

Local Government  
**OMBUDSMAN**

11 September 2010

Mr D Williams  
Chief Executive  
Portsmouth City Council  
DX 2244  
Portsmouth

Our ref: 10 000 639/B2/BAM  
Please quote our reference when contacting us and,  
if using email, please put the reference number in the email subject header

**If telephoning contact: Brian Miles on 024 7682 0034  
or if using email, send to: b.miles@lgo.org.uk**

Dear Mr Williams

The Local Government Ombudsman has received a complaint by Mr K Edmunds of 23 Broad Street, Portsmouth PO1 2JD. I enclose details of the complaint, which I am now investigating.

Here is a summary of the complaint as I understand it:

That the Council:

- a) failed to implement a decision and instruction of the Planning Committee on 13 January 2010 to pursue a prosecution for non-compliance with an enforcement notice served in relation to breaches of planning control at 2 West Street, Portsmouth;
- b) gave misleading information on the extent of the action taken to implement the decision and instruction of the Planning Committee on 13 January 2010;
- c) failed to make available in the public gallery at the Planning Committee meeting on 3 March 2010 the green supplementary sheet;
- d) failed to make available on the Council's web site or to members of the public prior to the Planning Committee meeting on 3 March 2010 an Annex on Light Loss calculations referred to in the Brief for the site as presented to the Committee;
- e) failed to explain why the designated planning case officer for the first two deferred committee meetings about the development was replaced by another case officer for the Planning Committee meeting on 3 March 2010;
- f) failed to explain why the replacement case officer stated to the Planning Committee meeting on 3 March 2010 that light calculations had been carried out on a first floor window of the complainant's house, when a document he received from the planning department on 26 February 2010, that he was told was the Annex to the Brief and had been cleared by a senior officer, showed that it was not;
- g) based the consideration of the matter by the Planning Committee on 3 March 2010 on an incorrect and misleading statement by a senior officer that a

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**Jerry White**  
Local Government Ombudsman  
**Neville Jones**  
Deputy Ombudsman

- decision on a previous complaint to the Ombudsman had related to 2 West Street when the complaint had been about development at 10 West Street; and
- h) gave inadequate consideration to the complainant's formal complaint about the above matters, failed to respond to the questions put and delayed unjustifiably in considering the complaint.

Please send me your comments on the complaint so that they reach me within 28 days of the date of this letter. In addition to your general comments, please would you provide the following information:

1. A chronology of the events leading up to the submission of the complaint.
2. Describe the action taken by the Council to investigate alleged breaches of planning control at 2 West Street, Portsmouth and to implement a decision and instruction of the Planning Committee on 13 January 2010 to pursue a prosecution for non-compliance with an enforcement notice served.
3. Comment on the complainant's record of the information available to the public prior to and at the Planning Committee meeting on 3 March 2010 about the development at 2 West Street.
4. Say why the planning case officer for 2 West Street was replaced following the two committee meetings when consideration of the development was deferred.
5. Comment on the complainant's record that misleading information was given to the Planning Committee on 3 March 2010 about light assessments and a decision on a previous complaint to the Ombudsman.
6. Say what steps were taken to consider the complainant's formal complaint of 7 March 2010 and related correspondence.

Please bear in mind that your comments and any accompanying documents will usually be shown to the complainant.

The Ombudsman always welcomes attempts to settle complaints locally. Please let me know if you feel that this might be possible in this case.

Yours sincerely

Brian Miles  
Senior Investigator

Enc: Copy details of the complaint

Mr Brian Miles  
Investigator  
Local Government Ombudsman  
DX 702110  
Coventry 6

Date: 12 July 2010

**Chief Executive's Office**

Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Phone: 023 9283 4702  
Email: carol.cunningham@  
portsmouthcc.gov.uk

Ref: 10 000 639/B2/BAM

Dear Mr Miles

**Complaint by Mr K Edmunds of 23 Broad Street, Portsmouth, PO1 2JD**

Thank you for your letter dated 11 June 2010 regarding the complaint by Mr Edmunds regarding his complaint that the council:

- a) failed to implement a decision and instruction of the Planning Committee on 13 January 2010 to pursue a prosecution for non-compliance with an enforcement notice served in relation to breaches of planning control at 2 West Street, Portsmouth;
- b) gave misleading information on the extent of the action taken to implement the decision and instruction of the Planning Committee 2010;
- c) failed to make available in the public gallery at the Planning Committee meeting on 3 March 2010 the green supplementary sheet;
- d) failed to make available on the Council's web site or to members of the public prior to the Planning Committee meeting on 3 March 2010 and Annex on Light Loss calculations referred to in the Brief for the site as presented to the committee;
- e) failed to explain why the designated planning case officer for the first two deferred committee meetings about the development was replaced by another case officer for the Planning Committee meeting on 3 March 2010;
- f) failed to explain why the replacement case officer stated to the Planning Committee meeting on 3 March 2010 that light calculations had been carried out on a first floor window of the complainant's house, when a document he received from the planning department on 26 February 2010, that he was told was the Annex to the Brief and had been cleared by a senior officer, showed that it was not;
- g) based the consideration of the matter by the Planning Committee on 3 March 2010 on an incorrect and misleading statement by a senior officer that a decision on a previous complaint to the Ombudsman had related to 2 West Street when the complaint had been about development at 10 West Street; and
- h) gave inadequate consideration to the complainant's formal complaint about the above matters, failed to respond to the questions put and delayed unjustifiably in considering the complaint.

I will address each issue in turn.

**1. A chronology of events leading up to the submission of the complaint.**

The chronology is attached as appendix 1 and supporting documentation as appendix 2a and 2b.

**2. Describe the action taken by the Council to investigate alleged breaches of planning control at 2 West Street, Portsmouth and to implement a decision and instruction of the Planning Committee on 13 January 2010 to pursue a prosecution for non-compliance with an enforcement notice served.**

A chronology of the actions taken by the council and supporting documentation is attached as confidential appendix 3.

A meeting was held between Legal and Planning Services to discuss the fresh evidence produced by Mr Edmunds at the planning committee meeting on 3 March 2010. Legal Services made the decision that any prosecution should await the arrival of a specialist planning lawyer, who joined Portsmouth City Council on 1 June 2010. The planning lawyer investigated the possible prosecution in respect of 4 West Street and prepared a report, with the recommendation that Portsmouth City Council does not prosecute.

The City Solicitor has considered the report and has upheld the recommendation not to prosecute.

**3. Comment on the complainant's record of the information available to the public prior to and at the Planning Committee meeting on 3 March 2010 about the development at 2 West Street.**

Copies of the Supplementary Matters reports were not placed in the public gallery, as there was concern that a great number of copies were being printed but not referred to by the public, and that this was a waste of resources.

This decision was taken by the Chair of the Planning Committee in consultation with Democratic Services and the Assistant Head of Planning. It was agreed that this would be for a trial period starting in March 2010, however following Mr Edmunds complaint copies of the supplementary matters are now, once again, being made available in the public gallery.

The committee report was available five working days before the committee. The presenting officer made reference to the contents of the report in his presentation, which confirmed that the window referred to for the light readings was the first floor window and not a ground floor window. Copies of the light readings had been supplied to both Mr Edmunds and Mr Halloran.

**4. Say why the planning case officer for 2 West Street was replaced following the two committee meetings when consideration of the development was deferred.**

The original planning officer had a period of time off sick and therefore his caseload was reallocated.

**5. Comment on the complainant's record that misleading information was given to the Planning Committee on 3 March 2010 about light assessments and a decision on a previous complaint to the ombudsman.**

Mr Edmunds places a great deal of weight on the light assessments he asked the original case officer to carry out. Light assessments are not a tool that is used frequently by planning officers.

Copies of one set of the readings were circulated at the Planning Committee meeting; however members did not debate them.

Mr Edmunds claimed at the January Planning Committee meeting that the window they were referenced from did not exist. During the site visit the day before the March Planning Committee meeting it became apparent that the case officer had wrongly referred to the first floor window as a ground floor window. The presenting officer confirmed and clarified this error to the Members at the Planning Committee meeting.

The Assistant Head of Planning Services made reference to an earlier ombudsman case relating to 10 West Street. Mr Edmunds stated at the meeting that the case related to 10 West Street not 2 West Street as had been suggested by the officer, who genuinely believed that was the case. This was corrected at the meeting on the 3 March 2010 and therefore should not have been misleading

Notwithstanding this the paragraph of the ombudsman's letter that was referred to related to the weight that should be given to sunlight and daylight readings. Further the letter referred to the sunlight and daylight report that concluded that all the windows of the affected property were already close to or below the recommended minimum daylight levels.

Later correspondence with Mr Edmunds has also confirmed that the ombudsman's letter did relate to 10 West Street.

Mr Edmunds has made reference to the fact that the adjoining property was not shown on the plans. The property was shown but the actual number 15 was missing from the plans; the property number identified the other properties on the plans.

