

Appendix 3: Quarter 1 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

Complaints

Summary of Complaints in YTD	Q1	Q2	Q3	Q4	YTD	2018/19 Target
Number of Complaints Received in Quarter:	4				4	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	83%				83%	
Number of Complaints in Quarter regarding an Authority Member:	1				1	-

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.444 12/04/18 Stage One	Landscape and Conservation Complaint concerning how an officer handled responses to a planning application, including issues raised by the local Member regarding the status of a curtilage listing of a property.	01/05/18 Within 15 working day deadline	Stage One: Explained process of curtilage listing and that it can be a difficult process to determine: the decision may be subject to change if new evidence comes to light. In this case, the initial decision that the property was curtilage listed was carefully considered, and based on the information available at that time. Explained the need for a Heritage Statement would be discussed during the pre-application process. In this case, the Heritage Statement was pivotal in providing information about the fabric of the property and about former ownership that helped the Authority revise the assessment about the curtilage listing. Complainant was concerned that they received a number of different responses from the Conservation officer but these reflected the fact that the scheme design changed over time. The Authority considers it has taken the significance of the property and the neighbouring property and the impact upon them both into consideration. Complaint issues regarding local Member referred to Members' complaints process – see C.445.	
25/05/18 Stage Two	Complaint escalated to Stage Two.	07/06/18	Stage Two: Explained officers are expected to consider and determine how much, if any, weight they give to information	Officers should clarify with Members whether

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		Within 20 working day deadline	received from any source that relates to a listed building. Accept that the Authority did not consider the building to be curtilage listed in 1995, but explained in previous correspondence with the Complainant, case law/practice relating to listed buildings has developed significantly and there is now a greater consideration of curtilage listing issues. There is no official list of curtilage listed buildings so each case is looked at individually. Agreed it was not appropriate to seek a fee for pre-application advice regarding curtilage listing as it is a matter which would normally fall outside the pre-application fee, and apologised for this. Accepted was possible to ascertain from the 1995 file that buildings had been in same ownership, but were in different occupation. Agreed that the 1995 approved plans show the rear wall would be rebuilt and the wall as now built is clearly a new structure, albeit with the arch rebuilt in the same or similar location to the original. Whilst this did not have any bearing on whether or not the building should be considered as curtilage listed (that was a judgement about the relationship with the adjoining house), apologised that this was not picked up at the site visit and will be discussed with the officer. Acknowledged Complainant's expense regarding Heritage Statement but consider it was required to make a proper assessment of the proposal. The statement successfully made the case for approving the extension and due to the questions raised about curtilage listing it was necessary to deal with these, which it did. Understand the distress that this case caused Complainant's family and apologised for that but the officer acted in good faith.	they are contacting them in their role as a Member or in another capacity.
C.445 02/05/18 Member	Complaint that a Member had: <ul style="list-style-type: none"> Not acted impartially without discrimination and bias. Not acted in the public interest Demonstrated bullying and intimidating coercive behaviour. 	Acknowledge ment: 13/05/18 Response: 25/05/19	Decision: No breach, Councillor referred to Planning Protocol and Code of Conduct.	Monitoring Officer to refresh all Members at annual Planning training. Officers to be reminded of Planning Protocol and Officer/Member Protocol.

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C.446 23/05/18 Stage One	Development Management Complaint regarding non-response to a planning issue and how officers considered impacts of a planning application on Complaint's property.	25/05/18 Within 15 working day deadline	Stage One: Apologised for lack of response due to other work commitments. Explained records show that Complainant was consulted on the resubmitted application and that a site notice was placed outside the property. Representations are not carried through from one application to another as circumstances or views may have changed. Accept Complainant may not have been aware of this, but people routinely check this with us rather than assuming letters are carried forward. With regard to specialist officer's advice not being made available before the Parish Council meeting explained do not normally send copies of internal specialist advice to neighbours or the Parish Council, although it will normally go on the website. Authority is not legally required to put internal advice on website, so there is no timescale for this. Regarding Complainant's concerns regarding impact on their property advised that this is a matter for the parties concerned and which is not within Authority's jurisdiction as a planning authority.	
06/06/18 Stage Two	Complaint escalated to Stage Two. Complainant highlighted following issues: <ul style="list-style-type: none"> Proximity of the listed building wasn't spotted by PDNPA and the original application was validated for consultation. Are systems in place to flag up the proximity of a listed building to a proposed development? Why was the original application allowed to go through whole consultation 	02/07/18 Within 20 working day deadline.	Stage Two: Responded to issues raised – <ul style="list-style-type: none"> Confirmed systems already in place to flag up the proximity of a listed building. Checked the original and revised planning applications on our systems and can confirm the listed status of property was logged as a constraint to both applications. The original planning application was not invalid, but the applicant subsequently withdrew it at a late stage after consultation had begun. Applications for planning permission and listed building consent are separate processes. They can be applied for separately, and at different times, for the same development and building. Planning agent was informed that a listed building consent would also be needed and advised to submit one. Applications for planning permission and listed building consent are separate processes. Separate 	Officers to consider how may be more helpful in making consultation process clear to all.

