

## Quarter 4 2017/18: 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	5	14	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	100%	100%	100%	67%	92%	
Number of Complaints in Quarter regarding an Authority Member:	0	0	0	0	0	-

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.439 08/02/18 Stage One	Programme Delivery – MFFP  Complaint regarding the actions of an officer with regard to the operation of a contract.	Original deadline of 01/03/18 extended due to need for more information from Complainant.  Response to two allegations sent 16/03/18. Third allegation to be investigated further.	Complaint raised three allegations to be considered: <ol style="list-style-type: none"> <li>1. An officer used their position as a National Park employee to benefit a rival company;</li> <li>2. An officer threatened a principle contractor;</li> <li>3. A history of differential behaviour by an officer to different contract operators.</li> </ol> <p>The first allegation is not upheld and the Authority is confident that the officer acted reasonably and not conspiratorially with another party when made aware of an issue relating to registration of helicopters. The second allegation refers to an email and is not upheld. The email sets out the Authority's position with regard to a contract and the legal options open to the Authority, it was checked with another officer and a legal officer before being sent. The principle contractor did not have any concerns regarding the email.</p> <p>The third allegation is to be investigated further as part of a wider review of our relationships with our contractors and our helicopter working arrangements.</p>	None required.

C.440 09/02/18 Stage One	Development Management Service Complaint regarding actions of officers in planning issues	Original deadline of 02/03/18 extended to 09/03/18. Response sent 09/03/18.	Some of the issues raised related to historical planning applications and some to a current application. Confirmed that the current application was being handled in accordance with normal process and timings of process. Refuted allegations that an officer was using undue influence due to a former working relationship with the applicant and stated that the officer always worked within professional standards. With regard to a planning application made in 2013 advised that the decision was made on policy grounds and was robust, also as the permission was not implemented the conditions could not be enforced. With regard to the current application explained the process for reporting representations and responded to comments made concerning the Committee report. Stated that the Authority had already served enforcement notices in relation to the site and could enforce any new breaches. With regard to mislabelling of a barn on the Committee site plan stated that a number of Members visited the site prior to committee and were aware of its exact location and do not think that the mislabelling had any impact on the decision. Satisfied that officers reached a reasonable conclusion regarding impact on amenity and the overall impact.	None required.
C.441 09/02/18 Stage One	Development Management Service Complaint alleging inconsistencies in pre-application advice and how a planning application was subsequently considered.	05/03/18 3 working days over original deadline.	Response explained that pre-application advice was given within normal practice, without the benefit of a site visit, and was not legally binding as it did not take into account the views of statutory consultees. In the course of dealing with the then submitted application representations had raised concerns primarily about two issues, access across a neighbour's property and parking, which the case officer considered when making site visits. The officer who gave the pre-application advice had advised the Complainant to contact the Highway Authority for advice regarding parking which they did. Unfortunately the highway advice has not been considered acceptable. However as other residents have raised parking concerns the case officer and his Team Manager are endeavouring to visit the road at various times	None required

			<p>of day in order to make a proper assessment of the likely impact of the development in this respect.</p> <p>Accepted that amenity concerns raised by the case officer are contrary to the pre-application advice given and apologised for this. The Team Manager and case officer have been advised that the application should be assessed on this point in line with the pre-application advice.</p>	
<p>C.442 13/03/18 Stage One</p>	<p>Development Management Service</p> <p>Complaint concerning the following issues:</p> <ol style="list-style-type: none"> <li>1. Email trail published on the Authority's website relating to a planning application under 'General Correspondence' shows an officer's conduct as unsafe, unsound and unprofessional. Complainant alleges the officer was biased in favour of the application.</li> <li>2. Alleges the Authority was remiss in requiring the application to be considered by the Planning Committee before investigating the officer's conduct.</li> <li>3. Expresses concern about the behaviour of Members at the Planning Committee with regard to the planning application and that several Members prejudiced the consideration of this complaint by expressing their personal views about the officer.</li> </ol>	<p>Response due by 05/04/18</p>	<p>Will be reported in next Quarter.</p>	

C.443 21/03/18 Stage One	Development Management Service / Information Management Service  Complaint regarding handling of a planning application and a freedom of information request.	Response due by 12/04/18	Will be reported in next Quarter.	
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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
C.434  Ombudsman  (Stage One reported in Quarter 2)	Development Management Service  Complaint that the Authority is failing to carry out its statutory duty as the planning authority for the National Park area.	None required	The Ombudsman will not investigate the complaint that the Authority is failing to carry out its statutory duty as the planning authority. The Complainants have not suffered significant enough injustice over and above that of others who may pass by the site daily to justify the Ombudsman's involvement.	None required.
C.438 21/12/18 Stage Two  (Stage One reported in Quarter 3)	Development Management Service  Complaint relating to planning issues and Complainant unhappy with Stage One response. Alleges did not answer issues raised and a complete failing of public accountability, record keeping and serious questions regarding conduct of officers with regard to the 7 principles of public life.	Meeting held with Complainant on 01/02/18  Written response sent on 16/02/18	Director and Head of Service met Complainant on site to discuss issues and concluded it was very likely that, depending on the details of how the building was finished, would be able to agree a satisfactory scheme which included most of the work the Complainant had carried out. Agreed to look at plans and advise whether changes would need to be subject to an application to amend the planning permission.	None required.

## 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	Received	Withdrawn	Against Development Management (Previously Planning Service)	Against Other Services	Against Members	Development Management (Previously Planning Service)	Other Services	Development Management (Previously Planning Service)	Other Services	Development Management (Previously Planning Service)	Other Services	Members
1 April to 31 March												
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
2017/18	14	0	9	5	0	9	5	4	0	2	0	0

The following trends in complaints have been identified:

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 identified.

2017/18 – Development Management Service: handling of planning applications and actions of officers.  
Other Services: Actions of officers.

With regard to the number of complaints received, the reduction over the previous 4 years has been sustained 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 previous

year's reports 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 2017/18: 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	5	17	21	1	3	0
<b>Cumulative</b>	<b>21</b>	<b>41</b>	<b>61</b>	<b>1</b>	<b>9</b>	<b>0</b>