

APPEALS PANEL 3

WEDNESDAY 21 DECEMBER 2016 AT 10.00AM

PRESENT: Councillors Collier (Chairman), Bomford and Williams (as substitute for Councillor Franklin).

OFFICERS: Corporate Director of Governance and Regulatory Services
Regulatory Services Manager

ALSO

PRESENT: Appellants

APP3. 06/16 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Franklin.

APP3 07.16 DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the complaint.

APP3 08/16 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

APP3 09/16. COMPLAINT AGAINST ENVIRONMENTAL HEALTH

The Chairman welcomed the Appellants and introduced them to the Panel.

The Chairman asked the Appellants to summarise their appeal as clearly as possible.

The Appellants explained that they owned and resided at property A which was a seventeenth century Listed Building. Property B neighboured property A, and the two properties were similarly named. The owners of property B had commenced a business operation at their property and in so doing had registered a business trading name with the Council through the submission of an Application for the Registration of a Food Business Establishment to the Council's Environmental Health Services.

The Appellants felt that the Council's Environmental Health Services' acceptance of the proposed business name had provided validation of the business name. The inclusion of the business name into the Environmental Health Services database had caused the name to be fed out across the Council and to other public agencies and information services, for example: the Local Land and Property Gazetteer (LLPG); Google Maps; the

Ordnance Survey; utility companies, and credit referencing agencies. The circulation of the business name data had caused a variety of problems for the Appellants, including; patrons of the business mistaking the Appellants' property for property B; deliveries meant for the business being received at the Appellant's property, and misdirected mail.

The Appellants contended that prior to registering a new business name, the Council's Environmental Health Services should have consulted with the relevant Naming and Numbering service, to identify if any properties in the vicinity were similarly named, and were any found, the Council should not have accepted the proposed business name.

The Appellants had provided a number of submissions to the Panel to illustrate the use of the trading name of property B on a variety of websites, which they explained for the benefit of the Panel. In addition to the issues outlined above, the Appellant's noted that the address for their property was recorded differently across various departments within the Council.

In response to questions from Panel Members, the Appellants clarified the following:

- That the address of property B had not been amended, but a business trading name had been registered at the property;
- They had experienced problems prior to the business operation at property B, for example, incorrectly addressed utility bills;
- They had altered the name of the dwelling (property A) in the past;
- The two properties had been given individual postcodes;
- The use of the postcode for property B in a satellite navigation system did direct motorists to Property B.

In conclusion the Appellants felt that the Environmental Health team's acceptance of the business trading name at property B had led to the trading name being legitimised with the name subsequently being fed out to other public bodies. The Appellants requested the Council looked at the records it held of their address and ensured that it was the same across all departments, and that a procedure or policy be implemented to manage the registering of business trading names.

The Chairman thanked the Appellants for their input and advised that he would be informed by letter within 20 working days of the Panel's decision. If the appellants were not happy with the decision their next course of action would be to take the complaint to the Local Government Ombudsman, details of which would be included in the letter.

The Appellants left the meeting at 11.16 am

The Corporate Director of Governance and Regulatory Services and the Regulatory Services Manager were invited to the meeting.

The Chairman summarised the Appellants' complaint and invited the Officers to respond to the issues raised.

The Corporate Director of Governance and Regulatory Services explained that the issue identified in the Corporate Complaint by the Appellant's, which Officers in the Governance and Regulatory Services had dealt with, related to the naming of a food business. He noted that the Appellants' submission to the Panel and the Chairman's summary indicated that the issues raised had gone beyond the scope of the Corporate Complaint that Members were required to determine.

The Corporate Director of Governance and Regulatory Services explained that following the receipt of an application to Register a Food Business Establishment the Council was obliged to register the business with the name put forward by the applicant. He referred to correspondence included in the document pack which had been sent to the Appellants which explained this point, and that Trademark/Copyright issues regarding name ownership was a matter for those holding the relevant registrations to address, not the Council.

In terms of the data population of systems such as LLPG and GIS, the Corporate Director of Governance and Regulatory Services advised that the Council did input address information into those systems, via, for example, Building Control and Land Charges. He confirmed that the data stored was used by other organisations, however, the information contained in those systems was not provided by Environmental Health Officers. Were the Council to be advised of incorrect data being input on to the LLPG, it would take action to correct it.

The Naming and Numbering service related to properties and premises, it did not apply to the registering of a business name. Regarding the variation of postcodes, that was a matter for the Royal Mail, and was not an area the Council had any jurisdiction over.

In response to a question from a Member regarding the data population of the LLPG, the Regulatory Services Manager advised that issue did not pertain to the Corporate Complaint regarding Environmental Health, however, he understood that those issues were being addressed separately, by the relevant department.

The Regulatory Services Manager stated that to his knowledge no problem had been identified with correspondence from Officers in Environmental Health with either the Appellants or the proprietors for property B.

The Panel thanked the Officers for their input and they left the hearing at 11:45am

The Panel then considered the presentation from the Appellant and the evidence that had been presented to them, prior to and during the hearing and:

Resolved: That the appeal not be upheld as Officers had acted within the relevant procedures and that the Council did not have the authority to amend data held by external organisations.

(Meeting closed at 11:55am)