

24 October 2018

Mr Ljubisa Cvetkovic
10 Bramcote Close
Bedworth
CV12 9LA

Complaint reference: NBCF91865340

Dear Mr Ljubisa Cvetkovic,

Thank you for contacting us on 15 October 2018 regarding: Breach of councils constitution.

We are sorry that you have had reason to complain.

We have investigated your concerns fully and can provide the following response:

I have considered your complaint and have discussed the content of both your complaint and my reply with the Council's Monitoring Officer.

I should begin by explaining that the Council's Constitution relates to the conduct of officers and Councillors in their official capacity; and their public behaviour. It does not extend to political discussions in private meetings.

Most of the statement made by Mr Margrave relates to private political meetings and conversations held at such meetings. As such there cannot be a breach of the Council's Constitution. In addition, because officers are excluded from political discussions, I am unable to comment further on the content. As you suggest in your letter, these are matters that should be directed to the Labour party.

I can, however, comment on some of the points that you have raised. I have addressed these below:

1. Mr Margrave expressed the opinion that the draft Borough Plan was not evidence based. It is a legal requirement of the planning process that the Borough Plan must be evidence based. As you are already aware, a substantial body of evidence has been prepared, much of it commissioned from external independent experts. Officers have based all their recommendations throughout the lengthy process on that evidence. This evidence base has been kept up-to-date, as required by the relevant legislation. The draft Borough Plan and the whole of the evidence base has been published and submitted to the Government's Planning Inspector for examination. The public, developers, pressure groups, statutory bodies and neighbouring Councils have been afforded the opportunity to raise concerns with the Planning Inspector. It is a legal requirement for the Planning Inspector to consider the evidence base and whether the draft Plan is consistent with it. The Inspector held preliminary meetings to consider this specific requirement and concluded that the evidence base did support the plan. Mr Margrave is clearly incorrect with his assertion.

2. Mr Margrave suggested that two or three plans were presented by officers. This is incorrect. The correct approach is to prepare options for consideration, at what is known as the Issues and Options stage of the plan making process. From this, more specific options are considered and compared against the evidence base. At each stage of the process, the options are tested by means of a Sustainability Appraisal. This may prompt further changes to the options. Ultimately, the options are refined into what is known as the Preferred Option. I am unable to comment specifically upon the details of Mr Margrave's statement. However, it is entirely legitimate and correct for alternatives to be under consideration by politicians.

3. No decisions have been made behind closed doors. All decisions were taken in public at meetings of the Cabinet and/or Council. All decisions were supported by reports of officers, with clear recommendations. The reports were based upon the evidence and the professional standards of independence and evaluation required of the officers by the Council's Head of Paid Service and the Royal Town Planning Institute.

In summary, I can find nothing to substantiate Mr Margrave's assertions beyond that which is required by the plan-making process. Accordingly, I cannot uphold your complaint.

We trust that this has resolved your complaint and addressed all of your concerns. However, if you are dissatisfied with your response, your case can be escalated to stage two of our complaint procedure.

You will need to contact customer services or log in to the self portal within 30 days to escalate your case. A senior manager will then review your case and we aim to resolve escalated complaints within 10 working days.

We would like to thank you for taking the time to let us know about the issues you have raised. It is important that the customers who use the Council's services are able to comment on them, so that we can continually improve the services that we provide.

Yours sincerely,

Ian Powell
Lead Investigator