

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

Quarter 2 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			8	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	83%	75%			83%	
Number of Complaints in Quarter regarding an Authority Member:	1	0			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.448 10/07/18 Stage One	<p>Visitor Experience Development</p> <p>Complaint alleging:</p> <ol style="list-style-type: none"> 1. unauthorised use of emergency fire doors at Castleton Visitor Centre. 2. metal storage cabinets are placed near the doors and within the Castleton Conservation Area with no planning consent. 	<p>20/07/18</p> <p>Within 15 working day deadline</p>	<p>1. Condition 6 of the Visitor Centre planning approval stated: Any door on the west elevation of the building shall remain closed at all times and not be utilised for access other than in an emergency.</p> <p>The issue raised arose predominantly through the café staff using the doors to exit/enter the building and to take waste to the commercial waste bins situated on the Borough Council land area adjacent to the public toilets. The use of the doors in an emergency only has been reinforced with all staff on site. The Visitor Centre Manager and centre staff are now required to monitor use of the doors throughout each day and record and report any issues. The Café operator has instructed staff to use the gate to access the rear area, this will be approx. 3-4 times a day, to keep noise levels to a minimum and reasonable level when using the waste bins, to sign to confirm that they understand the fire doors are not to be used unless in the event of emergency and has established a disciplinary process should a breach occur.</p> <p>2. The use of the storage cabinets is ancillary to the visitor centre and the outreach activities provided there. Due to the size and quick assembly/disassembly of the cabinets and as</p>	<p>The Visitor Centre Manager and centre staff now monitor use of the doors throughout each day and record and report any issues. The Café operator has instructed staff to use the gate to access the rear area, this will be approx. 3-4 times a day, to keep noise levels to a minimum and reasonable level when using the waste bins, to sign to confirm that they understand the fire doors are not to be used unless in the event of emergency and has established a disciplinary</p>

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

			they are simply placed on the ground, the units are not a building for planning purposes. As such, the planning advice is that planning permission is not required as the use of the cabinets is ancillary to the visitor centre. Staff have been instructed to use the gate to access the rear area, and keep noise to an absolute minimum when accessing the storage cabinets.	process should a breach occur. Staff have been instructed to use the gate to access the rear area, and keep noise to an absolute minimum when accessing the storage cabinets.
C.449 19/07/18 Stage One	Outreach Development Stage One Complaint alleging: 1. Unauthorised entry by an Authority employee, with no identification, onto private land adjacent to Authority owned land. 2. The Authority has an obligation to maintain the stock fence that separates the two properties across the land and across the brook. There has been no maintenance for some years and the Complainant is constantly repairing the wire at the base of the unit across the brook. Sheep and cows are often in this meadow.	21/07/18 Within 15 working day deadline.	1.Apologised for upset caused and explained the staff member was a volunteer ranger. The volunteer has been clearly instructed not to venture on to private land without permission. All Volunteer Rangers have been reminded that when approaching members of the public they should clearly introduce themselves by name and explain why they have approached the person or group. They should also all be wearing Peak District National Park name badges. There has been a high fire risk and Volunteer Rangers have been patrolling popular picnic sites asking members of the public and wild campers not to have BBQ's/camp fires and take care when disposing of cigarette butts as part of our fire prevention work to encourage responsible behaviour. We work with many local landowners who welcome this support. Unfortunately this complaint is an example of where this has been taken too far and apologised again for the distress and inconvenience caused. 2. Thanked Complainant for reporting damaged wall and issues with stock fencing. Stated the wall will be repaired and that fence will be inspected and any necessary repairs made.	All Volunteer Rangers have been reminded that when approaching members of the public they should clearly introduce themselves by name and explain why they have approached the person or group. They should also all be wearing Peak District National Park name badges.
C.450 19/07/18 Stage One	Development Management Stage One complaint regarding the handling of a planning application.	26/07/18 Within 15 working day deadline.	Accept that it would have been preferable to have earlier communication from caseworker. In this instance, the receipt of the application coincided with an unexpected but unavoidable absence from work for the caseworker and therefore we were unable to meet the standards of customer service we aim for. Concerns that the application did not appear on the weekly list of applications in a timely manner	Investigating establishment of an 'approved suppliers' list to ensure unexpected staff absence can be better managed.

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

			<p>had no bearing on the speed of determination in the statutory period of 8 weeks. With regard to the planning notice not displayed at the beginning of the 8 week period, in this case, the notice was displayed for the statutory period and our obligations were met in that respect. The consequence of this was that the consultation period finished later in the 8 week period than it might otherwise have, however, there is no requirement that the consultation take place at a particular point within the 8 weeks, and in this case it did not have any impact on the outcome of the application. With regard to notice of officer site visits explained it is not operationally possible to make appointments for site visits due to the volume of applications each officer is dealing with. The revision sketches received (which appear on the website as part of the application record), did not overcome the policy objections and the caseworker responded as soon as he was available, to advise of this. The delegated report and the decision have been reviewed and are correct and in line with policies, including SPD on Alterations and Extensions and the PDNPA Design Guide. Complainant alleges a lack of willingness to engage in dialogue concerning the application, however, officers did engage via our pre-application advice service, although the application did not address the overarching concerns raised in the pre-application process about scale and massing. The amendments sent also failed to address those concerns. It does not appear that negotiations would have successfully addressed the policy concerns. Accept that although the statutory requirements were met aspects of administration of the application in this case could have been improved, but this did not have a bearing on the outcome of the application.</p>	
C.451 30/08/18 Stage One	<p>Development Management</p> <p>Complaint regarding handling of a planning application including allegations of:</p>	<p>Due by 20/09/18.</p> <p>Response sent on 24/09/18</p>	<p>The statutory obligations for advertising the proposal were met by a site notice displayed in the vicinity of the site. Pre-application advice was given but there is no legal obligation to publish this advice. Officers are expected to have regard to the impact of development on neighbouring properties in</p>	None Required

