

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	2021/22 Target
Number of Complaints Received in Quarter:	10	7	17	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	50%	100%	75%	
Number of Complaints in Quarter regarding an Authority Member:	0	0	0	-

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.504 20/10/21 Stage 2	<p>Planning Service</p> <p>An unauthorised satellite disc, which previously provided broadband to the locality has been removed as a result of PDNPA enforcement action. Complainant feels that the Authority has issued conflicting advice, not sufficiently consulted the local community and failed to properly weigh the visual impact of the disc against the benefit to the community of the service that it provided.</p>	<p>17/11/2021</p> <p>Within 20 working day deadline</p>	<p>The Complainant had already been in contact with the Enforcement and Monitoring Team and received responses regarding the issues raised so the complaint was registered as Stage 2.</p> <p>The initial responses had explained that the original site of the satellite disc represented unauthorised development in the Natural Zone and that the application for a replacement disc was withdrawn by the Applicant. Subsequently, the applicant had not been able to find an alternative site that was commercially acceptable to them.</p> <p>The complaint response explained the complex planning history of the site and also explained that in order to consider the benefit to the local community, Officers invited the applicant to consider sites outside the Natural Zone (which they chose not to progress). The Authority also gave additional flexibility in terms of the timeframes to comply with the Enforcement Notice.</p>	None required

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C.505 09/11/21 Stage 1	Complaint against an Authority Officer raising the following issues: <ul style="list-style-type: none"> • Inappropriate interference with an independent statutory committee • Bias and collusion • Complainant's record as a member of the independent statutory committee • Constructive dismissal 	29/11/2021 Within 15 working day deadline	Complaint fully investigated but no evidence found to support any of the issues raised. . Whilst no evidence was found to support the complaint, it was acknowledged that there had been a misunderstanding; it was hoped that the investigation and response had provided some clarity. The Complainant did raise a further issue with regard to the new guidance for appointing the Chair and Vice Chair of the committee and this was considered but decided there was nothing further to be added to the initial response to the Complainant.	Formal procedural guidance to be produced for appointing a Chair and Vice Chair to the statutory committee listed in the complaint.
14/03/22 Ombudsman	Complaint referred to Ombudsman		Awaiting further details from the Ombudsman	
C.506 21/12/21 Stage 1	Planning Service Complaint regarding lack of disabled accommodation in a planning approval at a holiday park within the National Park including: 1. What are the statutory requirements for disabled access in this type of development? 2. To what extent did the PDNPA consider disabled access? 3. If PDNPA did make any requirements, were these requirements met? 4. Is there anything that PDNPA	17/01/2022 Within 15 working day deadline.	Explained to Complainant that access considerations were considered in the application however the PDNPA is only able to intervene after permission is granted if there is a breach of conditions or other unauthorised works. Also the Authority has no control over the internal layout of the lodges. Monitoring of accessibility standards would be a matter for the District Council under building regulations.	None required

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	<p>should / could have done to ensure disabled access which PDNPA did not do?</p> <p>5. Who would monitor compliance with this?</p>			
<p>C.507 24/12/21 Stage 1</p>	<p>Planning service</p> <p>Complaint regarding decision making at Planning Committee in relation to an application which Members had been minded to approve, but which was deferred to the next Committee due to being contrary to policy. The application was then refused at the subsequent Committee.</p>	<p>19/01/22</p> <p>Within 15 working day deadline.</p>	<p>Explained application was taken to a subsequent Committee due to the original decision being contrary to policy resulting in significant risk of landscape harm. This is a long standing practice of the Authority and allows a fresh perspective following the preparation of a report which considers the implications of approval. The Authority monitors decisions made contrary to policy as a key indicator of its ability to conserve and enhance the Natural Park.</p>	<p>Discussions will take place between Head of Planning, Chair and Vice Chair of Planning Committee and Democratic Services as to how to set the right expectations for agents and applicants for deferred reports.</p>
<p>C.508 11/02/22 Stage 1</p>	<p>Asset Management Service</p> <p>Complaint regarding public toilets owned by the Authority, at a Visitor Location, being unclean. Complainant requested toilets be cleaned as a matter of urgency on health and safety grounds.</p>	<p>17/02/22</p> <p>Within 15 working day deadline.</p>	<p>Issue investigated with cleaning contractor who confirmed that the toilets had been cleaned that morning prior to opening. Apologised to Complainant and explained there was currently no provision in place for urgent cleaning over and above the regular schedule.</p>	<p>Emergency response service set up with cleaning contractor for all Authority's public toilets.</p>
<p>C.509 18/02/22 Stage 1</p>	<p>Landscape Service</p> <p>Complaint regarding a condition on a planning permission and requesting details of who the Authority was answerable to.</p>	<p>n/a</p>	<p>Complaint withdrawn by Complainant as premature - clarified that they were seeking information and did not wish to pursue a formal complaint at present.</p>	<p>n/a</p>
<p>C.510 17/03/22 Stage 1</p>	<p>Complaint regarding two Authority Officers</p>	<p>Response due by 07/04/22 and will be reported on in Q1 2022/3</p>		

