

**Item 6. Chair's Business: Statement on Local Government Ombudsman Decision (ref 21 010 585)**

A Local Government Ombudsman Decision (LGO) decision was received at the end of last week. The investigation related to a complaint regarding Houses in Multiple Occupation (HMOs) received in 2020 and was potentially triggered by the issuing of HMO licences under the Housing Act.

The LGO decision letter acknowledged that Planning Enforcement is a discretionary power and that formal action is only required when it would be a proportionate response to a breach. Local Planning Authorities must look at the harm caused and also whether Planning Permission would be granted for the alleged breach. Local Authorities are encouraged to resolve issues through negotiation and dialogue.

The LGO goes on to say that it is important that there isn't unreasonable delay in the process, as effect enforcement helps maintain public confidence in the planning system.

Findings

The LGO found that there had been an unacceptable delay which is categorised as "fault" by the Council, and has caused frustration and disappointment to the complainant.

The LGO sets out the following remedies:

1. To apologise for the frustration and disappointment caused by the delays in investigating the alleged breaches. Timescale: 1 month.
2. BCC to monitor and review its plan to deal with its backlog of enforcement cases, to ensure it is adequately resourced. Timescale: 3 months.
3. BCC to report LGO findings and its progress in reducing the backlog of cases to G&R "Committee" (who may want to decide whether it need to continue to check progress in reducing case backlog). Timescale: 3 months.

Regarding this HMO case backlog, the following is an update report:

An Officer has been moved from Householder Application team to the Planning Enforcement Team, to focus on clearing this backlog.

There are 51 HMO cases

As of 28/3:

13 of the sites have been visited

12 cases had been the subject of follow up correspondence from Planning Enforcement

8 responses had been received

8 initial assessments had been carried out

The Head of Development Management undertakes to carry out monthly monitoring, meeting officers working on this and ensuring progress.

Gary Collins

Head of Development Management