



## **North Devon Council**

**Report Date: November 2021**

**Topic: Approval of compensation offer, following feedback investigation for case: 310900212**

**Report by: Jo Teasdale, Customer Feedback and Service Improvement Officer**

### **1. INTRODUCTION**

- 1.1 Following a review of a stage two complaint, we propose a compensation payment of £1,232.00 (which exceeds any officer delegation), to settle customer complaint reference: 310900212.

### **2. RECOMMENDATIONS**

- 2.1 Members to decide to accept or challenge the recommendation for the above complaint, taking into account extracts from the draft redacted response in Appendix 1.
- 2.2 If Members accept the recommendation, the Council will:
  - 2.2.1 offer £1,232.00 for recognition of our error and their time and trouble taken in pursuing an unnecessary course of action.
  - 2.2.2 apologise to the complainant.
- 2.3 If Members challenge the recommendation, the complainant will have an opportunity to refer their complaint to the Local Government and Social Care Ombudsman's, to make a final determination.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1. We need to acknowledge when we have made an error and ensure any impact of this is not negatively borne by the customer. The extracts from the draft customer response in Appendix 1 reflects we have evaluated the evidence of their expenditure against our mistake and reimburse that incurred, as a compensation offer.
- 3.2. The Local Government and Social Care Ombudsman recommend we seek to place a customer back in a position they would have been in if not for the error. The £1,232.00 compensation offer reflects this.

- 3.3. It is equally important we learn a lesson from any justified complaint and I have been working with the Planning Service Manager to put measures in place to ensure our pre-application advice is clearer to our customers and we take a more 'plain English' approach in future. We shall be driving these improvements forwards in the coming months, in consultation with users.

#### 4. REPORT

- 4.1. The complainant complained to us they had received incorrect and misleading advice after paying for pre-application planning advice:
- 4.2. The complainant alleges the Planning Officer gave on-site verbal advice that their proposal would be acceptable in planning terms. There is no evidence of this, however there is written evidence that we gave similar, incorrect advice.
- 4.3. Based on the advice we would be likely to grant planning permission, the complainant paid for a full application, as well as the reports we ask for to support the application.
- 4.4. Our Planning Officer sought consultee advice from our Planning Policy Officers at part of the consideration of a full application. Planning Policy replied, advising the proposal did not meet our planning policies and should be refused.
- 4.5. Our Planning Officer relayed this information to the applicant and we refused the application, at this stage the complainant made a stage one complaint. The Lead Planning Officer investigated the complaint and responded, advising they did not agree we had been at fault.
- 4.6. The complainant asked for a stage two review, which was undertaken by the Customer Feedback and Service improvement Officer. Extracts from the draft customer response are attached (as Appendix 1).

#### 5. RESOURCE IMPLICATIONS

- 5.1. If members approve the offer which the complainant subsequently accepts, the payment of £1,232.00 would need to be paid from the existing Planning Services budget.

#### 6. EQUALITIES ASSESSMENT

- 6.1. There are no equalities implications anticipated as a result of this report.

#### 7. CONSTITUTIONAL CONTEXT

- 7.1. Part 3 Annexe 1 paragraph 5(b)



7.2. This is a delegated power.

## 8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report:

- Planning pre-application submission and correspondence
- Full planning application and correspondence.

(These background papers are available for inspection and kept on our planning software).

## 10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Mrs Jo Teasdale, Customer Feedback and Service Improvement Officer.