

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	2019/20 Target
Number of Complaints Received in Quarter:	4	7			11	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	100%	100%			100%	
Number of Complaints in Quarter regarding an Authority Member:	1	1			2	-

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
C462 08/07/19 Stage One	<p>Development Management</p> <p>Complaint regarding lack of progress over enforcement breaches raised and raising 5 specific questions:</p> <ol style="list-style-type: none"> 1) Why has there been no resolution of the original breaches notified? 2) Why has Planning Department allowed numerous additional residential buildings to be allowed to be used on site without prior adherence to planning requirements? 	<p>01/08/19</p> <p>Response required by 26/07/19, extension agreed to 02/08/19</p> <p>Within agreed working day deadline</p>	<p>Responded to questions raised:</p> <ol style="list-style-type: none"> 1) A residential caravan replaced a previous caravan and although bigger and in a slightly different position was replaced straightaway and within the same planning unit. Appears to have been a caravan in that location for more than 10 years so appears to be lawful. The Authority was informed the bund was dug out to a larger extent for drainage purposes. An extension to the bungalow was authorised by a retrospective permission last year. The site has been tidied up since the Authority's first involvement and the owners want to resolve this issue. Untidy land often requires persistence, and the improvement shows that there is progress on this matter. The Authority has successfully negotiated with the site owner and as a result one of the sheds is painted the correct colour. An application has been submitted for an unauthorised 	None required

	<p>3) Why do Planning Department require removal of residential caravan once property completed, and then do nothing to ensure adherence?</p> <p>4) Why has there been a reliance on agents to advise progress?</p> <p>5) What actions are in place to deal with owners with a history of non-compliance?</p>		<p>building but is currently invalid; the Authority is optimistic that the issues will be resolved and the planning application considered in due course. Where breaches of planning control have a detrimental impact on the special qualities of the National Park and negotiation has proven ineffective enforcement notices are served. Understand Complainant may not consider these resolutions to be satisfactory, but Authority is content that they satisfactorily address these issues.</p> <p>2) The Authority is in current negotiation about the breaches on the site and remains confident that these issues can be resolved. It would not be expedient to serve notices at the current time.</p> <p>3) Understood the caravan had been sold and was being taken away several weeks ago. The Case Officer will look into this to pursue its removal. If necessary will take formal action to secure removal of caravan.</p> <p>4) It is perfectly acceptable for agents to be used and to liaise with the Authority in the interest of their client.</p> <p>5) Breaches of planning control are unlawful rather than illegal. Appreciate it is frustrating where sites in locality have a number of issues occurring and appear to be part of a pattern. A high level of resource can be put into negotiation and persuasion, but in many cases this is still the most effective approach.</p>	
<p>C463 15/07/19 Stage One</p>	<p>Landscape and Conservation</p> <p>Complaint regarding advice and service received from an officer with regard to a tree removal enquiry.</p>	<p>05/08/19</p> <p>Within 15 working day deadline</p>	<p>Stage One - Responded regarding the following points raised: Initial telephone conversation – verbal advice given that a tree was not part of a TPO or within a conservation area. Couldn't comment on tone of conversation but explained</p>	<p>None required.</p>

