

Appendix 3: Quarterly Report on Complaints and Freedom of Information (FOI) and Environmental Information Regulations (EIR) Enquiries (1 April to 30 June 2014)

Total Number of Complaints Received in Quarter 1 was 5.
Of these 0 were made regarding an Authority Member.

Total Number of Complaints Received April 2014 – March 2015: 5

a) Complaints made this quarter

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
C.385 23/05/14 Stage One	Planning Service Complaint regarding the handling of a planning application including: <ul style="list-style-type: none"> • that Complainant’s planning agent was originally advised that planning permission would be needed. • that the Complainant looked on the Authority’s website the day before the 8 week statutory target date for a decision on the application and was surprised to see an email from the Planning officer to his agent saying that the development was considered ‘Permitted Development’ and that the application had been considered withdrawn. • That neither the Authority nor his agent contacted him about the permitted 	30/05/14 Within 15 working day deadline	No justification for this complaint. The complainant sought a refund of his Agent's fees from the Authority for submitting an unnecessary planning application (permitted development). The application fee was immediately refunded but the Authority accepts no responsibility for the accuracy of a Planning Agent’s advice or monies spent using a Planning Agent especially when no pre-application advice had been sought.

	development decision and that the application was being treated as withdrawn when the planning application had been made on the basis of the advice that permission was needed.		
C.386 02/06/14 Stage One	Planning Service Complaint regarding the handling of a planning application and the degree to which we as a local planning authority have acted reasonably and in the best interests of the property concerned.	Meeting held with Complainant and written response sent 30/05/14 Within 15 working day deadline	Complaint not justified. No evidence of fault by Authority officers involved other than in relation to the points the Authority conceded resulting from the complainant's client's judicial review. Officers have exercised judgement on an application presented to them. When additional analysis and representations had been made, they had considered those as material too.
C.387 02/06/14 Stage One	Planning Service Complaint alleging that an Authority officer misled the public and the Planning Committee Members with regard to a planning application for a person who the officer had previously worked for in a private capacity.	15/06/14 Within 15 working day deadline	Complaint not justified. There was no evidence that the officer had in any way had an undue influence demonstrating bias in favour of his former client. The decisions taken in this case were based on the Authority's policies and the evidence and information submitted to officers.
C.388 19/06/14 Stage One	Land Management Complaint regarding the actions of an Authority officer with regard to a HLS agreement	Meeting held on 21/07/14 with third party representing the Complainant and family.	Awaiting response from Complainant and representative for further information
C.389 19/06/14 Stage One	Planning Service Complaint regarding a planning application decision including:	Response re non-declaration of interest sent 04/07/14	Non-declaration of interest: Concluded that officer had followed the guidelines agreed with him by Monitoring Officer at the start of his employment on how to declare and respond to potential interests due to his previous

	<ul style="list-style-type: none"> • Issuing the decision whilst public concern had been raised regarding the decision • Omitting to include a Grampian condition which was requested by the Planning Committee • Failure of an Authority officer to declare an interest in the planning application 	Response to outstanding issues currently being considered.	employment and the Authority was satisfied that he did not need to declare an interest in this planning application.
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b) Updates on Outstanding Complaints reported in previous Quarters:

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
C355 19/07/13 Ombudsman (Stage One complaint and response reported in Quarter 2 and Stage Two response reported in Quarter 4 of 2013 - 2014)	Planning Complaint regarding lack of consultation for a planning application on a neighbouring property and impact on complainant's property.	13/06/14 One day over 31 day deadline	Final decision not yet received from Ombudsman.
C.376 23/01/14 Ombudsman Stage One and Stage Two responses reported in Quarter 4 of	Planning Service Complaint regarding the length of time taken to enforce an enforcement notice issued in 2013.	23/05/14 Within 31 day deadline	Final decision not yet received from Ombudsman.

2013-2014)			
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c) 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
10	11	20	1	5	0