

Magri, Helen

From:
Sent: 14 June 2010 11:44
To: Slater, John;
Subject: FW: Ombudsman complaint by Mr Edmunds

Good morning

Apologies the date for information should read Tuesday 22 June 2010.

Regards

-----Original Message-----

From:
Sent: 14 June 2010 11:36
To: Slater, John;
Subject: Ombudsman complaint by Mr Edmunds

Good morning

Please find below a copy of the letter received from the Local Government Ombudsman dated 11 June 2010 regarding the complaint by Mr Edmunds of 23 Broad Street, Portsmouth, PO1 2JD.



complaint_correspo...ndence.pdf
complaint_correspo...ndence_10_00...
complaint_correspo...ndence_.doc...
Complaint_to_LGO_Mr Edmunds - LGO..._case_refere...
enquiry lette...

The Ombudsman has requested a reply within 28 days of the date of the letter, therefore the reply needs to be received by the Ombudsman on or before 9 July 2010.

I would be grateful if you could send the documents requested by the Ombudsman, your comments, copies of all correspondence and any relevant policy documents to Customer Services Tuesday 15 June 2010. In order that the investigation can be completed, the response prepared and the chronology compiled.

Thank you for your assistance in this matter.

For and on behalf of
David Williams
Chief Executive

Regards

Corporate Complaints Investigative Link Officer

Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

023 9283

Magri, Helen

From:
Sent: 22 June 2010 11:02
To:
Subject: west street ombudsman

attached is par tof the response on West Street there is quite a lot of furhter correspondance that came from Michael Lawther and David Williams. This case has been very complicated by the amount of correspondnace that has come into the office form Mr Edmunds and the cross referencing that he has done. I am on leave next week but am around for the rest of this week if there are points you need clarifying etc



west street
ombudsman.doc

Enforcement chronology

16/1/2007	Complaint received by Mr Edmunds (No 23) that there was a breach of the planning condition that required the installation of a screen on the roof of 2 West Street. Email stated that the screen had been removed the previous day
30/1/2007	
5/03/2007	
15/03/2007	FOI request from Mr Edmunds
20/03/2007	Letter to Mr Edmunds confirming that the owner had been advised that he needed to comply with all the original requirements
25/04/2007	
06/06/2007	Enforcement Notice served
08/07/2007	
18/01/2008	Appeal decision – appeal dismissed, enforcement notice upheld. Appeal confirmed that the screen was there to protect the privacy of No 15
25/02/2008	
3/04/2008	
15/09/2008	
10/10/2008	
24/10/2008	
17/10/2008	
4/11/2009	
19/11/2009	
14/1/2010	
03/03/2010	Planning Committee permission for roof building subject to a condition requiring the provision of a screen immediately prior to the commencement of development
4/03/2010	
Early May	Screen installed

Magri, Helen

From:
Sent: 23 June 2010 12:16
To:
Subject: RE: west street ombudsman

Hi

the decision was taken by the Chair of the Planning Committee in consultation with Democratic Services and myself at the end of the February meeting. It was verbally agreed that we would do this for a trial period, in the end we only did it for the March meeting in response to Mr Edmunds complaint. Copies of the Supplementary Report was given to Members. I believe that it was within our collective powers and roles to take this decision on how we managed this part of the process, other authorities that I have worked at have relied on verbal updates only.

From:
Sent: 23 June 2010 10:57
To:
Subject: RE: west street ombudsman

Hi

Thank you, this is great.

Can you let me know when and how the decision not to place copies of the Supplementary Matters reports was taken.

Cheers

-----Original Message-----

From:
Sent: 22 June 2010 11:02
To:
Subject: west street ombudsman

attached is par tof the response on West Street there is quite a lot of furhter correspondance that came from Michael Lawther and David Williams. This case has been very complicated by the amount of correspondnace that has come into the office form Mr Edmunds and the cross referencing that he has done. I am on leave next week but am around for the rest of this week if there are points you need clarifying etc

<< File: west street ombudsman.doc >>

Magri, Helen

From:
Sent: 05 July 2010 09:13
To:
Subject: Mr Edmunds &

Hi

Sorry to be a nuisance but can I have the documents for Mr Edmunds and

Many thanks for your assistance.

Regards

Corporate Complaints Investigative Link Officer

Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

023 9283

[@portsmouthcc.gov.uk](mailto:portsmouthcc@portsmouthcc.gov.uk)
www.portsmouth.gov.uk

Magri, Helen

From:
Sent: 05 July 2010 09:17
To: Slater, John;
Subject: LGO complaint by Mr Edmunds

Good morning

Please find attached a copy of the draft response to the ombudsman regarding the complaint by Mr Edmunds for your comments. I would be very grateful if you could let me have your comments by the end of Tuesday 6 July 2010.



Mr Edmunds
response letter 17-..

Many thanks for your assistance.

Regards

Corporate Complaints Investigative Link Officer

Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

023 9283

[@portsmouthcc.gov.uk](mailto:portsmouthcc.gov.uk)

www.portsmouth.gov.uk

From: -
To: Binjal, Suki
Sent: Wed Jul 07 16:21:42 2010
Subject: FW: 10 000 639 - Mr Edmunds

Hi Suki

With reference to the email below, would you be able to confirm this and do you need any further information to assist you.