06/08/19 Stage Two	Complaint escalated to Stage Two as Complainant felt core of complaint had not been addressed.	27/08/19 Within 20 working day deadline	<p>the officer's role and aims of the Authority regarding existing trees. The officer recommended the Complainant seek professional advice from an independent arboricultural consultant about concerns regarding proximity to property. Stated if such advice gave a clear recommendation of need to fell the tree to protect the structural integrity of a building then the felling was likely to be supported by the Authority regardless of a TPO.</p> <p>Site Visit, Tree Inspection and Written Confirmation of Advice – the officer visited the site on the following day and inspected the tree using an industry standard assessment process, to determine whether the tree would be worthy of a TPO. The tree has been assessed as having high amenity value and may merit a TPO. Officer confirmed advice given by telephone in an email following the site visit. This response was within the stated 15 working day response time for enquiries.</p> <p>Stage Two – Responded on following issues: Tone of Telephone Conversation - very difficult to comment on this as not party to the conversation. No similar complaints about behaviour or attitude of the officer have been received. However, apologised if Complainant felt there was anything in officer's behaviour which they found upsetting. Do not think it is inappropriate or unprofessional for officer to apply professional judgement to the question of whether the tree is of conservation or other value. Officer visited the site the day after telephone conversation and responded within 15 working days. This is within our working target and satisfied that we responded on time in this case.</p> <p>Part Time Officer also working as an Arboricultural Consultant - advised that the Authority was aware the officer had a part time role when appointed. It is not unusual for Authority officers to work part-time for the Authority whilst</p>	
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			having other roles/jobs elsewhere. Provided they do not work in a manner which causes direct conflict of interest with the work for the Authority, this is an acceptable practice. No reason to believe that the officer was promoting own private business in making recommendation to Complainant. The recommendation to seek professional advice with regard to the tree in question is relatively common advice from the Tree Officers (and from other specialist officers in their respective fields of work), particularly when they have given advice a landowner may disagree with.	
C464 06/08/19 Stage One	Development Management Complaint raising the following issues regarding a planning application: 1) Failure by the authority to respond in a reasonable time frame to a reasonable request to consider a revised S106 (3 months). 2) Rescinding on previous advice from officer reassuring Complainant that the aparthotel would be compliant with C1, "there should be no problems and you don't need to explain anything further". 3) Incorrectly stating that an aparthotel would fall outside a C1 planning approval. The aparthotel is entirely within the definition for the use	23/08/19 Within 15 working day deadline	Responded to issues raised: 1) reviewed email correspondence between Complainant and officer. Stated the emails, together with the telephone conversations referred to, show that regular communication occurred. Specific emails from Complainant appear to acknowledge the issues that the officer raised in relation to potential changes to the existing S106 Agreement. Clarified the position, by recommending the Complainant and advisors consider submitting a formal application to vary the existing S106 Agreement. 2) and 3) considered together: Clear from the exchange of emails between Complainant and officer that concerns now exist that what is currently proposed may not fall within the planning permission granted. Advised there are two options available for Complainant and advisors to consider: apply for a lawful development certificate or submit a planning application. 4) Stated final point is a statement of what Complainant feels is the consequence of the issues identified in the complaint. Reiterated that evidence	None required.

