

**THE MINUTES OF THE MEETING**  
**OF THE DISTRICT COUNCIL OF EASINGTON**  
**HELD ON THURSDAY 5 FEBRUARY 2009**

Present: Councillor R. Taylor (Chair)

Councillors Mrs M Baird, E. Bell, B Burn,  
A Burnip, A Collinson, Mrs E M Connor,  
R Crute, R Davison, Mrs S Forster,  
J Haggan, G Johnson, Mrs J Maitland,  
D Milsom, D Myers, A Napier, Mrs A Naylor,  
G Patterson, G Pinkney, M Routledge,  
F Shaw, T Unsworth and C. Walker

1. **THE MINUTES OF THE MEETING OF THE DISTRICT COUNCIL OF EASINGTON** held on 8 January 2009, a copy of which had been circulated to each Member, were confirmed.
2. **THE MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE** held on 7 January 2009, a copy of which had been circulated to each Member, were submitted.

**RESOLVED** that the decision taken, be noted.

3. **POLLING PLACES REVIEW – CHANGES TO POLLING PLACES**

Consideration was given to the joint report of the Head of Democratic Services and Polling Places Working Group which sought approval to change current polling places in a number of wards, a copy of which had been circulated to each Member.

The Head of Democratic Services reported that local authorities were required to divide their areas into polling districts for the purpose of parliamentary elections, to designate polling places for these polling districts, and to keep these under review.

The last review was carried out during the latter part of 2007 and since that review changes had taken place in relation to some premises used as polling places. Alternative arrangements had been considered and agreed by the Polling Places Working Group, details of which were set out in the report.

The proposed changes would be made available to the public.

**RESOLVED** that the new arrangements for polling places in Dawdon, Murton East, Murton West, Passfield, Seaham North and Thornley and Wheatley Hill Wards, be approved.

4. **OMBUDSMAN REPORT ON A PLANNING ISSUE**

Consideration was given to the report of the Executive Member for Regeneration on the outcome of a complaint to the Ombudsman on a planning issue, a copy of which had been circulated to each Member.

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The Head of Planning and Building Control reported that the complaint referred to had been made by the occupant of a former farmhouse, living adjacent to a number of barns that were being converted to residential use. The complaint related to three issues which were outlined in the report.

After a full investigation the Ombudsman issued a report on 12 December 2008 which concluded that the Council had acted with maladministration causing injustice in its decision to accept extensive demolition of the barns and new buildings without requiring a new planning application which it would have dealt with in accordance with its policies, and in failing to effectively implement its intention to prevent traffic from using the original access and passing close to the complainant's home.

The Ombudsman also concluded that the Council did not act with maladministration in the way it dealt with the drainage and sewerage issues.

In recommending a remedy, the Ombudsman recognised that the Council had sought to resolve the issue of the access road by making a new, further planning permission subject to legal agreement, restricting the use of the original access road. The Ombudsman concluded that this was a satisfactory attempt to remedy the injustice of the disturbance caused by the maladministration. The principal cause of the disturbance to the complainant was the developers decision, on occasion, to ignore the new alternative access and use his existing rights over the original access.

The Ombudsman therefore recommended that the Council should send a copy of the completed legal agreement to the Ombudsman, pay the complainant £500 in recognition of the time and trouble in pursuing the complaint, and produce guidance and train Officers to assess technical documents such as the consultant's report on the structure of the barns that was submitted with the planning application.

A copy of the Ombudsman's report was attached at Appendix 1 and a notice had been published in two local newspapers on 22 December 2008 in accordance with Section 30 of the Local Government Act 1974.

The Ombudsman's findings and recommendations were accepted for the reasons outlined in the report. The planning service had continued to work with the applicant and the complainant to resolve the outstanding issues on site, and a number of procedural changes had been introduced as a result of the case and in response to the Ombudsman's findings. These would help to ensure that the problem did not reoccur and were set out in paragraph 4.4 of the report for Members consideration.

### **RESOLVED** that

- (a) the Ombudsman's report, conclusions and recommendations, be accepted;
- (b) the complainant be paid £500 in recognition of the time and trouble taken in pursuing the complaint;
- (c) a copy of the completed legal agreement be sent to the Ombudsman;

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- (d) the actions outlined in paragraph 4.4 of the report be developed to ensure that better procedures are in place to determine and control barn conversions, and to process planning applications in general.

**6. TO SEAL DOCUMENTS**

**RESOLVED** that the action taken in affixing the Common Seal to documents numbered 19881 to 19893, as listed in the Council's Seal Register, be endorsed.

JE/CB/COM/DIST/090103  
10 February 2009