

PLANNING APPEALS COMMISSION - COMPLAINTS FOR 2010-2011

Summary of Review by Independent Complaints Audit Panel [ICAP]

The Independent Complaints Audit Panel [ICAP] has during the latter half of 2011 reviewed all 31 Planning Appeals Commission's complaint files processed during 2010-2011.

The panel, having regard to the nature of the complaints received and the Commission's own guidance on how complaints should be dealt with, has reached the following general conclusions:

1. The ICAP was very satisfied with how the Commission opens and maintains its complaints' files;
2. The panel is satisfied that all the complaints received [one opted not to pursue] were investigated both thoroughly and promptly and at the appropriate senior level by the Commission in accordance with its procedures, as well as being brought to a conclusion within the time frames as set down in its guidance;
3. The panel also endorses the Commission's analysis in all cases in respect of whether or not the complaints as defined in the guidance were justified;
4. In respect of those few cases which the Commission felt had a partial or total level of justification, the panel is satisfied in each instance that the Commission had taken the appropriate steps to have the complaint addressed by for example initiating or by not resisting an application for leave to have a decision reviewed or quashed by the High Court;
5. In every case, the Commission in its response provided appropriate explanations and in a few instances provided suitable apologies, where there was justification to do so;
6. The panel commends the Commission's actions in a couple of cases in which it entertained further consideration when additional and relevant information was received in a further letter from the complainant. However the ICAP accepts that whilst every case is carefully considered on its merits, the Commission is justified in adhering to the principles as set down in its own guidance in respect of "out of time" or further follow-up letters of complaint;
7. The panel was particularly satisfied that, in a number of instances, the Commission either accepted an invitation or instituted an invitation for meetings with the complainant or his/her representatives. This process served an important purpose, again in accordance with the PAC's guidance, in permitting any issue to be clarified that may have arisen in the substantive response which had been issued to the complainant, and

8. The panel has again found the Commission to be very responsive to any suggestions made by the panel on certain procedural or other matters which the Commission might have had reservations about. The panel has been impressed by its willingness to address these with the objective of continuing to improve its overall practice and procedures.

At a more detailed level in regard to a couple of cases, the panel identified a number of issues or processes which it had reservations about and has reached the following detailed conclusions:

1. The Commission, following the panel's report and meeting with the PAC in late 2010, has placed a paper trail on every file since that time indicating that the investigating senior officer records whether or not it is necessary for, e.g. the Presiding Commissioner, to be asked for his/her report or observations into the complaint which is being investigated. Some earlier cases did not benefit from this process being carried out;
2. In one particularly complex case where there was a challenge about the description of the development and the associated drawings, the panel has come to a view that there should have taken place a more careful examination of all the papers before the substantive response was issued. This case highlights the need, particularly in more complex cases, for a greater vigilance by the Investigating Officer and to double-check more thoroughly the advice received in good faith by the Presiding Commissioner, and
3. In regard to particularly problematical or complex cases such as referred to at 2 above, the panel considers that it would be prudent in such circumstances for the investigating senior officer to take the opportunity to offer an early meeting to explore the issues directly with the complainant. This would of course take place before any substantive reply is issued by the Commission and would be considered to be a double-checking mechanism in its own right.

The Independent Complaints Audit Panel would like to finally record its appreciation to the Planning Appeals Commission for the manner and efficiency of its staff in making all files available for audit and for the receptiveness of its senior officers in dealing with any representation or recommendation made by the panel.

**Stephen Shaw QC and Andrew A Meenagh MRTPI
Independent Complaints Audit Panel**

2nd November 2011