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

	<ul style="list-style-type: none"> • lack of consideration of impact of development on neighbours • handling of public participation at Planning Committee meeting • Planning Committee did not give application a fair hearing or have regard to impacts on neighbours. 	(2 days over 15 working day deadline)	<p>every application (as they did in this case). They also encourage applicants to approach neighbours at an early stage, as appears to have happened in this case.</p> <p>The planning committee report has been reviewed and it was found that that the impacts on the neighbouring properties were properly taken into account in making the recommendation. Members did listen to views of neighbours but found the proposal acceptable, whilst acknowledging that it would result in some changes for immediate neighbours.</p> <p>It is our policy in all cases (regardless of the recommendation) that if the applicant speaks at committee then they are the last speaker. This is consistent in all applications, and it is likely that any policy about who is the first and last speaker will attract some criticism. In making representations speakers often refer to their personal circumstances which have led to them to apply for planning permission. We have a system which allows public speakers to speak broadly about the application and in particular when they are not planning agents this sometimes includes general details about the proposal. The meeting is a public meeting with no minimum age for attendees. We do not prevent children attending committee as long as the business of the meeting is not unduly disrupted which it was not in this case. Regarding the complaint that 2 Members were out of the room during the discussions our records show that no Members left the room during this item.</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
C.436 Ombudsman	Development Management Complaint stating the Authority	Response only required on draft decision	Decision: The Authority failed to upload plans for one of the summerhouses onto its website and this prevented the Complainant from making more detailed comments on the	An extra check has been added to CBST processes to ensure that

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

(Stages One and Two reported in Quarter3 of 2017/18)	<p>granted planning permission for two outbuildings at the end of two neighbouring gardens. The Complainant says the Authority:</p> <ul style="list-style-type: none"> • Did not upload plans to its website until after it granted planning permission so he could not understand what was being proposed. • Did not view the site from his property. • Failed to take account of the fact trees would have to be cut down to allow construction to take place. • Failed to take account of the fact that the two outbuildings would be joined together. 	<p>by 18/07/18.</p> <p>Response made on 12/07/18 within Ombudsman's deadline.</p>	<p>planning application. However, the Authority considered the impact of the summerhouses on the Complainant and so this did not cause an injustice. There was fault but no injustice.</p>	<p>uploaded material appears on public applications correctly (i.e. to ensure that documents are not misfiled against the wrong application etc.) This should ensure that supplied material is published correctly in a timely manner to support the consultation process for planning cases.</p> <p>Planning Officers have been reminded about the need to quickly load any additional information received directly by planning officers onto polled folders and that if the information is public information it be saved accordingly.</p>
<p>C.447 22/06/18 Stage One</p> <p>Receipt of complaint previously reported in Quarter 1 of 2018/19</p>	<p>Development Management</p> <p>Complaint regarding lack of response from Planning officers to requests for meetings regarding planning issues and monitoring of a site.</p>	<p>10/07/18</p> <p>Within 15 working day deadline</p>	<p>Apologised for not responding to correspondence in a timely manner. Officers were not convinced that there was a need to meet to discuss the proposal again or to discuss the monitoring of events until there was an agreement with the Environmental Health Officer so this may have come across as officers being unwilling to speak to the Complainants and apology made. Officers were concerned Complainants assumed that the applicant will apply to remove the temporary condition within the next 2 years (the permission grants a further temporary period of 7 years), but there is no basis for officers to assume this. The planning permission grants a further permission for up to 7 years and, as with the previous permission, there needs to be sufficient evidence</p>	<p>None required</p>

Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

			<p>gathered from events over that period for the Authority to consider any applications for a further extension or for a permanent permission.</p> <p>The Authority has agreed with the Environmental Health Officer some monitoring of an event held in July and Complainants were asked to give access to their property to allow monitoring for an assessment of the noise impacts from their property. The Authority, as any other Local Planning Authority, is not able to commit to monitoring all events for which planning permission has been granted. In practice Planning Authorities either respond to complaints about potential breaches of planning permission once there has been a suspected breach or (as in this case) undertake some monitoring of specific events.</p>	
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Appendix 3: Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

Quarter 2 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	1	4	5	0	4	0
Q2	10	5	15	0	1	0
Q3						
Q4						
Cumulative	11	9	20	0	5	0