

Quarter 3, Quarter 4 and Year End Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries

Complaints

Summary of Complaints in YTD	Q1	Q2	Q3	Q4	YTD	2020/21 Target
Number of Complaints Received in Quarter:	1	2	4	6	13	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	100%	50%	100%	100%	92%	100%
Number of Complaints in Quarter regarding an Authority Member:	1	0	0	0	1	-

Complaints Received

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.481 01/12/2020 Stage 1	<p>Development Management.</p> <p>Complaint regarding property neighbouring the complainant's property, summarised as:</p> <ul style="list-style-type: none"> Lack of response/time to respond from officers Rebuilding of listed wall (lack of initial action, lack of prosecution) Removal of trees/shrubs Surfacing material (chippings not bound and 	<p>08/12/2020</p> <p>Within 15 working day deadline.</p>	<ul style="list-style-type: none"> Response from Officers to high volume of correspondence deemed satisfactory in the circumstances. Wall rebuilt to a satisfactory standard so no further action required in this respect. Removal of trees found to not require any extra permission. Monitoring and Enforcement Team in discussion with property owner and Highways Authority regarding suitable surface for parking area. Owner of property agreed to apply for listed building consent for those of the issues that required it (re-roofing of outbuilding). 	None required.

	<p>cobbles are inappropriate granite)</p> <ul style="list-style-type: none"> • Whether LBC consent needed and advice taken in relation to outbuildings 			
C.482 08/12/2020 Stage 1	<p>Development Management</p> <p>Complaint regarding referring a planning application to a Planning Committee meeting before the public consultation period has ended.</p> <p>Also objected to the wording of the recommendation in the report, and delegation of final decision to officers as this would be undemocratic.</p>	<p>08/12/2020</p> <p>Within 15 working day deadline.</p>	<p>Complainant advised that responses have been adequately considered and the delegation to officers is in accordance with the Authority's standard procedures and is not undemocratic.</p>	<p>None required.</p>
C.483 09/12/2020 Stage 1	<p>Development Management</p> <p>Complaint regarding representations against a planning application published on the Authority's website which allegedly contained slanderous comments regarding the Complainant.</p>	<p>17/12/2020</p> <p>Within 15 working day deadline.</p>	<p>Representation should not have been published to website, doing so was in contravention of our procedure. There is usually diligent checking and redaction of representations but acknowledge that in this instance the diligence was not achieved. Apologised to customer and explained the Planning Officers don't check representations until the consultation period has closed; however, in this instance due to the Complainant raising the issue it had been checked and removed.</p>	<p>Training increased and repeated in Customer and Business Support Team to prevent reoccurrence.</p>
C.484 18/12/2020 Stage 1	<p>Information Management</p> <p>Complaint that the Authority was unable to notify Complainant direct, as house owner, about neighbouring planning</p>	<p>07/01/2021</p> <p>Within 15 working day deadline.</p>	<p>Explained to customer that Authority has no obligation to notify absent owners of properties and it would be impossible to maintain accurate records that would enable it to do so.</p>	<p>None required.</p>

<p>08/01/2021 Escalated to Stage 2</p>	<p>applications and can only send notifications to the addresses in the area of any neighbouring properties; one of which is a house Complainant owns but has a tenant in situ.</p> <p>Complainant requests that the Authority should notify house owner either instead of, or as well as, the current occupier of the tenanted house.</p> <p>Also alleged there was no notification of latest planning application, the development of which would affect a right of way critical for maintenance of property owned by Complainant.</p>	<p>22/01/2021</p> <p>Within 20 working day deadline</p>	<p>Suggestion made that in future tenant is required to pass on any correspondence addressed to "The Occupier".</p> <p>Stage 2 response advised the following:</p> <ul style="list-style-type: none"> • that Stage One complaint was dealt with by Officers in a professional and polite manner • that the Authority is unable to notify absent property owners of planning applications as there is no way of keeping up to date with this information. • that it is the responsibility of the tenant to advise the owner of the property of any planning notifications. 	<p>None required.</p>
<p>C.485 15/01/2021 Stage 1</p>	<p>Asset Management</p> <p>Complaint regarding the handling of an Authority asset and impact on local residents.</p>	<p>04/02/2020</p> <p>Within 15 working day deadline</p>	<p>Stage One - Clarification provided on the following points:</p> <ul style="list-style-type: none"> • the planning history of the site • the circumstances that led to the Authority's purchase of the site • the Authority's policy regarding new tracks on farm land 	<p>None required</p>

