

**Quarter 3 Report on Complaints and Freedom of Information (FOI) and Environmental Information Regulations (EIR) Enquiries
(1 October to 31 December 2014)**

Total Number of Complaints Received in Quarter 3 was 3.
Of these 0 were made regarding an Authority Member.

Total Number of Complaints Received April 2014 – December 2014: 12

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
C.394 02/10/14 Stage One	<p>Planning Service</p> <p>Complaint regarding a planning permission decision for a dwelling two years after it had previously been refused by the Authority because the development contravened several policies. The Complainant wishes to know what has changed in the two intervening years. Also requested proof that an officer did not unduly influence the decision and questioned the competence of the ecology report.</p>	<p>Stage One: 17/10/14</p> <p>Within 15 working day deadline</p>	<p>Stage One: The officer explained that the individual planning merits of the disputed planning application were materially different from the merits of the earlier application for 2 houses, determined at appeal and the differences between the two proposals were set out in detail in the report to Planning Committee on 08/08/14. Stated that clear and transparent reasons were set out in the report dated 12/09/14 explaining why the Authority would be entitled to make a different decision compared to the decision made by the Planning Inspectorate on the application for two houses on the same site.</p> <p>Whilst the complainant might disagree with the Authority on the merits of the case, this is a planning judgement where the Members reached a different view, which they were entitled to do on the basis of the information available to them, by visiting the site, and by discussing the merits of the enhancement case in the public forum of a Planning Committee meeting. In reaching this conclusion Members considered this application to be in accordance with HC1(C)II of the Core Strategy, and therefore in accordance with the Authority's adopted policies rather than being an exception to policy. Notwithstanding this, the committee reports show that Members agreed with Complainant that there was no established local need for the dwelling in terms of the</p>

			<p>Authority's affordable housing policies, and that the property would not remain affordable; however, the planning application was not approved on this basis.</p> <p>The ecological information received confirmed that the site offers very few habitat opportunities for a range of protected and important fauna, but does acknowledge the potential presence for slow worms, and states two slow worms were observed on the application site. Condition 4 attached to the permission for the new house allows the Authority to secure appropriate mitigation to avoid harm to slow worms during the construction phase of the proposed development and therefore would prevent any substantial adverse effect on any special nature conservation interest.</p> <p>The Stage One reply stated that there is a clear and transparent 'audit trail' that demonstrates that the Planning officer in question declared an interest and did not take any part in the process or have any influence on the decision on planning application. Members of the Planning Committee made their decision in a transparent and accountable manner. Moreover, the minutes of the meeting confirm Members resolved to approve the application subject to conditions but not subject to any legal agreement. This reinforces officers' view that there are no grounds to revoke the permission given that Members were not in any way influenced by the officer's previous involvement with the applicant, and clearly did not give any weight to the legal agreement between applicant and the Community Land Trust. Minutes demonstrate Planning officer acted properly and professionally in the case to ensure there was no question of a conflict of interest having previously represented the applicant.</p> <p>Stated that the Parish Council's views were fairly represented, and the level of support from the Parish Council for the proposals was not exaggerated or over stated in such a way that would have unfairly swayed the</p>
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<p>26/11/14 Escalated to Stage Two</p>		<p>Stage Two: Meeting arranged between Complainant and Chief Executive took place on 05/12/14</p>	<p>decision made by Members.</p> <p>Stage Two: At the meeting held between CEO and Complainant on 05/12/14 the CEO agreed to look into the matter further as the Complainant was not satisfied with the Stage 1 reply. The CEO was unable to do this before he left the Authority at the end of December and has asked a member of Management Team to take the case on</p>
<p>C.395 03/10/14 Stage One</p>	<p>Land Management</p> <p>Complaint regarding the actions of an officer in relation to tree felling and that an earlier letter was not treated as a formal complaint.</p>	<p>17/10/14</p> <p>Within 15 working day deadline</p>	<p>The officer responded to a phone call from the Complainant's contractor and advised the contractor to stop work as he was unaware of the proposed work. The Complainant also rang the officer to state they did have permission to do the work. The officer was busy with other casework at the time, and therefore it is considered that the officer's actions were reasonable. The fact that the Complainant felt able to proceed with the felling work later that morning suggests that the Complainant was able to provide adequate reassurance to the contractor without undue cost and delay, reinforcing the view that it was not unreasonable for the officer to advise the contractor to stop work until permission could be confirmed. However, can understand that having secured permission for the work from the Authority's Planning Team, it may have been frustrating that other Authority staff could not give the contractor confirmation of permission straight away. The Authority will consider whether there are ways in which it can amend the recording systems or procedures in the future to improve its customer service, to enable checks on permissions. As regards an earlier letter from the Complainant not being treated as a formal complaint this seemed to be a request for financial compensation and only stated that the Complainant may go on to make a formal complaint. Nevertheless, it is accepted that the Complainant did send an email indicating that it was to be treated as a formal complaint. However, it appears that there was then some misunderstanding between the Complainant and another officer in that the officer thought the complaint was to be withdrawn and requested the</p>

