

COUNCIL

13 JULY 2021

REPORT OF THE MONITORING OFFICER

A.4 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns two decisions/omissions that the Local Government and Social Care Ombudsman has determined were maladministration.

On 20 May 2021, the Ombudsman determined a complaint submitted to it in relation to a planning application matter. The complaint concerned the use of a neighbouring property and approval of a planning application for that property. The complaint set out alleged impropriety in the process leading to approval of the application. The Ombudsman considered these and did not uphold them. The Ombudsman did though identify an issue with notifications to those abutting or adjoining the site that was subject to the planning application concerned. While those neighbours were correctly notified, a further two properties were recognised by the Council's Planning Officer as relevant and notification letters had not been sent to them. The conclusion of the Ombudsman was that these two properties should have been sent notification letters. As such the Ombudsman found maladministration; but with no injustice to the complainant. The Council agreed with the request from the Ombudsman for advice to be sent to Planning Department staff on this matter and its wider implications for applications. This advice has been circulated and the Ombudsman has accepted this concludes the matter. The Council intends, by following the advice circulated, to avoid a similar issue arising.

On 30 June 2021, the Ombudsman determined another complaint submitted to it in relation to a different planning application. The planning application was for prior approval for a change of use of a barn on land adjacent to the complainant's home and business. In this case the prior approval application was received and, a few days later, the relevant payment for it was received. However, due to a discrepancy in address detail given on the application form and with the payment, the link was not made between the two within the eight weeks permitted to determine such an application. Accordingly, the application was deemed approved as the eight weeks had passed since it had been received. This was the maladministration.

The failure in the processing of the prior approval application meant that the complainant was not notified of it and was denied the opportunity to make representations on it. This amounted to injustice. The Council had apologised for the error and had offered the sum of £100 in recognition of the error. The Ombudsman considered that the sum payable to the complainant should be £500 in this case. Arrangements for this sum to be paid are underway together with a further apology for the error. Internal procedures had already identified the potential issue of planning application fees not being linked to an application and these changes had been implemented. This was acknowledged by the Ombudsman

The Ombudsman's next Annual Review Letter, summarising complaints submitted to the Ombudsman in 2020/21 and the outcome of those complaints, is expected to be received later this month.

This item is submitted for **INFORMATION ONLY**.