Regards

-----Original Message-----

From: Slater, John
Sent: 07 July 2010 14:10
To:
Cc: ; Binjal, Suki
Subject: RE: 10 000 639 - Mr Edmunds

Much of the recent letter goes over old ground covered by previous Ombudsman investigations

On the question of the Committee's instruction to prosecute you will note from the chronology that Planning Services did instruct legal to institute a prosecution . You may wish to check with legal but I suspect their response would be that they would need to be satisfied that a prosecution was a last resort and that there was a public interest to be served and that in view of the fact that there was a deferred application that could have resolved the situation then the chances of a successful prosecution being secured was limited especially as the screen had been installed before any prosecution could be heard but you may wish to check with Suki

A couple of typos I think in reference to the section 6 penultimate para - suggest it better to say ensure rather than insure

On enforcement chronology the 13th November entry seems incomplete

John Slater
Head of Planning Services
Portsmouth City Council
02392834297
john.slater@portsmouthcc.gov.uk

From:
Sent: 07 July 2010 09:27
To: Slater, John;
Cc:
Subject: FW: 10 000 639 - Mr Edmunds

Hi John

I have received the email below from the LGO regarding the complaint by Mr Edmunds. I would be very grateful if you could let me know if you are satisfied that our response covers the points

raised by Mr Edmunds and I have attached the draft for your convenience, plus the chronologies which are supported with the relevant correspondence.

Our response also includes copies of the correspondence between the CX, Michael Lawther and Mr Edmunds.

I would be very grateful if you could let me know today, I can then make any necessary changes and pass to David before the due date of 9 July 2010.

Many thanks for your assistance.

Regards

Magri, Helen

From: Binjal, Suki
Sent: 09 July 2010 15:41
To:
Cc:
Subject: Re: Re : 10 000 639

Thanks for update.

I have seen the report and fully agree with legal the advice provided.

Suki Binjal
Head of Legal, Licensing and
Registrars

Tel: 023 9268 8788
Mobile:

From:
To:
Cc: Binjal, Suki;
Sent: Fri Jul 09 11:53:08 2010
Subject: Re : 10 000 639

Dear Carol

Thank you for sending me the papers.

I was the legal advisor to the DCC on 3.3.10. I was not the legal advisor on 13.1.10.

The information about the previous complaint was corrected at the meeting on 3.3.10 (and therefore should not have been misleading).

I spoke to Suki Binjal and [redacted] about the prosecution after the apparently fresh evidence produced by Mr Edmunds at the meeting on 3.3.10. It is for Legal Services to decide if there will be a prosecution.

Suki and I decided that any prosecution should await the arrival of a specialist planning lawyer. [redacted], a specialist planning lawyer, joined us on 1.6.10. I explained to [redacted] soon after she joined PCC that she needed to investigate a possible prosecution in respect of 4 West Street and prepare a report for the DCC. [redacted] has now completed that report and has recommended that PCC does not prosecute. The report is with Planning for their consideration and presumably will go before the DCC soon.

Yours sincerely

[redacted], Prosecutions & Enforcement

PCC Legal Services

9.7.10

Magri, Helen

From:
Sent: 12 July 2010 12:10
To: Slater, John
Subject: RE: LGO Complaint by Mr Edmunds

Hi John

Thank you, I'll add that in.

Regards

-----Original Message-----

From: Slater, John
Sent: 12 July 2010 12:00
To:
Cc:
Subject: RE: LGO Complaint by Mr Edmunds

Morning

The new para refers to 4 not 2 West Street- is it worth adding that it is the City Solicitor is the responsible officer for deciding whether or not to pursue a prosecution

John Slater
Head of Planning Services
Portsmouth City Council
02392834297
john.slater@portsmouthcc.gov.uk

From:
Sent: 12 July 2010 11:42
To: Slater, John;
Cc:
Subject: LGO Complaint by Mr Edmunds

Good morning

Please find attached the second draft response to the LGO complaint by Mr Edmunds. I would like to pass this response to the CX on Tuesday morning and I would be very grateful if you could let me have your comments by then.

<< File: Mr Edmunds response letter 17-06-10.doc >>

Many thanks for your assistance.

Regards

Corporate Complaints Investigative Link Officer

Portsmouth City Council
Civic Offices

Magri, Helen

From:
Sent: 08 Julv 2010 17:08
To:
Subject: RE: 10 000 639 - Mr Edmunds

Dear

The documents are not attached.

Can you send them to me and I will get back to you tomorrow with our response.

Kind regards

8.7.10

From: Binjal, Suki
Sent: 08 July 2010 08:18
To:
Cc:
Subject: Fw: 10 000 639 - Mr Edmunds
Importance: High

Forgot to copy . See below

Suki Binjal
Head of Legal, Licensing and
Registrars

Tel: 023 9268 8788
Mobile:

From: Binjal, Suki
To:
Sent: Thu Jul 08 08:16:32 2010
Subject: Re: 10 000 639 - Mr Edmunds

Hi I note your deadline which legal will try to meet it. looks after the prosecution legal work - have copied him into email.

- could you look at this today and get back to

I will be in and out of meetings today - but if you need to discuss - catch me in-between.

Thank you

Suki Binjal
Head of Legal, Licensing and
Registrars

Tel: 023 9268 8788
Mobile:

Magri, Helen

From:
Sent: 23 August 2010 09:37
To: Slater, John
Cc:
Subject: FW: Complaint by Mr Edmunds 10 000 639
Attachments: Mr Edmunds response letter 17-06-10.doc; Cx enq.doc; Complaint letter 17 June 2010.pdf

Hi John

I would be very grateful if you could let me have the information as requested by the LGO. With reference to point 5 I have attached a copy of the complaint letter dated 17 June 2010, the amended statement of complaint dated 7 July 2010 and our response dated 13 July 2010.

Many thanks for your assistance.

Regards