			Complainant to confirm whether or not the complaint was to be pursued. It appears that no such confirmation was received until the email relating to this complaint was received and duly registered as a formal complaint. The Authority is satisfied that the complaints procedure has been properly implemented.
C.396 07/10/14 Stage One	<p>Planning Service</p> <p>Complaint regarding handling of a planning application, in particular:</p> <ul style="list-style-type: none"> • that maladministration by the Authority has caused the complainant to incur additional expenses in fees and building costs. • suffered delay in the development of the site caused by the Authority's decision to re-consult neighbours • the failure to consult the Complainant re: erection of a shed on adjacent land 	Reply due by 28/10/14	<p>Director of Planning discussed the issues with the Complainant on the telephone. He confirmed that sufficient work had been undertaken on the site for the Authority to accept that the Complainant has commenced development of planning permission (as requested by the complainant).</p> <p>The Director apologised for the lengthy delay in dealing with planning application for an alternative design on the site, with an application submitted in August 2013 being determined in October 2014. Whilst there were some issues with the application, it is acknowledged that this was an undue amount of time to determine an application where the principle of development had already been accepted.</p> <p>The Director reviewed the history of the planning application, for the shed (adjacent to the complainant's site) and confirmed that our practice on public consultation, both now and at the time of that application, would not include notifying an adjoining land owner. It is agreed that the roof of the shed "oversails" the building more than was shown on the approved plans and that the precise siting seems to be very slightly different from the submitted plans, although it is not clear whether this arises from the way in which the plans were drawn or how the building was sited. In both instances, the variations were not considered to be significant enough for the Authority to take further action, which the Complainant accepts.</p>

Updates on Complaints Reported in Previous Quarters

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
<p>C.376 23/01/14 Ombudsman</p> <p>Stage One and Stage Two responses reported in Quarter 4 of 2013-2014)</p>	<p>Planning Service</p> <p>Complaint regarding the length of time taken to enforce an enforcement notice issued in 2013.</p>	<p>23/05/14</p> <p>Within 31 day deadline</p>	<p>Ombudsman Decision: The business use has ceased. The Complainant does not have a continued injustice from business activities at the farm.</p> <p>Further investigation discontinued as will not achieve a worthwhile outcome for the Complainant. The Ombudsman has no power to require an Authority to issue a Section 215 Notice or take enforcement action. The Authority has considered both, but decided action is not currently merited. The Ombudsman cannot intervene in these decisions.</p>
<p>C.386 24/12/14 Stage Two</p> <p>(Stage One response reported in Quarter 1 of 2014-2015)</p>	<p>Planning Service</p> <p>Complaint regarding the handling of a planning application and the degree to which the Authority as a local planning authority acted reasonably and in the best interests of the property concerned. Complainant unhappy with Stage One response, in particular with regard to officer mishandling of the application and bias.</p>	<p>Response due by 26/01/15</p>	<p>To be reported in next quarter.</p>
<p>C.390 6/08/14 Stage Two</p> <p>(Stage One response reported in Quarter 2)</p>	<p>Planning Service</p> <p>Complaint regarding a planning application decision, specifically:</p> <p>1) the original permission granted is carelessly worded in that it does not adequately preserve the street</p>	<p>01/09/14 - Clarification of redress required requested from Complainant and received on 19/09/14</p> <p>Stage Two response: 13/10/14</p>	<p>1. The applicant did consult the Authority on the stone and officers have inspected a sample of the natural stone which is being used. Given the variety of stone (and reconstituted stone, which is being replaced), it has been difficult for the applicant to choose a stone which matches that which exists on each elevation and it is accepted that it may have been preferable to use a slightly</p>

	<p>scene of a conservation area and 2) the specific approval by planning officers of stone that does not match the existing stonework on the roadside elevation is negligent.</p> <p>The Complainant asserted that the Stage One response failed to address the specific complaints or to address the redress requested.</p>		<p>different stone (or coursing) in the street elevation, to reflect the more random nature of the stone work on this part of the existing house, but there is also a strong case to make that the stonework on the extension should be consistent. In practice there are no “hard and fast” rules on these matters, which are often subjective design assessments. Therefore, it is not accepted that the extension, as now built, does not preserve the street scene on the conservation area.</p> <ol style="list-style-type: none"> 2. It is accepted that it would, in hindsight, have been better had the planning permission (either through the plans themselves or through a specific condition) clearly defined the type of stone and the style of coursing etc., so that the stonework on the front and side elevations more closely matched the existing or, if was not intended to do this, to explicitly set out what was expected. Therefore, Director of Planning will issue a note to all planning officers who deal with planning applications, setting out the need to consider whether the notes on submitted drawings adequately describe what is intended in terms of new or matching stonework and to consider in each case whether a note simply stating that the stonework will match the existing is adequate or whether a more detailed planning condition should be imposed. This is particularly relevant where there is contrasting stonework on the building, as in this case. 3. Explained the quarterly reporting of complaints to Members procedure and that this complaint would be included in the next quarterly report.
<p>C.393 25/09/14 Stage Two</p>	<p>Planning Service</p> <p>Complaint regarding the time taken to process a planning application</p>	<p>24/10/14</p> <p>Response was 2 days over 20 working day</p>	<p>Complainant advised that frustration at the delay in determining these applications was understood, but that the Authority is in a difficult position in which a decision which is open to challenge in any way whatsoever is likely</p>

	and stating that the Authority was taking undue notice of a third party.	deadline	to result in a judicial review. It was explained that we have no option but to act with great caution in order to avoid this. It was further explained that it would not be in the Complainant's interests, or those of the Authority, to make a potentially unsound decision which ignores the legal advice we have received.
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Quarter 3 Report on Freedom of Information (FOI) and Environment Information Regulation Enquiries (EIR).

No of FOI Enquiries received	No of EIR Enquiries received	No of Enquiries dealt with in time (20 days)	No of late Enquiry responses	No. of Enquiries still being processed	No of referrals to the Information Commissioner
21	4	23	0	4	0