

## Recommendations list and updates

| No | Recommendation  | Update  |
|----|---|---|
| 1  | <p>The Council must consider the report and confirm within three months the action it has taken or proposes to take.</p> <p>The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this.</p> | <p>Report to Audit &amp; Scrutiny Committee on the 14<sup>th</sup> November 2023.</p>   |
| 2  | <p>Apologise to Ms X for the faults identified and the impact those faults had on her.</p>  | <p>Completed.</p>   |
| 3  | <p>Create an action plan to investigate all outstanding planning, environmental health, and licensing issues without delay, and decide if the Council should take any enforcement action. It should share a copy of this plan with us.</p>  | <p>Action Plan developed.</p> <ol style="list-style-type: none"> <li>1. Environmental Health – Following a series of site visits the Council has been unable to obtain any evidence to substantiate the allegations of nuisance. The Council have advised Ms X and of her right to take her own action under Section 82 of the Environmental Protection Act 1990.</li> <li>2. Licensing – Reviewing allegations made relating to licensable activities and or licence conditions.</li> <li>3. Planning – New applications submitted or being submitted all other matters resolved.</li> </ol> |

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| 4  | <p>Assign a single point of contact for Ms X.</p> <p>They should meet with Ms X to discuss her concerns and:</p> <ul style="list-style-type: none"> <li>- explain the procedures the Council will follow to investigate the issues;</li> <li>- agree how often it will keep Ms X updated of progress; and</li> <li>- ask Ms X when the reported issues are at their worst.</li> <li>- It should then properly consider what days and times it should visit Ms X to monitor the issues, and how often.</li> </ul> | Completed. |
| 5  | Pay Ms X a total of £3,450.  | Completed. |

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| 6  | <p>Write to any other residents who made similar complaints or alleged nuisance reports about the restaurant from 2021 onwards, explaining we identified fault with how it investigated complaints about the restaurant. It should invite them to complain via the Council's complaints procedure within three months if they want to do so. For any complaints received, the Council should properly investigate and remedy any injustice in line with our findings in this case, Final report 4 adjusting as appropriate based on the injustice compared to that experienced by Ms X. It should direct any other complainants to us if they are not satisfied with it's complaint response.</p> | <p>Completed.</p>   |
| 7  | <p>Review its arrangements for collaborative working between its environmental health, licensing, and planning teams and ensures a clear process is in place for environmental health consultation on planning applications.</p>  | <p>Review ongoing due to be completed by 30<sup>th</sup> November 2023.</p> |

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| 8  | <p>Review its environmental health enforcement and statutory nuisance policies, in consultation with the planning team where needed, to address the faults we have identified. In carrying out this review it should ensure the new policy sets out:</p> <ul style="list-style-type: none"> <li>- a clear process, with timescales, for investigation of all statutory nuisances (not just noise), and licensing breaches;</li> <li>- how the Council will consider how often and at what days/times it should visit to monitor reported issues; -</li> <li>- expectations for regular communication with complainants including clearly communicating investigation outcomes in writing;</li> <li>- the threshold at which the Council will refer repeated nuisance complainants to its complaints procedure;</li> <li>- the threshold at which the Council will make complainants aware of their right to take private action against an alleged nuisance via the Magistrates' Court under section 82 of the Environmental Protection Act 1990;</li> <li>- how the Council will keep records of its considerations and decision making.</li> </ul> | Completed. |

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| 9  | Issue reminders to relevant staff involved in the Council's corporate complaints procedure about the importance of properly responding to all issues raised by a complainant;   | Completed.   |
| 10 | Share a copy of our final report with: <ul style="list-style-type: none"> <li>- all relevant staff across environmental health, licensing, and planning teams;</li> <li>- A committee with responsibility for the relevant issues, to reflect on the lessons learnt.</li> </ul> | Completed.<br><br>To be reported to A&S Committee on the 14 <sup>th</sup> November 2023. |