**6. Say what steps were taken to consider the complainant's formal complaint of 7 March 2010 and related correspondence.**

The email of the 7 March 2010 was passed to the City Solicitor and the Assistant Head of Planning who were in the process of compiling a response to the letter from Mr Edmunds dated 21 February 2010 and an email dated 3 March 2010.

On the 26 April 2010 Mr Edmunds sent an email with an additional issue, which was responded to on the 29 April 2010. Mr Edmunds sent a further email at 10.41am and this was responded to at 6.19pm on the same day.

The letter sent to Mr Edmunds dated 12 May 2010 covered all the issues raised in his letter dated 21 February 2010 and the subsequent emails.

I apologise for the delay in responding to Mr Edmunds, however it was important to ensure that the information provided was clear and precise, and that Portsmouth City Council was satisfied that all of the points raised by Mr Edmunds had been answered.

I enclose copies of correspondence at appendix 4 and confidential appendix 4a.

## **Conclusion**

I apologise that Mr Edmunds remains unhappy with the Portsmouth City Council planning officers and the decision of the Planning Committee, however I am satisfied that the actions of Portsmouth City Council officers and councillors are in accordance with our policies and procedures.

Yours sincerely

David Williams  
Chief Executive

Enc.

23 Broad Street  
Portsmouth  
Hampshire  
PO1 2JD

Councillor Mike Hancock CBE MP  
Constituency Office  
1A Albert Road  
Southsea

7 February 2010

Reference:

- A. My letter to you of 17 January 2010
- B. Your MTH/CT/02028 dated 2 February 2010


Dear Councillor Hancock,

Thank you for your letter at reference, which is completely unacceptable. I asked you to answer all the points I made in my letter at reference A, you did not answer one of them. It would now appear that you are part of a cover up being carried out by a corrupt City Council, I trust this is not so.

Enclosed is a letter I have written to David Williams, Chief Executive Portsmouth City Council. The evidence within is damning and possibly criminal. It is not my responsibility to carry out investigations of corruption within Portsmouth City Council; it is the responsibility of the Monitoring Officer and Chief Executive.

Regardless of whatever powers you believe you may or may not have, you are the Member of Parliament for Portsmouth South and the Councillor holding portfolio for planning. Who else should I bring my problems to if I cannot bring them to you? I trust now that you will do something about these very serious matters and allegations of corruption with substantive proof within your department.

Yours sincerely,



Keith Edmunds

Enclosure; My letter with enclosure to the Chief Executive PCC, dated 10 Feb 2010

23 Broad Street  
Portsmouth  
Hampshire  
PO1 2JD

The Chief Executive  
Portsmouth City Council

7 February 2010

References:

- A. My letter of complaint dated 17 January 2010
- B. Your letter dated 18 January 2010

Dear Mr Williams,

**COMPLAINT**

I have not had a reply yet to my complaint at Reference A. I now wish to add to these complaints;

1. At the planning committee for 2 West Street, on 13 January 2010, Councillor Sparshatt instructed the assistant City Planning Officer to immediately commence enforcement proceedings to replace the obscure glass screen. It would appear that these proceedings have not started yet. Why not?
2. Councillor Sparshatt also asked the Chair of the planning committee to initiate an investigation into planning officers lying and providing false information to planning committee. He also requested that Councillor Hancock, portfolio holder for planning, should also attend this investigation. In my letter to you at Reference A, I offered to attend this investigation and provide the proof that planning officers had provided false information to planning committee. Why has this investigation not yet been called?

I also provided evidence that the owner of 2 West Street had not been made bankrupt as had been stated by both the enforcement Officer and planning officers at planning committee.

Now I am providing more evidence of corruption by planning officers. At enclosure 1 you will see that the owners of 2 West Street, as of 14 January 2010, were Mr and Mrs Gallier and the mortgage holder, Barclays Bank. It would seem that the mysterious Professor Woodiwiss from South Korea may not even exist; he was certainly not the owner of the property on 14 January 2010, the day after the last planning committee.

I have now provided enough hard evidence of planning corruption, and accused both you, Head of Paid Service and Mr Lawther, Monitoring Officer, of dereliction of duty, in failing to investigate properly these serious allegations of fraud by council.

officers (I now hold as a result of Freedom of Information requests) correspondence between council officers and the mysterious Professor Woodiwiss.

It is not my responsibility to call in the police to investigate these corruption allegations; it is the responsibility of both the Monitoring Officer and you. I trust that you will now carry out a full investigation into these allegations of planning corruption which are clear and detailed and in the meantime I have still not received your promised reply Reference B to my letter at reference A.

