

COMPLAINTS TO THE LOCAL GOVERNMENT OMBUDSMAN - PLANNING SERVICES 2005/06/COMMENTS AND COMPLAINTS PROCEDURE/COMPLIMENTS

Report By: Head of Planning Services

Wards Affected

County-wide

Purpose

To report on the number and type of complaints to the Ombudsman on the Planning Service in 2005/06 and to note a breakdown of the informal and formal complaints received and compliments.

Financial Implications

1. None.

Background

2. On 16th October the Committee considered the Ombudsman Annual Letter 2005/06 and the figures for complaints and compliments recorded, including complaints determined by the Local Government Ombudsman and the Complaints Panel for the year ended 31st March, 2006.
3. It was reported to the Committee that there had been a significant increase in the number of complaints about planning and that the Ombudsman had written that although these had risen slightly countrywide in 2005/6 the Council may wish to consider whether special factors had caused the increase in Herefordshire. Members discussed the sorts of issues which could generate complaints about planning and requested a report to clarify the position.

Issues

4. A total of 34 complaints were made to the Local Government Ombudsman (LGO) in 2005/06.
5. No findings of maladministration were found against the Council. This demonstrates that sound procedures are in place and are being followed.
6. A detailed analysis of LGO complaints is not practicable due to the confidentiality of the process itself. The details of the cases and complaints become public in the event of findings of maladministration.
7. The outcome of the LGO's investigation of the complaints was as follows:

Further information on the subject of this report is available from
Andrew Ashcroft, Head of Planning Services on (01432) 383098

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| No or insufficient evidence of maladministration | 17 |
| Ombudsman's Discretion | 6 |
| Premature Complaints | 8 |
| Outside Ombudsman's Jurisdiction | 3 |
8. There is a close relationship between complaints to the LGO and objections to planning applications where the Council granted planning permission.
 9. There appears to be an increasing trend in complaints being made directly to the LGO rather than through the Council's Complaints Procedure.
 10. There are no obvious areas of consistency in the various complaints (either type of application or type of complaint). To this extent there are no obvious areas which if improved/modified, would be reasonably expected to reduce such complaints in future years. This situation is monitored on an on-going basis.
 11. Whilst there have been complaints to the LGO in this time period on the issue of polytunnels, those in themselves are insufficient to explain the significant increase in the number of complaints to the LGO.
 12. A separate report on this agenda (Implementation and Interpretation of Planning Policies) advises on some elements of the planning process. In this respect the LGO is investigating complaints on the basis of ensuring that proper procedures are both in place and are being applied. The LGO looks into procedures and processes rather than the decisions on applications themselves. In the event that the local planning authority has come to a sound and balanced decision on any planning application, that decision itself will not be scrutinised per se by the LGO.

Comments And Complaints Procedure/Compliments

13. When the Committee considered compliments and complaints issues on 16th October, Appendices B and C to the Cabinet report, showing respectively a breakdown of the informal and formal complaints received and compliments, were accidentally omitted from the agenda papers. These have been circulated separately to Members of the Committee and are available to the public on request.

RECOMMENDATION

THAT, subject to any comments Members of the Committee wish to make, the report be noted.

BACKGROUND PAPERS

- None identified.