

Quarter 3 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

Complaints

Summary of Complaints in YTD	Q1	Q2	Q3	Q4	YTD	2016/17 Target
Number of Complaints Received in Quarter:	2	4	2	-	8	<20
Percentage of complaints dealt with in accordance with agreed deadline of 20 working days	50%	100%	50%	-	75%	90%
Number of Complaints in Quarter regarding an Authority Member:	0	0	1	-	1	-

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome	Any Change in Processes/Practices as a Result of Complaint Investigation
C.423 30/11/16 Member	<p>Complaint that a Member had:</p> <ul style="list-style-type: none"> Failed to take action on unauthorised development to gain a personal advantage Misused their position by influencing the outcome of planning applications for personal gain. <p>There was also a suggestion in the complaint that there were irregularities in the appointment process for the Member concerned.</p>	<p>Acknowledgement: 15/11/2016</p> <p>Response: 5/12/2016</p>	<p>Decision: No further action to be taken as there was no evidence to suggest that there has been a breach of the Code of Conduct, and as such the complaint did not warrant an investigation.</p>	<p>As part of the Initial Assessment, the Monitoring Officer and the Independent person looked at the Protocol on Planning Development and Planning Policy in relation to the process for dealing with planning applications from Members and their relatives.</p> <p>Following discussion it was agreed that paragraph 14(a) of the Protocol be amended to make it clearer that the requirement for Members to notify the Director of Conservation and Planning and the Monitoring Officer also applies to applications by anyone who is defined as a "relevant person" under paragraph 18(3) of the Member Code of Conduct.</p> <p>It was also agreed that for consistency future notifications from Members should be made using a prescribed form like the one used by Officers to declare their interest in planning applications.</p>
C.424 28/09/16	Planning	28/11/16	This complaint was not justified; the Director of	None required.

<p>Stage One</p>	<p>Complainant requested planning procedure be investigated and explanation of how, why and following which Peak Park planning policies planning decisions were reached regarding a neighbouring property.</p>	<p>Complaint not immediately registered on receipt due to historical nature of complaint and time taken to verify, with Complainant, the expected outcome of the complaint. Planning officer offered to meet Complainant to discuss but this was not taken up.</p>	<p>Conservation & Planning had undertaken a thorough review of the case and considered that the decisions to serve and then withdraw the enforcement notice, and not to take action over the grain silos and the access works, were made correctly and in good faith. He also concluded that the officers at the time followed the Authority's procedures for making such decisions.</p>	
------------------	--	--	--	--

Update on Complaints Reported in Previous Quarters

<p>Complaint Ref, Date Made and Stage</p>	<p>Service and Reason for Complaint</p>	<p>Date Response Sent</p>	<p>Outcome</p>	<p>Any Change in Processes/Practices as a Result of Complaint Investigation</p>
<p>C.420 14/09/16 Stage One C.421 22/09/16 Stage One C.422 22/09/16 Stage One All 3 complaints reported in</p>	<p>Planning Complaints alleging that a fraudulent document was posted on the Authority's website with regard to a planning application.</p>	<p>Complaints under Anti-Fraud and Corruption Policy - Final response sent on 20/10/16 following receipt of the internal audit report.</p>	<p>Audit Report received which concluded that:</p> <ul style="list-style-type: none"> • There was no evidence to suggest that any inappropriate action has been taken by an employee of the Authority or that the planning application had been processed any differently to others; • The Authority was unable to determine the origin of the two false web site representations; • There was evidence of fraud by false representation and as this could constitute a criminal offence it should be reported to the police. <p>In accordance with the audit recommendations this</p>	<p>Now the police investigation has ended the investigation demonstrated that the current process for submitting comments on planning applications through the website had allowed false submissions to be made as it did not include a facility to verify the authenticity of submissions.</p> <p>However the audit report concluded that this problem was not specific to the Authority and it would be impractical to verify the authenticity of every representation received for every planning application.</p> <p>It suggested that by publishing all representations received there was an opportunity for any interested party to review representations and as happened in this</p>

Quarter 2			<p>matter has been referred to Derbyshire Police for investigation.</p> <p>On 19/12/16 Derbyshire Police confirmed that the applicant had been interviewed and, despite previous denials, had admitted to submitting a false representation using the Authority's website and had received a Police Caution for the offence of fraud by false representation.</p>	<p>case contact the planning authority prior to the determination of the application to ensure any false representations are not considered as part of the decision making process.</p> <p>It has been agreed that the Anti-Fraud and Corruption Policy will be amended to clarify how allegations of fraud and corruption will be progressed.</p>
-----------	--	--	---	--

Quarter 3 Report on Freedom of Information (FOI) and Environment Information Regulation Enquiries (EIR)

Quarter	No. of FOI Enquiries dealt with	No. of EIR Enquiries dealt with	No. of Enquiries dealt within time (20 days)	No. of late Enquiry responses	No. of Enquiries still being processed	No. of referrals to the Information Commissioner
Q1	9	15	23	1	3	0
Q2	14	8	20	2	2	0
Q3	5	7	12	0	0	0
Cumulative	28	30	55	3	5	0