

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	2017/18 Target
Number of Complaints Received in Quarter:	3	3	3		9	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	100%	100%	100%		100	
Number of Complaints in Quarter regarding an Authority Member:	0	0	0		0	-

Complain t 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.436 04/10/17 Stage One	Development Management Stage One complaint alleging due process was not followed with regard to the handling of two planning applications and that this severely disadvantaged the Complainants.	24/10/17 Within 15 working day deadline	Stage One The detailed plans for both developments in 2016 were not uploaded to the Authority’s website until after they had been approved; it is not clear why this happened but they were uploaded as soon as the Authority was made aware of the problem. The Complainants had not seen the plans but had spoken to their neighbour and were not concerned about the proposed development however when they saw what was being built they did not think it was as described in the application. The Planning officer’s report clearly considered the impact of the building(s) on the amenity of neighbours, so the lack of a response or objection from the Complainants did not lead to this being overlooked in any way. The recent applications for the variations to the approved schemes were dealt with by the Planning Committee and in both cases the impact on the privacy and amenity of the Complainant’s property was dealt with in the Planning Officer’s report and in the slide presentation to the Committee. There was a detailed discussion about the proposal, its partially retrospective nature, and the potential impact on neighbours.	

24/11/17 Stage Two	<p>Complaint escalated to Stage Two on the following issues:</p> <ol style="list-style-type: none"> 1. Failure of officers to follow due process, in that during the original application process plans were missing on the website. Complainants disadvantaged in objection to application. 2. Failure of the planning officer to not view the site from Complainant's property when considering the original application in 2016 – resulting in an approved building that is overbearing and oppressive and in close proximity to Complainant's bedroom window, invading their personal space. 3. Failure to mention that the summer houses will be joined together in either the original application or the revised application – which resulted in the building being oversized not modest. 	15/12/17 Within 20 working day deadline	<p>The Planning Committee then approved both applications.</p> <p>Stage Two Apologised for the failure and lack of good service regarding the missing plans for one of 2 similar applications which were only uploaded when the matter was brought to the Authority's attention in June 2017. The complaint highlighted a risk in the system. Acknowledged that this failure hampered Complainant's ability to research the proposal details online; however sufficient information was available online for the other planning application which was very similar to inform their objection.</p> <p>The planning officer made a visual assessment of the potential impact of the proposal on neighbours and considered the potential amenity implications. Based on the officer's reports on the original applications and the revised applications and the discussion at Planning Committee, the Authority is satisfied that the decisions did take into account the potential impact of the proposed development on the neighbour's amenity, and the impact on the Complainant's amenity in coming to the decision to approve.</p> <p>Accept and acknowledge that the reports did not state the two proposed "summer houses" were joined, but the plans available for both proposals (original and the variation) clearly showed that each individual proposed development does adjoin onto a neighbouring development. The reports identify as a key issue whether the development conserves the appearance of the site and wider built environment. The Planning Committee in making its decisions on the revised planning applications included additional conditions removing permitted development rights for the summerhouses at both locations and to ensure that they remain ancillary to the dwellings.</p>	<p>Stage Two A weekly check of all applications on the web has been instigated to identify any issues, such as missing documents, at an early stage.</p> <p>The value in offering a wider context in planning reports has been discussed with planning officers for future consideration.</p>
C.437 01/11/17 Stage One	<p>Information Management Service</p> <p>Complaint regarding the Authority's tendering procedure and alleging</p>	09/11/17 Within 15 working day	<p>Complaint upheld as there were no details about the size limit for emails and message failure notifications were not sent, the Complainant was therefore unaware that their tender return had not been received by the Authority.</p>	<p>Tender process which was subject of complaint was withdrawn and a new tender process</p>

