

OMBUDSMAN COMPLAINTS – ONGOING [May 2009 to July 2009]

ITEM	REFERENCE NUMBERS	DATE COMPLAINT RECEIVED	DATE OF RESPONSE TO OMBUDSMAN	DATE OMBUDSMAN VERDICT RECEIVED	COMPLAINT	VERDICT	SERVICE AREA - LESSONS LEARNT
1*	0708/ES000983 [08 005 085] 07/C/15589/NH	17 June 2008	01 July 2008	23 June 2009 [LGO made decision on 24 Nov 2008 but SDC was not informed until 23 June 2009]	SDC's failure to carry out a proper exercise of planning control.	Ombudsman's Discretion – No or insufficient evidence of maladministration	<i>Planning Services</i>
2	0809/ES001032 [08 016 996/ND]	24 December 2008	12 January 2009	On-going as at 23 June – new case officer has been appointed	How Planning Application was handled		<i>Planning Services</i>
3	0809/ES001014 [09/10/28] [08 000 787]	10 June 2008 26 January 2009 27 April 2009	Not applicable 09 February 2009 22 May 2009 02 July 2009 31 July 2009	10 June 2008 On-going	That SDC failed to control new development in respect of site boundary and drainage That SDC failed to ensure that adequate drainage was installed and failed to enforce planning conditions in relation to this. That SDC failed to respond to his	Premature Complaint LGO suggest local settlement, working with WCC Highways. <u>Highway elements of</u>	<i>Planning Services</i>

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					complaint within a reasonable time and has shown poor communication in keeping him properly informed.	<u>the complaint are still outstanding and no response has been made yet by WCC</u>	
4	0809/ES001040 [08 012 483]	18 September 2008 29 January 2009 12 March 2009 10 June 2009	18 September 2008 30 January 2009 09 April 2009 10 June 2009	18 September 2008 28 July 2009	The SDC failed to enforce That SDC failed to implement local settlement; incorrectly served enforcement notice; SDC's lack of action.	Enforcement: Premature Complaint SDC acted with unreasonable delay and has not yet taken the appropriate enforcement action. Local Settlement.	<i>Planning Services</i> <u>See notes below:</u>

0809/ES001040 (continued)

- **An apology to the complainant and a payment of £600 for the time and trouble in making a second complaint plus £900 for the inconvenience and frustration he has experienced with site activities that have been allowed to continue longer than necessary.**
- **A commitment to decide what action to take, if any, regarding condition 4 by 30 September 2009. If the Council decides to take formal action against the developer, it should pursue and complete that action within six months, unless there is a very good reason for the delay.**
- **A commitment to decide what action to take, if any, regarding the change of use of the stables if the developer does not comply with the enforcement notice by 11 November 2009. If at that stage the Council decides to prosecute the developer, it should take the matter to court within three months, unless there is a very good reason for the delay.**
- **When the outstanding breaches are resolved (either because the developer has complied through negotiation, or the Council has decided to take no further action and given a reason for this decision, or the Council has taken legal action), a letter giving complainant an update on the situation and an additional payment equivalent to £100 for each month the breaches remained unresolved from 1 August 2009.**

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5	09/10/110 [08 019 146]	17 April 2009	12 May 2009	On-going	That because of granting planning permission he has incurred legal expenses and that SDC failed to require the applicant to carry out a contaminated land survey.		<i>Planning Services</i>
6	0809/ES001027 - 41 [08 017 060/MC]	22 December 2008 27 April 2009 27 May 2009	Not applicable 18 May 2009 02 June 2009	22 December 2008 30 June 2009	That SDC failed to take full and proper action in respect of environmental disregard (trees)	Trees: Premature Complaint Planning and Building Control: Ombudsman's Discretion	<i>Planning Services</i>
7	126 [09 002 079/JMFP]	21 May 2009	24 June 2009	02 July 2009	That SDC failed to deal properly with his planning applications	Planning and Building Control: Local Settlement. SDC Planning Department agreed to a meeting on site	<i>Planning Services</i>

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8	0809/ES001074 – 93 [09 003 177]	07 July 2009	16 July 2009	On-going	That SDC failed to deal with his planning application properly		<i>Planning Services</i>
9	0809/ES001066 - 117 [09 005 540]	13 July 2009	17 July 2009	On-going	That SDC ignored specific request for an adequate facility within the cartilage for neighbour's building material		<i>Planning Services</i>