government

Carl Sargeant AC / AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Eich cyf/Your ref P-04-510
Ein cyf/Our ref CS/02069/13

William Powell AM
Chair, Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

17
December 2013

Dear William

I refer to your letter of 6 December to my colleague Lesley Griffiths AM, Minister for Local Government and Government Business, concerning a petition to the National Assembly for Wales urging the Welsh Government to "establish a public inquiry into the maladministration of Carmarthenshire County Council's Planning Department, regarding the case of Mrs and Mrs Breckman" of Maes Y Bont, Carmarthenshire".

Local government legislation sets out the process through which complaints of Maladministration should be considered. This culminates in an investigation by the Public Services Ombudsman for Wales, where he considers that someone may have suffered a personal injustice through maladministration.

I understand that Mrs Breckman and Mr Roberts have pursued their complaint to the Ombudsman, who investigated the matter, and published a report into his investigation in July 2012, which found that the complainants had indeed been the victim of maladministration, in particular by failing to develop, or adhere to, a consistent complaints policy, and in developing a policy had denied the complainants access to services; these are general governance and service delivery, not planning, issues. The Ombudsman's report also recommended that the Council undertake a review of delegation procedures for the handling of planning enforcement cases in general.

From a planning perspective, enforcement powers are discretionary and should only be used where the authority considers that it is expedient to do so in the wider public interest. The decision whether or not to enforce against any alleged breaches of planning control at Blaenpant Farm is entirely a matter for the Council.

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Even if the Welsh Ministers were, exceptionally, to consider a public inquiry of this nature, such an inquiry cannot investigate or comment on the planning decision of a local planning authority – particularly as the developer has a statutory right of appeal against subsequent enforcement action, and any appeal would come before the Welsh Ministers for consideration. Any comment on a planning matter made by the Welsh Ministers or their officials before it is to be determined by the Welsh Ministers would be interpreted as prejudicial to the outcome and would leave any decision open to legal challenge.

Given that the Ombudsman has investigated the Council's failure to deliver services to Mrs Breckman and Mr Roberts, and has made a series of recommendations, and the Welsh Ministers cannot comment on the individual planning issues raised, I do not believe that there is a need to conduct a public inquiry. This would unnecessarily duplicate the Ombudsman's investigation of the matter. It is for the Council to respond to and implement the Ombudsman's recommendations as appropriate, and particularly to provide an apology to Mrs Breckman and Mr Roberts, for its failure to deliver an appropriate level of service in their particular case.

Issues of planning enforcement remain a matter for Carmarthenshire County Council.



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