

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

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes	Actions taken
1	18 002 473	Planning and standards	The Council did not properly investigate a complaint against a councillor for breach of code of conduct by, among other things, pre-determining a planning application. There was a delay in the Council reaching a decision on the complaint.	10/07/2018	No fault	There is no fault as the Council followed correct procedures when considering the complaint since a Standards complaint cannot look at pre-determination. This is for the Courts to do. There is no timeframe in the Council's procedure for dealing with Standards complaints and therefore no fault relating to delay in decision making.	None, although noted that the Council subsequently accepted it will make clear Standards investigations cannot look at pre-determination.	The Legal team will make it clear at the beginning of the complaints process what the Council can and cannot consider as part of a standards complaint in order to better manage expectations.
2	18 002 241	Discretionary rate relief	No Council policy on discretionary rate relief, and a decision not to grant such to the complainant's charity being based on incorrect information.	08/11/2018	Fault	The Council's lack of policy on discretionary rate relief and its failure to record how it reaches a decision on such is fault.	Write a policy, invite complainant to resubmit application and reconsider the application under that new policy.	The Council has now adopted a policy for considering discretionary rate reviews and this includes a requirement to record decisions made.
3	18 003 489	Building control	Council refusing to take action against electrician who left electric work uncompleted but willing to take action against complainant if, upon inspection, their electricians are deemed to be unsafe	27/07/2018	No fault	Officers gave correct advice, primary responsibility that building works meet standards lies with those who commission the work and those who carry it out. A dispute is a civil matter between the two. Building Control Officers may inspect building works if called upon and may serve enforcement notice on the owners if the works do not comply with regulations	None	n/a
4	18 004 968	Waste	Multiple missed bin collections and complaints about these not being investigated satisfactorily by the Council. Compensation offered was inadequate.	28/01/2019	Fault	Not investigating as unlikely the Ombudsman can add significantly to the investigation already carried out by the Council, whose response to the complaint represents a reasonable outcome.	None	n/a
5	18 007 071	Planning	The Council failed to properly advertise a neighbour's planning application.	11/09/2018	Not investigating	Not investigating as the actions complained about did not cause complainant significant injustice.	None	n/a
6	18 009 856	Planning	Failure to take enforcement action against a breach of planning control, and discharge of a planning condition relating to tree planting without necessary meeting taking place.	06/02/2019	Fault	The Council discharging the planning condition without a meeting was fault. However, no injustice was caused as the Council found the trees to be satisfactory and the quality of planting not bad enough to justify enforcement action	None	n/a

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7	18 011 018	Parking	A Council consultation on changes to parking was unfair and pre-determined due to painting of lines to designate resident-only bays prior to the start of the consultation. As a result of the change to parking restrictions were imposed which removed parking facilities previously available to a disabled person.	22/03/2019	Not investigating	The complainant did not allege that fault had affected the outcome of the consultation, only that line painting gave impression of unfairness and pre-determination. Even if the Ombudsman had investigated this point and found fault any injustice arising from the fault is considered to have been too insignificant to warrant the remedy sought. As a result the investigation was discontinued.	None	n/a
8	18 013 111	Housing Benefits	Unfair that Council is asking for overpaid Housing Benefit to be paid back 3 years after the overpayment is supposed to have happened when the Council did not prove she owed it upon being challenged to do so 3 years ago.	29/11/2018	Not investigating	Premature - not completed Council's complaints process	None	
9	18 016 484	Environmental Health	Council did not deal with reports of noise, light and odour nuisance from plant near complainant's home. Consequently complainant lost amenity and sleep and cannot currently sell their property.	19/03/2019	Fault	The Council failed to pass information provided by complainant about problems caused by noise and light coming from the plant to its Environmental Health team.	Review the case and make any necessary changes to procedures or staff training to minimise the chances of the identified faults recurring. Ensure that the possible existence of a planning breach or other issue does not prevent prompt reaction to reports of a possible statutory nuisance. Evidence of remedy submitted 18/06/2019	Meeting was held to identify and discuss failure. An email reminder was sent to all staff who handle complaints, emphasising the need to take responsibility for the entire complaint. Complaints guidance was amended and commitment to include in future training.
10	18 013 027	Planning controls & Building Regulations	Complaint about the Council's handling of planning controls and Building Regulations, including how the Council explained its decisions.	08/03/2019	Not investigating	Discontinued investigation as complainant decided not to pursue complaint	None	n/a
11	18 009 146	Environmental Health	Council failed to follow guidance on responsibilities in relation to removal of abandoned vehicles and to address reported flytipping.	05/03/2019	Not investigating	Premature - not completed Council's complaints process	None	n/a