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
C.499 18/08/21 Stage 2 (Stage 1 reported in Q2)	Planning service Complaint escalated to Stage 2 raising the following issues: <ul style="list-style-type: none"> • The Authority's explanation as to why a condition could not be attached is inconsistent. • The development is causing safety issues and the previous rear entrance has been deliberately obstructed to stop vehicles entering. • The Complainant has already contacted the Police, the Highways Authority and the pub owners and been advised that they cannot assist. • Complainant requests the Authority issue a discontinuance order. 	Response due by 24/09/2021 Extension of time requested until 08/10/2021 Responded to 05/10/21 Outside 20 working day target	Complainant advised of the following: <ul style="list-style-type: none"> • Traffic movement in the lane and associated parking issues were not considered to be material considerations in the application although there being no overall loss of parking space was considered. • Conditions can only be applied if they are relevant to each case and only in respect of land within the applicant's control. The access falls outside of planning control and is a civil matter. • There are no grounds for a discontinuance order. 	None required.

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<p>Ombudsman</p>	<p>Complainant escalated complaint to Local Government Ombudsman stating Complainant had had access problems since the Authority granted planning development at business premises near to home</p>	<p>None required</p>	<p>Ombudsman Decision: Will not investigate this complaint about planning permission which the Complainant says has resulted in access problems. The right of access is a private matter unaffected by the Authority's grant of planning permission.</p>	<p>n/a</p>
<p>C.502 08/09/21 Stage 1 (Receipt reported in Q2)</p>	<p>Planning Service Complaint regarding:</p> <ul style="list-style-type: none"> • lack of engagement from the Authority with the Agent, despite the application being under consideration for 21 weeks. Several unsuccessful attempts were made by the Agent to contact the Case Officer. • The first contact the Agent had was the decision notice outlining refusal of permission. • Agent feels that issues could have potentially been ironed out if the Authority had engaged with them during the process 	<p>02/11/21 Outside 15 working day deadline</p>	<p>Apologised to Complainant and outlined the pressures that the Planning Service has been working under. Acknowledged that communication is vital to both sides and will be investigating any instances where this has failed and working with Officers to understand causes and improve.</p>	<p>Managers will be investigating any instances where this has failed and working with Officers to understand causes and improve.</p>
<p>C.503</p>	<p>Planning Service</p>	<p>Response due</p>	<p>Explained that delay was caused by the agent withdrawing</p>	<p>None required.</p>

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<p>22/09/21 Stage 1 (Receipt reported in Q2)</p>	<p>Complaint regarding lateness, and inconsistency of advice given by Planning Officer and Manager, leading to delays throughout the process and resulting in an authorised scheme which is unsatisfactory to the applicant.</p>	<p>13/10/21 Extension of time agreed to 22/10/21 Response sent 22/10/21 Outside 15 working days target.</p>	<p>and resubmitting the application following conversations with the planning officer to avoid a refusal. Further alterations to the scheme were subsequently requested by the Planning Manager and the agent took time to respond. The submitted amended plans resulted in the application being approved.</p>	
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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	Planning Service	Against Other Services	Against Members	Planning Service	Other Services	Planning Service	Other Services	Planning Service	Other Services	Members
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
2021/22	17	2	11	6	0	10	5	3	1	1	2	0

The following trends in complaints have been identified:

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

2021/22 – Planning Service (was Development Management): impacts of planning permissions on others, lack of responses or late responses by Officers
Other Services: Actions of Officers

The number of complaints received overall has increased this year, as shown in the table above, however it is still in line with our annual target of receiving less than 20 complaints per year. The percentage of responses sent within the 15 working day deadline (75%) is lower this year than the

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previous 2 years due to extensions to deadlines not being agreed with Complainants. Officers will be reminded that if they are unable to meet the original response deadline that they need to agree extensions. Three complaints were pursued to the Local Government and Social Care Ombudsman, of these two were not upheld and one is awaiting confirmation of action (if any) to be taken.

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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	7	9	16	0	2	0
Q2	7	8	15	0	2	0
Q3	14	5	19	0	4	0
Q4	12	8	19	1	4	0
Year end (cumulative)	40	30	69	1	4	0