

APPENDIX 3: Quarter 4 Report on Complaints and Freedom of Information (FOI) and Environmental Information Regulations (EIR) Enquiries (1 January to 31 March 2017)

Summary of Complaints in Year To Date	Q1	Q2	Q3	Q4	YTD	2016/17 Target
Number of Complaints Received in Quarter:	2	4	2	5	13	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	50%	100%	50%	100%	85%	90%
Number of Complaints in Quarter regarding an Authority Member:	0	0	1	0	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.425 12/01/17 Stage One	<p>Planning</p> <p>Complaint to Ombudsman alleging:</p> <ul style="list-style-type: none"> The planning authority has not completed enforcement action following an enforcement notice served on a neighbouring farm The planning authority has granted retrospective planning permission for buildings at another nearby farm which is untidy and an eyesore The planning authority has granted retrospective planning permission for several developments in the district where whole developments have been completed. 	Not required	The Ombudsman decided not to investigate the complaint about a lack of enforcement action as the Ombudsman has previously decided to discontinue an investigation on this matter. Also the Ombudsman decided not to investigate the complaints about the use of retrospective planning applications to regularise breaches of planning control in the district as the Ombudsman did not consider the Complainant had suffered significant personal injustice as a result.	None required

<p>C.426 13/01/17 Stage One</p>	<p>Policy and Communities</p> <p>Complaint regarding a S106 agreement which includes a 'Bakewell Parish Clause' on a house for sale therefore prohibiting the Complainant from purchasing. States that the National Park's definition of "strong local connection" should be revised to include those who have worked/ gone to school in the Peak District and that the "Derbyshire Clause" on housing specifically addresses those who are in the Armed Forces, consenting them to reside in Derbyshire even if they don't meet another aspect of the clause.</p>	<p>20/01/17</p> <p>Within 15 working day deadline</p>	<p>Explained background to and development of policies and that "Bakewell Parish Clause", doesn't actually exist. It is sometimes referred to as the Derbyshire clause, but this is something that only applies to former council houses and is not imposed by the Authority. Explained occupancy conditions and reasons for them and that there is scope to review approaches and consider personal circumstances including armed services within the definition of need. This point was considered in an earlier consultation on development management polices but the final view was there could be a wide range of additional interests so our policy was linked more closely to the definition of social housing need in the Housing Acts. Advised that could log the complaint letter as a response to the current Development management policies consultation so that the points can be represented more fully through that process (NB this has now been done) and that Complainant could formally apply to vary the occupancy requirement, setting out the case for doing so. This would then be dealt with through the planning process in the normal way.</p>	<p>None required.</p>
<p>C.427 09/02/17 Stage One</p>	<p>Planning Service</p> <p>Complaint regarding actions of an officer with regard to enforcement issues</p>	<p>28/02/17</p> <p>Within 15 working day deadline</p>	<p>Complaint not justified. There is no evidence to support the allegations made against the officer; in contrast the officer's conduct has been discreet, professional and fair. Discussions with the occupier have been conducted in good faith as the occupier at no time revealed she was not the owner. Throughout all the enforcement issues that have been raised, the officer has acted in a completely impartial way.</p>	<p>None required.</p>

<p>C.428 07/03/17 Stage One</p>	<p>Visitor Experience Development</p> <p>Complaint regarding increase in abseiling fees.</p>	<p>08/03/17</p> <p>Within 15 working day deadline</p>	<p>Explained the Authority was reviewing costs of providing facilities, including abseiling points, to determine whether they could be self-sustaining. The charging basis for use of the abseiling facility was cost recovery only with discount applied to non-commercial users and infrequent users. The Authority is not making a profit and licence fees received will contribute towards providing the facility in the future. The bridge used for abseiling is an integral part of the trails network and would not exist in isolation so it is relevant to consider the wider costs as well as those directly attributed to the specific bridge. Will review how the new system is working towards the end of 2017 and any comments received from users throughout the year will be considered at that time to see if any adjustments are needed.</p>	<p>None required.</p>
<p>C.429 10/03/17 Stage One</p>	<p>Legal & Democratic Services</p> <p>Complaint alleging lack of objectivity and transparency in the handling of application for a Certificate of Lawful Development. Also alleges that defamatory material submitted by third parties has been published on the Authority's website. Expresses dissatisfaction with the way that deadlines for actions were given and managed by the case officer and alleges that the Authority's handling of the application contravenes its Code of Corporate Governance. Further allegation received of unreported communication between Authority and third parties.</p>	<p>30/03/17</p> <p>Within 15 working day deadline</p>	<p>Refuted allegations. Explained the reasons for the consultation deadline extension was based on evidence and specific queries to 2 consultees. Explained that any member of the public is entitled to comment on an LDC application, and has the chance to produce evidence either to support or to contradict what is said and any comments made on the application must be taken into account, although all evidence is given an appropriate weight. Also explained that it is sometimes necessary to make specific enquiries of the Applicant or third parties, to clarify evidence. Stated that the consultees were given from approximately 31/01/17 to 20/02/2017 to respond to the consultation, not three months and that if the Complainant would like more time to respond to the consultees' responses then it is open to them to agree that with the case officer. Although Complainant feels strongly that some of the consultees evidence is not reliable, false or</p>	<p>None required.</p>

