

APPENDIX 4: Quarter 3 Report on Complaints and Freedom of Information (FOI) and Environmental Information Regulations (EIR) Enquiries (1st January – 31st March 2015)

a) Overview

Total Number of Complaints Received in Quarter 4 was 6.
Of these 1 were made regarding an Authority Member.

Total Number of Complaints Received April 2014 – March 2015: 18

b) Details of complaints this quarter

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
C397 07/01/15 Stage One	Land Management Complaint from a representative of an outgoing tenant regarding end of tenancy arrangements and the conduct of an officer of the Authority. Complaint also that actions of the Authority generally led to the outgoing tenant bearing financial loss.	13/02/15 & 17/04/15 Extension of time for response was agreed following submission of additional confidential material	Found no evidence to suggest misconduct of Authority officer. Financial claims rejected save that: <ul style="list-style-type: none"> (1) Agreed to reimburse outgoing tenant for 50% share (£1,004.15) of HLS mapping error penalty. (2) Agreed without admitting liability to pay the outgoing tenant the sum claimed in lieu of heft and acclimatisation of £1042.25. Complaint escalated to Stage 2.
C.398 09/01/15 Stage One	Field Services Complaint alleging inaccuracies and innuendos in a National Park newsletter.	20/01/15 Within 15 working day deadline	Explained background to cases and purpose of photos in newsletter and how tracks are monitored. Stated that some responsible vehicle users have come forward and offered to repair the damage adjacent to one road because they were so upset about it. Authority has in the past co-ordinated repair works with the Highway Authority and Treadlightly, and would be willing to do so again. Refuted Complainant's suggestion that damage adjacent to a car park might be caused by farm vehicles as clearly incorrect. Emphasised that the NPA has a responsibility to address issues where recreation in the National Park has an impact on conservation values. Apologised for any misunderstanding of the newsletter and that it is simply highlighting situations where irresponsible use by

			motorised users has damaged areas of the National Park counter to the National Park's Green Lanes Code and LARA's Byways Code and the National Park's purposes. Any quantifiable improvements in the management of green lanes will also be reported in the newsletter.
C.399 05/02/15 Stage One	Planning Service Complainants were dissatisfied with the Pre-Application Advice Service they received. They felt that the advice they received from different officers was inconsistent and also that the process was difficult and complicated.	27/02/15 1 day over 15 working day deadline	Complaint justified because of application being dealt with by several different officers and subsequent 'mixed messages' given by those Authority officers. The planning application fee has been refunded as a gesture of goodwill. The complainant was satisfied with this outcome.
C.400 05/02/15 Stage One	Planning Service Stage One Complaint regarding the handling of a planning application.	27/02/15 1 day over 15 working day deadline	On the whole the complaint was not justified; whilst there was some delay in obtaining officer advice and a delay in determining the planning application, this was a long ongoing enforcement case for which there was significant evidence that the Complainants were fully aware of the Authority's stance on their development. The outcome of lengthy discussions was not in the complainant's favour but does not justify a complaint against the Authority's handling of the matter.
C.401 10/03/15 Stage One	Communications & Marketing/Legal and Democratic Services Complaint alleging that the Authority is officially endorsing and promoting an anti-recreational, unelected pressure group and thereby showing a bias against legal vehicle use on green lanes within the National Park. The Authority is not complying with its duty to encourage local business activity and is damaging the image of the Peak District as a major motorised tourist destination. The	31/03/15 Within 15 working day deadline	Following complaint about information relating to Friends of the Peak District appearing on the Authority website the content was reviewed in the context of the current Partnership Policy and removed a number of bodies listed. Also advised that the National Park Authority did not endorse or actively promote membership of any of the bodies listed. The purpose was to provide information about partners and signpost anyone who wanted to know more. Explained the National Park purposes and confirmed that all the decisions relating to traffic management in the National Park had been made in an open and transparent way and in accordance with our statutory purposes. Also advised that as membership of a group or charity does