Corruption does not necessarily entail the receiving of bribes; it encompasses lack of impartiality by public servants, particularly in areas where members of the public may benefit or lose out financially – planning. Providing false information to planning committee by planning officers, to the advantage of the applicant and the disadvantage of objectors, is corruption.

Thank you for your attention.

Yours sincerely,

Keith Edmunds

Enc.

C.C. Councillor Mike Hancock CBE MP

Mr Keith Edmunds  
23 Broad Street  
PORTSMOUTH  
Hampshire  
PO1 2JD

Date: 19 November 2009

**Cllr Mike Hancock CBE MP**

Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Phone: 023 9282 2251

Email: [cllr.mike.hancock@portsmouthcc.gov.uk](mailto:cllr.mike.hancock@portsmouthcc.gov.uk)

My Ref: MH/PC

Dear Mr Edmunds,

Thank you for your latest letter dated 18 November 2009. I can assure you that the information you have made available to me has been passed on to the relevant officers and I have asked them to investigate it. I do not think it is correct for you to wait till after the Council investigation. You made some very serious allegations of deliberate corruption and malpractice by officers of the Council and that should be handed, with your evidence, to the police, as soon as possible. I certainly believe that you have made sufficient allegations and that they need to be properly investigated by the police because what you are suggesting is that there was corruption of a criminal nature and that is a matter for them.

I look forward, therefore, to hearing from you that you have raised this matter and have asked for all your evidence to be put before the police. If they believe it is serious enough, I am sure they will carry out an investigation. As I have already told you, the matters you have raised have been put to the City Council and they are in the process of addressing them. When I get a response, I will, of course, come back to you.

Best wishes

Yours sincerely



COUNCILLOR MIKE HANCOCK

CC Michael Lawther, City Solicitor

Councillor Mike Hancock CBE MP  
Liberal Democrat  
Fratton Ward  
Cabinet Member for Planning,  
Regeneration and Economic  
Development

Constituency Office: 1A Albert Road, Southsea, PO5 2SE  
Phone: 023 9286 1055 Fax: 023 9283 0530  
London Office: 020 7219 1102 Fax: 020 7219 2496

Advice Centre:  
Mondays 5.45 pm onwards at the City of Portsmouth Girls' School no  
appointment necessary (except August and public holidays) or  
Saturdays by appointment at 1A Albert Road, Southsea, PO5 2SE

23 Broad Street  
Portsmouth  
Hampshire  
PO1 2JD

Councillor Mike Hancock CBE MP  
1A Albert Road  
Southsea  
PO5 2SE

18 November 2009

Dear Councillor Hancock,

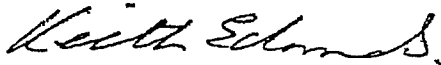
Reference: MTH/CT/11162 dated 16 November 2009

Thank you for your letter at reference. It has always been my intention to take my allegations of planning corruption to the police. In the meantime, I have provided enough evidence both in the past and currently about facts being misrepresented to planning committee by planning officers, including the most recent one of 11 November 2009. Misrepresentation of facts to a legal body, making judgement about a planning application, in this case, creates false advantage for the applicant and disadvantages the objectors; this is malfeasance in public office and corruption.

Portsmouth City Council has an active anti fraud and corruption policy and, I believe an anti fraud and corruption unit. It is Portsmouth City Council's statutory duty to fully investigate these allegations of planning corruption. I ask that as my Member of Parliament and the Councillor with portfolio for planning, that you insist that a full investigation be carried out by this anti fraud and corruption unit without fear or favour into my allegations of corruption. I have provided enough evidence already about this corruption, but will be happy to co-operate further with the investigation should they think it necessary. I further ask that they forward their report, once complete, to you, and then, you pass it on to me with your comments. At this stage, I will then make a formal complaint to the police.

Thank you for your attention.

Yours sincerely,



Keith Edmunds

Title Number : HPS11912

This title is dealt with by Land Registry, Portsmouth Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy.

This extract shows information current on 14 JAN 2010 at 15:08:04 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

|                     |  |
|---------------------|--|
| Title Number        | : HPS11912   |
| Address of Property | : 2 West Street, Portsmouth (PO1 2JW)  |
| Price Stated        | : £350,000   |
| Registered Owner(s) | : TIMOTHY JOHN GALLIER and CAROLYNE BEATRICE GALLIER<br>of 2 West Street, Old Portsmouth, Portsmouth PO1<br>2JW. |
| Lender(s)           | : Barclays Bank PLC  |