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	<p>process when it was known to be invalid?</p> <ul style="list-style-type: none"> • Agent should have submitted a listed building application first and planners shouldn't be reliant on agent to tell them about the proximity of a listed building, let alone attach an extension to it. The agent knew Complainant's property was listed when he submitted the ordinary application. • Complainant's response to the original application which raised several concerns was not carried forward to the listed building application. Was it therefore not considered in the listed building application and shouldn't Complainant have been informed of need to re-submit concerns to the listed building application? • Complainant doesn't want the extension attaching to their house. Why should they carry the risk for something that will in no 		<p>consultations are run for each application. This avoids the risk of making assumptions about whether a consultation response on one application applies to another. This is standard practice across local planning authorities. However, accept that Authority might have been more helpful in making this clear to Complainant, but note that Complainant was formally consulted on the listed building consent application with by letter.</p> <ul style="list-style-type: none"> • Confident that planning officers did not ignore conservation officer's report when they considered the planning application. After discussion, planning officers concluded that the conservation officer's report did not present sound reasons to refuse the applications and that good building practice should ensure the concerns raised in the report do not arise. • Provided appropriate and suitable opportunities for Complainant to be consulted and for their concerns to be raised. Confident their concerns were considered by planning officers as they came to their decision. 	
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	<p>way be beneficial to them and will be detrimental to them and their property?</p> <ul style="list-style-type: none"> Why didn't PDNPA give their backing to the conservation officer's judgement on the vulnerability of a listed building and why was the report then ignored by Planning Officers? 			
C.447 15/06/18 Stage One	<p>Development Management</p> <p>Complaint regarding lack of response from Planning officers to requests for meetings regarding planning issues.</p>	Response due by 11 July.	Will be reported in next Quarter.	

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.434 Ombudsman</p> <p>(Stage One reported in Quarter 2 Ombudsman reported in Quarter 4 2017/18)</p>	<p>Development Management Service</p> <p>Complaint that the Authority is failing to carry out its statutory duty as the planning authority for the National Park area.</p>	None required	<p>The Ombudsman originally issues a decision on this complaint in January 2018 which was:</p> <p>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.</p>	None required

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			<p>Following a request by the complainants the Ombudsman reviewed the decision in April 2018 which resulted in a slightly amended decision:</p> <p>The Ombudsman will not investigate Mr B's and Mr C's complaint that the Authority has failed to carry out its statutory duty as the planning authority. This is because we could not add anything to the Council's investigation, or achieve more than it is now doing.</p>	
<p>C.442 13/03/18 Stage One</p> <p>Receipt of complaint previously reported in Quarter 4 of 2017/18</p>	<p>Development Management Service</p> <p>Complaint concerning the following issues:</p> <ol style="list-style-type: none"> 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. 2. Alleges the Authority was remiss in requiring the application to be considered by the Planning Committee before investigating the officer's conduct. 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 	<p>03/04/18</p> <p>Within 15 working day deadline.</p>	<p>Reviewed the correspondence on the website between officer and applicant. Consider that officer correspondence, though informal at times was in content, professional and appropriate. Consider that officer approached application on the basis that, with negotiated amendments, the development is in accord with the principles of development plan (local planning policies contained in the Local Plan and Core Strategy). This is an approach directed by the government and based on a clear policy position. Officer's reference to 'hoping the situation won't change' in relation to receiving further representations, is motivated by a desire to determine the application in a timely manner as directed by the NPPF, given that the development is in accordance with policies.</p> <p>Officers did review Complainant's request that the item be withdrawn on the basis of information on the website but found no evidence of misconduct and no reason for the item to be withdrawn from Committee. Chair of Planning Committee agreed with this.</p> <p>Complainant referred to Members' complaints process regarding concerns about Members' behaviour.</p>	<p>Officers have been advised that they should consider the tone as well as content of their correspondence with applicants and others to ensure that there is no perception of bias, but that they should also remain focussed on good customer service.</p>

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	complaint by expressing their personal views about the officer.			
<p>C.443 21/03/18 Stage One</p> <p>Receipt of complaint previously reported in Quarter 4 of 2017/18</p>	<p>Development Management Service / Information Management Service</p> <p>Complaint regarding handling of a planning application and a freedom of information request.</p>	<p>03/05/18</p> <p>15 days over 15 working day deadline.</p>	<p>Apologised for delay in responding. Explained planning conditions have to meet statutory tests and reasoning for particular condition. No evidence found from correspondence that the applicant suggested specific wording for any of the conditions. Reviewed correspondence on website between officer and applicant; consider officer's correspondence, though informal at times was in content, professional and appropriate. Also consider the officer approached application on the basis that, with negotiated amendments, the development is in accord with the principles of the development plan and an approach directed by the government and based on a clear policy position. Officer's reference to 'hoping the situation won't change' in relation to receiving further representations, is motivated by a desire to determine the application in a timely manner as directed by the NPPF, given that the development is in accordance with policies. Explained why site visits are not open to the public to attend. Applicant has lodged an appeal against conditions so Complainant will have further opportunity to make representations. Apologised for difficulties Complainant had in obtaining information from the Authority.</p>	<p>Officers have been advised that they should consider the tone as well as content of their correspondence with applicants and others to ensure that there is no perception of bias, but that they should also remain focussed on good customer service.</p>

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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	1	4	5	0	4	0
Q2						
Q3						
Q4						
Cumulative	1	4	5	0	4	0