

South Hams DC  
Decisions made in period (Apr 2015 - Mar 2016)

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes	Actions
1	17 013 884	Environmental Health	The Council failed to take action in respect of a rat infestation in a manure heap on a neighbouring property	27/06/2018	Fault	While there is evidence of fault the Ombudsman was not persuaded the outcome would have been any different but for this fault. The Council used its professional judgement to decide not to take further action as the neighbour was taking reasonable steps.	None	
2	18 001 577	Planning	The Council granted planning permission for a development in a cavalier manner and with little regard for complainants	16/07/2018	No fault	The Council took account of all material planning considerations, and objections were reflected in the case officer's report. Reasoned justification for judgements made was provided and clarified by the Council through the complaints process. Councillors were performing their constituency role rather than acting in an operational capacity for the Council, and their failings cannot therefore be seen as a fault by the Council.	None	
3	18 003 839	Council Tax	The Council did not respond to query regarding previous year's Council Tax	13/07/2018	Not investigating	Premature - not completed Council's complaints process	None	
4	18 005 246	Planning	The Council failed to properly advertise its proposals for an area of land under the Joint Local Plan and therefore denied the complainant the opportunity to put her concerns to the Planning Inspector.	18/10/2018	Not investigating	Any injustice from any fault is speculative as the land is not adjacent to the complaint's property boundary, the JLP has not yet been adopted, no building has taken place and it is not known if any will. The ombudsman cannot remedy a speculative injustice.	None	
5	18 007 938	Planning and Enforcement	The Council failed to identify a previous investigation of the same issue, delayed dealing with an enforcement complaint, and gave the owner of a carport too long to submit a planning application thus allowing the carport to become lawful and preventing neighbours from commenting on the planning application.	10/01/2019	Fault in not identifying previous enforcement investigation earlier.	Council accepted fault in not identifying there was a previous enforcement investigation conducted earlier, which had been brought by another neighbour. If the earlier investigation had been found the 2017 investigation would have been concluded earlier: however, the outcome would not have been any different. Council apologised to complainant for missing 2013 enforcement case. Complainant bought neighbouring house in 2016 when car port was already built.	Council apologised to complainant for missing 2013 enforcement case	Issue occurred in 2017 and has not recurred. Spacial search would have shown any earlier investigation therefore human error probably the cause. No action necessary.
	18 012 640	Housing	Issue with housing application and banding. Council's housing offers have been unsuitable causing stress. No response to complaints.	15/05/2019	No fault	The delay in amending what properties complainant could bid on was due to delayed OT report.	None	n/a
6	18 015 798	Planning	The Council's consideration of an outline planning application was affected by the pre-disposition of the Chairman of the Planning Committee in favour of a planning officer's recommendation and by the Committee meeting process, including that the Objectors Report might not have been read by most Committee Members.	28/03/2019	Not investigating	The extent of injustice caused by a potential fault by the Council cannot be assessed as the Council has not issued a decision notice for the planning permission due to the fact the required section 106 agreement has not been completed. The outcome of that process cannot be prejudged and it is therefore too soon to investigate.	None	n/a