<p>26/08/19 Stage Two</p>	<p>class C1. Furthermore, the proposed aparthotel is exactly as per our planning application and should not be disputed.</p> <p>4) The actions/lack of actions on which complaint lodged have now halted progression of the development, (possibly permanently), damaging our partnering and funding relationships, incurring costs with huge potential losses. Furthermore, a European Union grant will now “time out” at a loss of 200,000€, and due to Brexit may never, ever be possible again.</p> <p>Complaint escalated to Stage Two.</p>		<p>exists of an on-going dialogue between the Authority and Complainant relating to the S106 Agreement and related planning issues. If considering submitting an application advised Complainant may wish to use the Authority’s pre-application planning advice service.</p> <p>Stage Two – responded to issues raised:</p> <p>1) review has shown a good level of correspondence between Complainant and officer, via e-mail and telephone. Officer has responded to Complainant’s e-mails and replied in a considered and professional way, seeking to clarify the detail of request, outlining the views of the Authority to the revised proposals, and has sought to offer solutions for Complainant to consider. Officers have raised with Complainant their significant concerns with revised proposals. They have informed Complainant that a significant change is likely to be subject to full consultation and require planning committee approval. Acknowledged and apologised that on two occasions officer’s responses had not been made in</p>	
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			<p>a timely fashion. Also acknowledged and apologised that response to Complainant's request to meet with CEO was made by copying Complainant in to a letter to another body rather than direct.</p> <ul style="list-style-type: none">2) Consider that officer has been consistent in advice to Complainant that amended proposal brings a risk that the scheme when built may fall within another use class. Reasonable and responsible for the officer to urge caution to ensure Complainant does not end up in a planning enforcement situation. Complainant needs to weigh up this risk and decide what to do.3) Accept that in stage 1 response Complainant was directed to solutions that would remove risk and give greater certainty for Complainant and Authority that the development has good safeguards in relation to its use class. This approach by officers throughout engagement with Complainant is with a positive intent in mind. The options suggested by officers remain valid options and offer a greater certainty and lower risk to Complainant that what is built is compliant with the planning permission. It may have also been helpful for officers to be clear it is still within Complainant's right to progress with the development as planned, albeit with a potential risk of enforcement later.4) Officers have sought to be pro-active and offer solutions to move forward. Fundamentally, there is disagreement as to whether what is being proposed is materially different to what Members supported when they approved the planning application and the s106 legal agreement. Reiterated advice regarding options available.	
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<p>C465 07/08/19 Stage One</p>	<p>Strategy & Performance</p> <p>Complaint from contractor unable to exit Aldern House car park after late working and attitude of officers in response to incident.</p>	<p>15/08/19</p> <p>Within 15 working day deadline</p>	<p>Stage One - Acknowledged the email exchange prior to work commencing did not mention the security barrier would not open with the access card provided after 6pm at the weekend. Officers state they discussed barrier opening with Complainant during 2 meetings and Complainant stated the work would be completed before 6pm, so didn't require the access card to work after 6pm. However Complainant states they were unaware the access card would not work after 6pm. Acknowledged Complainant was asked to contact a particular officer when leaving site, and that this conversation had not happened before 6pm, so would have expected officer to check Complainant had left the site. Unfortunately, this did not happen as the majority of contractors who work on site after hours currently do not inform officers when they have left, so an assumption was made that Complainant had left site before 6pm. Apologised for the miscommunication and the subsequent inconvenience caused by being locked in the car park. In response to this incident changes are being made to processes concerning contractors to prevent this happening again. Offered to reimburse costs incurred.</p> <p>Stage Two – Reviewed complaint and concluded that there was an irreconcilable difference in the recollection of events surrounding the information that was or was not provided regarding the exit barrier at Aldern House. Reiterated apology for miscommunication and subsequent inconvenience. A gesture of goodwill was offered to the Complainant which was accepted.</p>	<p>Will change paperwork issued to all contractors working at Aldern House to make it clear what time the access barrier is open from and until on work days and weekends. Will also include two phone numbers of people to contact during out of office hours should there be an issue. Also, at weekends, any contractor who hasn't signed out before 6pm will be contacted by phone to check they have left the site or ask them to do so before their access card stops working.</p>
<p>19/08/19 Stage Two</p>	<p>Complaint escalated to Stage Two.</p>	<p>09/09/19</p> <p>Within 20 working day deadline</p>	<p>Decision: No further action to be taken, as there was no evidence to suggest that there had been a breach of the Code of Conduct, and as such, the complaint did not warrant an investigation.</p>	<p>None required.</p>
<p>C466 14/06/19 Member</p>	<p>Complaint that a Member had breached the Code of Conduct by not acting with honesty and objectivity.</p>	<p>Acknowledged : 17/06/19 Response</p>	<p>Decision: No further action to be taken, as there was no evidence to suggest that there had been a breach of the Code of Conduct, and as such, the complaint did not warrant an investigation.</p>	<p>None required.</p>

