

Planning Appeals Commission
Independent Complaints Audit Panel Report: 2006-07

1. In this period we have considered 11 files¹.
2. On the papers before us, we endorse the assessment by the Commission in 9 of the files, namely all apart from file reference 2006/CP003 (Young) and 2006/CP006 (Noble) which we discuss below.
3. As for the 9 files where we endorse the stance of the Commission, we have, nevertheless, thought it appropriate to make some observations and suggestions for the Commission to consider, namely:
 - a. File 2006/CP 001 contains a letter dated 20 July 2006 from the Commission which explains its procedure to destroy all documents relating to an appeal where the appeal has been withdrawn. We consider that it would be helpful if the policy of the Commission on destruction of documents were made widely known. Furthermore, we suggest that where appeals are withdrawn the Commission might wish to give consideration to retaining documents for a suitable period to guard against the potential of a complaint.
 - b. File 2006/CP 007: we suggest that the Commission might wish to give consideration to a standardised written explanation about its powers of review and the means of challenging decisions of the Commission through judicial review. Such a standard explanation might serve to promote consistency in explanations given to the public².
 - c. File 2006/CP 010: we suggest the Commission might wish to review its procedure in connection with noting/recording of telephone complaints/discussions to ensure that best practice is maintained.
4. With regard to file reference 2006/CP 003 (Mr Young) the file is not complete. In July 2006 it appeared that Mr Young was minded to pursue a legal challenge to the Commission. Accordingly, the Commission considered that the complaint should not be handled through the normal ICAP process. It is unclear whether a legal challenge was, in fact, mounted by Mr Young. If not, then we suggest that the Commission complete the process and reach an assessment whether the complaint was justified.
5. The file reference 2006/CP 006 relates to a complaint initiated by Dr and Mrs Noble.
 - a. We are conscious of the limited role of the Panel and remind ourselves that we do not sit in judgment on the merits of the Commission's decision-making.
 - b. We note that the Chief Commissioner met Dr Noble to discuss his concerns. Since that meeting Dr Noble has written to us directly. We do not know if the Commission has any further observations to make on the points raised but we think the further correspondence should be placed before the Commission so that it has an opportunity to respond (as appropriate).

Sinead Rice
Stephen Shaw QC

22 February 2008

¹ File References 2006/CP 1-11 inclusive

² In this connection we note the helpful contents at paragraphs 53-4 of the "Procedure for Planning Appeals" Document issued by the PAC in December 2003