

1 July 2018

Complaint reference:
19 002 711

Complaint against:
London Borough of Havering

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the Council's handling of a planning application for a residential development. This is because the planning application has not yet been determined, so the complainant has not suffered a significant personal injustice.

The complaint

1. The complainant, whom I refer to as Mr B, says the Council has failed to properly manage a planning application for a residential development on land adjacent to his property. In particular, Mr B says:
 - The Council does not have a policy on how it will handle 'conflicts of interest' in its decision making;
 - The Council has not made it clear to residents how it is linked to the applicant;
 - The Senior Arboricultural Officer failed to promptly respond to his enquiries about Tree Preservation Orders.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
 - the fault has not caused injustice to the person who complained, or
 - the injustice is not significant enough to justify our involvement.

(Local Government Act 1974, section 24A(6), as amended)

How I considered this complaint

3. I have considered:
 - Mr B's complaint to the Ombudsman;
 - The Council's final response to the complaint;
 - The planning application information on the Council's website;
 - Mr B's response to a draft version of this statement.

What I found

4. The restriction detailed in paragraph 2 above applies to Mr B's complaint. This is because the planning application has not yet been determined. I therefore do not consider Mr B has yet suffered a significant personal injustice as a result of the alleged faults by the Council.
5. It would be open to Mr B to return to the Ombudsman if the planning application is approved in the future.

Final decision

6. The Ombudsman will not investigate Mr B's complaint. This is because he has not yet suffered a significant personal injustice as a result of the alleged faults by the Council.

Investigator's decision on behalf of the Ombudsman