08/02/2021 Stage 2	Complaint escalated to Stage 2	08/03/2020 Within 20 working day deadline	<ul style="list-style-type: none"> the process for determining applications on land owned by the Authority the Authority's approach in seeking to avoid significant loss of public funds the timescale that has been given to the local community to provide a detailed plan to purchase the site. <p>Stage Two – Further clarification provided on the following:</p> <ul style="list-style-type: none"> The Authority's knowledge regarding any potential access issues to the site at the time of purchase and the future approach on this. The steps the Authority is taking to consider alternative plans for the site from members of the local community. 	None required
C.489 05/02/2021 Stage 1	Landscape and Conservation Complaint about the Park allowing grouse shooting and the killing of rare and beautiful raptors.	26/02/2021 Within 15 working day deadline	<ul style="list-style-type: none"> Explained the Authority's position on persecution of birds of prey and the measures that the Authority is taking to combat this issue. Advised that had these measures not been taken it is likely that the situation would be worse. Explained Authority's position regarding grouse shooting 	None required
C.490 02/02/2021 Stage 1	Policy and Communities Complaint alleging use of 'loaded questions' within the Authority's Local Plan consultation/survey.	08/02/2020 Within 15 working day deadline	Stage One - Explained parameters and remit of survey and that the intention was not for the survey to be loaded. Stated that based on some of the feedback received a decision had already been made to develop an alternative and simpler version of the survey.	An alternative, simpler survey developed.
08/03/2021 Stage 2	Complaint escalated to stage 2	17/03/2021 Within 20 working day deadline	Stage Two – Explained that the survey is part of the scoping stage of the local plan review, designed to encourage debate on various issues. The survey received over 900 responses which will be considered alongside the responses to the young person's survey which was still	None required

			ongoing. Afterwards there will be further engagement over the rest of the year. Analysis of the survey could be sent to Complainant if this was desired. The Local Plan review will be discussed with the Member steering group regarding next steps.	
C.491 09/03/2021 Stage 1	Landscape and Conservation Complaint regarding lack of communication by an Authority Officer regarding permission to remove a sycamore tree from Complainant's property	11/03/2021 Within 15 working day deadline	Apologised for delays in responding to correspondence regarding the tree prior to submission of complaint. Arranged for an assessment of the tree with a view to reaching a compromise solution.	None required
23/03/21 Stage 2	Complaint escalated to Stage 2.	Response due 20/4/2021	Stage 2 response will be reported in Quarter 2 of 2021-22	
C.492 09/03/2021 Stage 1	Landscape and Conservation Complaint regarding damage caused to trees, flora and soil by creation of new paths for mountain bikes by individuals on Authority owned land.	17/03/2021 Within 15 working day deadline	<ul style="list-style-type: none"> • Issue reported to Derbyshire Rural Crime Team by Officer • Customer advised that works later in the year will be modified in order to disrupt the cycle route • Ranger notified and asked for support in resolving the issue • Offered to meet / speak to the Complainant to discuss the issue further if desired. 	Works taking place later in year to be modified in order to disrupt the cycle route
C.493 26/03/2021 Stage 1	Development Management Complaint regarding potential enforcement breaches of field shelters that have been erected without planning permission. Complainant feels discriminated against for following correct planning procedure when others gone unnoticed. Also alleged lack of action by officer.	Response due by 20/04/2021	Response will be reported in Quarter 1 of 2021-22	

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.453 21/10/20 Ombudsman</p> <p>This complaint had been through Stage 1 and 2 in 2018/19.</p>	<p>Development Management</p> <p>Complaint about the Authority's decision to serve a repairs notice on the Complainant in 2010 which it withdrew in 2018 following a change of staff. The Complainant alleges the Authority acted unreasonably in taking enforcement action over a period of several years.</p>	<p>Not required</p>	<p>The Ombudsman decided not to investigate this complaint. This is because it concerned matters which the Ombudsman previously investigated in 2011 and which took place more than 12 months ago. The Complainant did not complain about the decision to withdraw the repairs notice within 12 months of being informed of the decision.</p>	<p>None required.</p>

Complaints Review

Since 2015, at Members' request, we have included a review and update on trends in complaints over the past 3 years in the Quarter 4 report.

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 Development Management (Previously Planning Service)	Against Other Services	Against Members	Development Management (Previously Planning Service)	Other Services	Development Management (Previously Planning Service)	Other Services	Development Management (Previously Planning Service)	Other Services	Members
2018/19	13	0	9	4	1	9	4	2	2	3	0	0
2019/20	19	0	11	6	2	11	6	8	3	2	1	0
2020/21	13	0	5	8	1	5	8	0	4	3	0	0

The following trends in complaints have been identified:

2018/19 – Development Management Service: handling of planning applications lack of responses and actions of officers.
Other Services: Actions of officers.

2019/20 – Development Management Service: handling of planning applications and enforcement issues.
Other Services: No trends identified.

2020/21 – Development Management Service: handling of planning applications and enforcement issues.
Other Services: – Covid-19 related issues and actions of officers

The number of complaints received overall has decreased this year, as shown in the table above, and is still in line with our annual target of receiving less than 20 complaints per year. However there has been an increase in complaints regarding other services, particularly in the last two quarters. Of those complaints which were pursued to the Local Government Ombudsman, none were upheld.

Quarter 3 and Quarter 4 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	4	5	8	1	3	0
Q2	7	11	18	0	2	0
Q3	4	7	0	0	2	0
Q4	7	9	16	0	2	0
Year end (cumulative)	22	32	42	1	2	0