



### Holding LPAs to Account - Issues:

- 1) It is Not Possible to appeal against an LPA Approval for any reason.
- 2) A Judicial Review is too expensive for a Residents' Association to embark upon unless we are offered a Pro-Bono supporting Lawyer.
- 3) LPA Stage 1 & Stage 2 Complaints procedures always give the option, if not satisfied with the responses, to escalate to the Local Government Ombudsman (LGO).
  - a. The advice does NOT provide any guidance on limits to which the Ombudsman will accept complaints.
  - b. The advice does NOT advise whether the complaint should be directed to the "Ombudsman" or the "Monitoring Officer" if maladministration is a factor.
  - c. It is felt that the "Monitoring Officer" is not considered an "*Independent*" investigator for complaints assessment and deliberations against its own council as it is a position within the Councils structure, Salary and political jurisdiction.
- 4) The Local Government Ombudsman will NOT investigate Complaints from a Residents' Association <sup>[1]</sup> or an individual – '*on behalf of the community*'.
  - a. The LGO will only investigate a complaint from an aggrieved affected resident claiming injustice – a Residents' Association complaint on behalf of an affected community is NOT accepted for investigation.
  - b. A Complaint might include knowingly inappropriate or incorrect advice to planning committee members in support of an application approval – which we would consider to be maladministration.
  - c. The LGO do not have the expertise or capabilities of assessing planning complaints relating to Local and National Planning policies to the extent of the knowledge and expertise of the Planning Inspectorate.
  - d. Any tenants "materially affected" by a planning application would be extremely apprehensive of formally complaining about a proposal submitted by their Landlord and therefore a complaint by their Residents' Association would be a safer process but would be refused by the LGO from pursuing the case of behalf of those tenants as it would be extremely unlikely that those tenants would provide their consent.
  - e. The LGO is not effective or efficient at satisfactorily dealing with Planning Complaints. Over the period from the beginning of 2021 up to 17/6/21, of the 775 complaints processed, 93.29% were dismissed and only 6.71% were upheld. Of the 723 dismissed 72.75% were not even investigated.
- 5) We have established after many complaints, that there is no actual procedure to hold LPAs to account for inappropriate decisions, non-compliance to planning policies or maladministration by inappropriate advice to Planning Committee Members.
- 6) Our challenges so far and responses from Ministers only refer to current policy and processes and do not actually consider whether these policies and processes are adequate or appropriate.

### Options going forward:

- 1) Raise the issue at the Planning Select Committee or with the Chair of Housing, Communities and Local Government Select Committee – Mr Clive Betts MP (providing our history and evidence supporting our reasoning as required).
- 2) Lobby members of the Communities and Local Government Select Committee <sup>[2]</sup> for support.
- 3) Raise a Government e-petition to allow an appeal process to the Planning Inspectorate if good reason to question an approval if non-compliant to planning policies.

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[1] <http://www.mo-ra.co/planning/planning-complaints/>

[2] <https://committees.parliament.uk/committee/17/housing-communities-and-local-government-committee/membership/>