		23/09/19		
C467 03/09/19 Stage One	Development Management Complaint regarding lack of response and action with regard to enforcement complaints relating to a public house including: <ol style="list-style-type: none"> 1) Erection of stainless steel extractor fan 2) Erection of flag pole 3) Erection of marquee and associated noise and disturbance in a conservation area 4) Parking of a HGV on site Complainant also requested clear clarification of whether or not the marquee required planning permission.	18/09/19 Within 15 working day deadline	Stage One - Confirmed that previous response from officer concerning the marquee was correct and that planning permission is not required. Stated nothing further to add in relation to this matter. Advised Complainant to refer complaints about noise from the site to Derbyshire Dales District Council Environmental Health officers. The flagpole does not require planning permission, and is therefore outside the control of the Authority. The extraction unit on the gable end of the building does require planning permission. The brewery and licensee have been made aware of this and asked to submit an application. However advised Complainant that this is a low enforcement priority. When an application is received, this will go through the same process as any other application. Stage Two – will be reported in next quarter.	None required.
19/09/19 Stage Two	Complaint escalated to Stage Two.	Response due by 17/10/19 but due to officer's leave extension to deadline agreed until 24/10/19.		
C468 03/09/19	Issue regarding condition of an access track incorrectly registered as a service complaint and now	N/A	N/A	N/A

	<p>being dealt with as an enforcement issue.</p> <p>Not included in complaints statistics.</p>			
<p>C469 16/09/19 Stage One</p>	<p>Development Management</p> <p>Complaint regarding handling of a planning application including the following issues:</p> <ol style="list-style-type: none"> 1) Full information has not been given to members of the committee about the unique problems of the site because a site visit has not been organised for all members 2) Recommendation of approval of the application would be given without any access and construction management plan having been seen and approved 3) It is intended to recommend approval of a 5-bedroom holiday house without adequate consideration having been given to the implications and impact of this decision on the local community 4) Virtually no consideration has been given to the parking issues 	<p>18/09/19</p> <p>Within 15 working day deadline.</p>	<p>Noted the matters raised regarding the proposal and the way in which the application was considered. Acknowledged that Complainant unhappy with the decision in relation to the proposal. Reviewed the application, consultation responses and planning committee report and stated that satisfied the decision was properly made and took into account and gave appropriate weight to the relevant material considerations and policy.</p>	<p>None required.</p>

	<p>5) Virtually no consideration has been given to the access issues.</p> <p>6) Virtually no consideration has been given to the road safety issues.</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
<p>C.458 26/09/19 Stage Two</p> <p>Stage One previously reported in Quarter 1</p>	<p>Development Management</p> <p>Complaint regarding handling of enforcement issues.</p> <p>Awaiting confirmation of escalation to Stage Two</p>		<p>Any update will be reported in Quarter 3.</p>	
<p>C459 24/09/19 Ombudsman</p> <p>(Stage One and Stage Two complaints reported in Q1)</p>	<p>Engagement</p> <p>Complaint regarding only being able to book a PDNPA event on-line and no alternative way of booking for those without access to a computer.</p>	<p>No response requested at present</p>	<p>The Ombudsman is currently considering investigating this complaint. An update will be made in Quarter 3.</p>	

C.460 28/08/19 Stage Two (Stage One complaint reported in Q1)	Development Management Complaint regarding handling of a planning application and confusion with another application therefore jeopardising Complainant's application.	18/04/19	Agreed were some minor errors in way the application was dealt with, but did not have any bearing on the final decision. Consider that officers have dealt with it in a professional and proper manner, taking into account the relevant policies and "material considerations". Every application is dealt with on its merits as they will raise different issues or similar issues which may be given different weight because of the particular nature of the site or the proposal. For listed buildings the Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having reviewed the applications consider that officers did this. Note that the applications have now been approved, subject to planning conditions. Reiterated the apology for the errors on the consultation response. Confident that these errors had no bearing on the assessment and outcome of applications. Clear that officer did not pre-determine or act impartially on the applications in any way. The justification for the conditions imposed on the permissions is set out in the officer's reports and copy sent to Complainant.	
C461 14/06/19 Member (Receipt of complaint reported in Q1)	Complaint that a Member had breached the Code of Conduct by not treating other Members with respect.	Acknowledged : 17/06/19 Response 19/07/19	Decision: No further action to be taken, as there was no evidence to suggest that there had been a breach of the Code of Conduct, and as such, the complaint did not warrant an investigation.	None required.

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	6	6	12	0	2	0
Q2	3	14	17	0	0	0
Q3						
Q4						
Year end (cumulative)	9	20	29	0	0	0