			<p>misleading cannot see how this can be a cause for complaint against the Authority, especially as all the responders have previously indicated that they are willing to give their evidence on oath. The Authority is not aware of any problems in accessing Core Document Library on the website, an email has now been redacted, explained why file notes requested were not available, that Authority policy is to remove personal data from documents as a matter of course and there is no evidence of non-redaction. The Complainant could also redact information before submitting it to the Authority. The Authority will do its best to notice any personal information in submitted documents, however, where large amounts of material are being handled it is difficult to spot small comments. Confirmed that all consultation letters and responses have been published. Do not consider that any "bias" or unfairness to Complainant has been shown, or that a further opportunity for comments was given beyond the 20/02/17. With regard to the non-recording of site visits, telephone calls etc., these are not routinely done for every call. With regard to deadlines, all parties to the application have been late with submitting evidence, and continue to do so. There are no absolute deadlines, they are dates given by the case officer on a case by case basis. The Authority does its best to accept as much evidence as it can, even at a late stage in the process, and the Complainant has benefitted from this approach to a much greater extent than the consultees.</p>	
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Updates on Complaints Reported in Previous Quarters

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.419 26/01/17 Ombudsman Stage Two reported in Quarter 2.	<p>Planning Service</p> <p>The complaint alleges that the Authority has not enforced planning conditions on a caravan site opposite the Complainant's property</p>	<p>23/02/17</p> <p>Within Ombudsman's deadline.</p>	<p>Ombudsman Decision: There is no fault in the Authority's response to complaints about changes to a caravan site. The Authority has investigated and decided the development is authorised by the existing planning consent. One small alteration is not authorised, but the Authority has reached a view without fault that it is not expedient to take enforcement action.</p>	<p>None required.</p>
C.424 31/01/17 Ombudsman Stage One reported in Quarter 3.	<p>Planning Service</p> <p>Complaint about the process followed by the Authority when it granted a planning application submitted by Complainant's neighbour. Complainant alleges the Council did not tell them about the application despite being the closest neighbour. The Complainant alleges only one site notice was displayed for a short period of time and that the Parish Council was not notified of the application.</p>	<p>28/02/17</p> <p>Within Ombudsman's deadline.</p>	<p>Awaiting decision from Ombudsman.</p>	

Complaints Review

Since 2015, at Members' request, we have included a review and update on trends in complaints over the past 3 years in the Quarter 4 report.

Numbers of Complaints Received Over Last 3 Years												
Year	No of Total Complaints					No of Stage 1 Complaints		No of Stage 2 Complaints		No of Ombudsman Complaints		
Period 1 April to 31 March	Received	Withdrawn	Against Planning Service	Against Other Services	Against Members	Planning Service	Other Services	Planning Service	Other Services	Planning Service	Other Services	Members
2014/15	18	0	11	6	1	11	6	5	1	1	0	0
2015/16	14	0	8	5	1	6	5	1	1	2	1	0
2016/17	13	0	8	4	1	6	4	1	1	3	0	0

The following trends in complaints have been identified:

2014/15 – Planning Service: handling of planning applications, pre-application advice and length of time taken to take enforcement action.
Other Services: Actions of officers.

2015/16 – Planning Service: handling of planning applications, lack of enforcement action and actions of officers.
Other Services: Actions of officers

2016/17 – Planning Service: actions of officers, enforcement issues and handling of planning applications.
Other Services: No particular trends, complaints were all individual issues.

With regard to the number of complaints received, the reduction over the previous 3 years has continued this year and is shown in the table above. Of those complaints which were pursued to the Local Government Ombudsman, there have been no upheld complaints. As with last year's report within the Planning Service it is considered that part of the reason for the reduction in complaints is the greater focus on dealing with issues as soon as they arise, rather than allowing them to escalate into a formal complaint.

Quarter 4 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(April June 2015)	9	15	23	1	3	0
Q2 (July- Sept 2015)	14	8	20	2	2	0
Q3 (Oct – Dec 2015)	5	7	12	0	0	0
Q4 (Jan – Mar 2016)	3	6	8	1	0	5
2016/17	31	36	63	4	0	10
2015/16	43	29	66	6	17	0
2014/15	69	26	90	7	14	0