	<p>Authority is using public funds and resources to promote Friends of the Peak District which is improper and not permitted.</p>		<p>not necessarily mean that a Member or employee supports all the views or decisions of that body membership alone did not prevent an individual participating in decision making unless they have a prejudicial interest by holding a position of authority on that body or by having a significant financial investment in the body or the decision being made. It was therefore the responsibility of individual Members and officers to decide whether they could come to an issue with an open mind and not the Authority.</p>
<p>C.402 11/03/15 Member</p>	<p>Complaint against an Authority Member who had:</p> <ul style="list-style-type: none"> a) not behaved in a way consistent with the general principles prescribed in Section 28 of the Localism Act 2011. b) failed to treat others with respect. c) acted in a manner which could be regarded as bringing his office and the Authority into disrepute. 	<p>Acknowledgement sent: 13/3/15</p> <p>Response sent: 17/04/15</p>	<p>Decision: No further action to be taken as there was no evidence to suggest that there has been a breach of the Code of Conduct, and as such the complaint did not warrant an investigation as it is not in the public interest to pursue it further.</p>

c) Updates on Complaints Reported in Previous Quarters

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome
<p>C.355 19/07/13 Ombudsman – originally reported in Quarter 1 of 2014 - 2015</p> <p>(Stage One complaint and response reported in Quarter 2 and Stage Two response reported in Quarter 4 of 2013 - 2014)</p>	<p>Planning Complaint regarding lack of consultation for a planning application on a neighbouring property and impact on complainant's property.</p>	<p>13/06/14</p> <p>One day over 31 day deadline</p>	<p>The Ombudsman's provisional view recommended that the Authority agree to pay for an independent planner to advise whether the planning decision would have been different, taking account of:</p> <ul style="list-style-type: none"> • The impact on the Cottage • Acceptable separation distances • Positioning of windows and overlooking of: <ul style="list-style-type: none"> a) Primary living spaces (kitchen and main bedroom) b) Yard/outside dining area. <p>The Authority agreed to pay for an independent planner and their report has been received. Comments by the Authority on the report have been sent to the Ombudsman. A final decision from the Ombudsman is still awaited.</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>Response delayed by change of Chief Executive. Meeting offered by new CEO</p>	<p>The Chief Executive has offered to meet the complainant to discuss the complaint; a reply is awaited. The planning application which is the source of the complaint was approved at the Planning Committee on 17 April.</p>

d) Complaints Review

When the last quarterly report on complaints was considered Members requested a review and update on trends in complaints over the past 3 years.

Numbers of Complaints Received Over Last 3 Years												
Year	No of Total Complaints					No of Stage 1 Complaints		No of Stage 2 Complaints		No of Ombudsman Complaints		
Period 1 April to 31 March	Received	Withdrawn	Against Planning Service	Against Other Services	Against Members	Planning Service	Other Services	Planning Service	Other Services	Planning Service	Other Services	Members
2012/13	38	0	22	4	12	22	4	5	0	3	0	0
2013/14	34	1	18	11	5	17	11	6	1	1	0	2
2014/15	18	0	11	6	1	11	6	5	1	1	0	0

The following trends in complaints have been identified:

2012/13 – Planning Service: handling of planning applications, pre-application advice and lack of enforcement action
Other Services: Complaints against Members, publication of information and actions of officers.

2013/14 – Planning Service: handling of planning applications, pre-application advice, lack of consultation, actions of officers
Other Services: Complaints against Members, actions of Management Team.

2014/15 – Planning Service: handling of planning applications, pre-application advice and length of time taken to take enforcement action
Other Services: Actions of officers.

With regard to the number of complaints received, there has been a marked reduction over the last 3 years as shown in the table above. Of those complaints which were pursued to the Local Government Ombudsman, there have been no upheld cases over this period, although there is one outstanding planning case for which an update report is included in this quarter (C.355). Within the Planning Service part of the reason for the reduction in complaints is the greater focus on dealing with issues as soon as they arise, rather than allowing them to escalate into a formal complaint.

e) Quarter 4 Report on Freedom of Information (FOI) and Environment Information Regulation Enquiries (EIR)

2014/15	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 referrals to the Information Commissioner	Enquiries in progress
Q4	19	4	21	2	0	3
Total over the year	71	27	92	7	0	

Note: in future, this report will be based on the Number of FOI requests and EIR enquiries dealt with in each quarter to give more clarity of information.