

## **The Ombudsman's final decision**

Summary: We will not investigate this complaint about the Council's decision to allow a written representation to remain on its planning portal. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. The complaint is late, and it is not unreasonable to expect the complainant to have come to us much sooner.

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## **The complaint**

1. The complainant, I shall call Mr X, complains the Council refused to consider the points he made when requesting that an objection to his planning application be removed from the planning pages on its website.

## **The Ombudsman's role and powers**

2. The Local Government Act 1974 sets out our powers but also imposes restrictions on what we can investigate.
3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended)

## **How I considered this complaint**

4. I considered information provided by Mr X.
5. I considered the Ombudsman's Assessment Code.

## **Final decision**

6. We will not investigate Mr X's complaint because the Council provided its final response to his complaint in November 2021. This included a reference to his right to complain to the Ombudsman. Mr X did not contact us until October 2023. In accordance with the requirement detailed at paragraph three above, his complaint is therefore late.
7. I will not exercise discretion and investigate this late complaint as I have seen no reason why Mr X could not have complained to us much sooner.

## **Investigator's decision on behalf of the Ombudsman**