	that the following statement from the process had not been interpreted correctly: "There may be circumstances where proportionality may exceptionally require the late submission of a tender (for example where this results from a fault on the part of the Authority), but no such or other exceptional circumstances appear to apply in this instance."	deadline	However, it was not possible to consider the tender submission as the tender invitation stated that late tenders would not be considered and all tenderers are entitled to rely on that statement. The Authority is required to ensure that the principles of non-discrimination and equal treatment are applied to all tenderers. Therefore the current tender opportunity was withdrawn and a new tender opportunity commenced.	commenced. Staff who manage procurement exercises will be encouraged to provide appropriate guidance on the maximum size of documents which can be submitted electronically. The 10MB email limit is now highlighted on the website and in requests for quotes and invitations to tender.
C.438 23/11/17 Stage One	Development Management Service Complaint alleging the following regarding a planning issue: 1. Lack of response to correspondence 2. Non acceptance of non-material amendment application 3. No constructive dialogue regarding the issues of height and floor level 4. Recent correspondence received does not refer to any previous correspondence sent by Complainant after 2 May - this is unacceptable and unprofessional 5. A letter received in November takes no account of previous correspondence – this is unacceptable and unprofessional 6. Complaint thinks he is being	04/12/17 Within 15 working day deadline.	Responses made to points raised in complaint: 1. The officer considered that the substance of the matter was as he had set out in previous correspondence; he therefore did not respond to Complainant's letter of 2 May 2017. However, it would have been polite for Complainant to be advised of this, referring back to previous letters and apologised that this did not happen. 2. The amendments sought were materially different to what was originally permitted and would not have been within the scope of a non-material amendment in any case. 3. The officer invited the Complainant to meet him on site in November with an aim to resolve the situation and to work constructively to address the issues on site. 4. There is no record of a letter from the Complainant after 2 May 2017. The complaint indicated that this letter asked that the non-material amendment be reconsidered in the light of the Complainant's letter of 2 May 2017. While the reasons for constructing the	

<p>21/12/18 Complaint escalated to Stage Two</p>	<p>unduly victimised due to a planning issue on another site that his partner is dealing with. A planning officer is harassing his partner but ignoring complainant's letters - this is very inconsistent and unacceptable.</p> <p>Complainant unhappy with Stage One response.</p>	<p>Response due by 23/01/18 and will be reported in next quarter.</p>	<p>garage as it has been built may be set out in that letter, whether something could constitute a material amendment relates to how significant the amendment sought is, and how acceptable that amendment would be.</p> <ol style="list-style-type: none"> 5. See response in point 1 above. 6. Advised that the Complainant's case has no relevance to his partner's case. The officer referred to by the complaint has only telephoned Complainant's partner once regarding her case, since then another officer has been trying to contact Complainant's partner, regarding her case, and has written a letter. However as the Authority's caller ID is the same for all officers it may have been mistakenly assumed that the caller was the first officer. <p>Concluded that there is likely to be a solution available to remedy the breach and the Complainant has been advised to take up the officer's offer of a site meeting and take his advice about the best way to remedy this issue.</p>	
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Update 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
<p>C.431 06/09/17 Ombudsman</p> <p>Stage One and Stage Two complaints previously reported in Quarter 1. Receipt of Ombudsman complaint reported in Quarter 2.</p>	<p>Development Management</p> <p>Complaint referred to Ombudsman alleging: "The Authority accepted and approved a planning application which went against planning policies, as there were other sites which should have been considered and may have been more suitable rather than losing a greenfield site. The officer's report to the planning committee did not give enough detail for the Committee to reach a well-reasoned decision."</p>	<p>04/10/17</p> <p>Within 28 day deadline</p>	<p>The Ombudsman stated that the Authority followed the correct process to assess a planning application and properly considered the suitability of the site. The Committee had all relevant information to enable it to reach a sound decision. The Ombudsman closed the case on the basis there is no fault by the Authority.</p>	<p>None required.</p>
<p>C.435 18/09/17 Stage One</p> <p>Originally reported in Quarter 2 but before response deadline was due.</p>	<p>Strategy and Performance</p> <p>Complaint regarding the Complainant twice not being short listed for an Authority post, although the Complainant feels they have met all the criteria in the person specification.</p>	<p>29/09/17</p> <p>Within 15 working day deadline</p>	<p>Explained that Complainant was not short listed as they did not meet the first essential criteria on person specification, which was 'Education to degree level or equivalent in an appropriate environment based subject (geography, sustainability, environmental studies, environmental science or environmental management)'. When the HR office confirmed receipt of Complainant's application they were advised that 'Appointing officers will provide feedback to unsuccessful applicants on request'. If Complainant had taken the offer to obtain feedback on their first application they would have learned why the application did not progress to interview. In relation to the second application, the first essential criteria requirement remained the same.</p>	<p>None required.</p>

Quarter 1 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	8	10	18	0	2	0
Q2	3	4	7	0	2	0
Q3	5	10	15	0	2	0
Q4						
Cumulative	16	24	40	0	6	0