

Appendix 5 - 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	Quarters 1 & 2	Quarters 3 &4	Year to Date	2022/23 Target
Number of Complaints Received in Quarter:	12	26	38	<20
Percentage of complaints dealt with in accordance with agreed deadline of 15 working days	78%	100%	89%	
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.522 22/09/22 Stage 1	Planning Complaint regarding lack of action at a site subject to an Enforcement Notice.	12/10/2022 Within 15 working day deadline	Manager confirmed Enforcement Team investigations were ongoing and Officers were considering what further action to take. Further information was needed before the types of action suggested by the complainant could be progressed.	None required
C.523 17/10/22 Stage 1	Landscape Lack of response from the Built Environment Team to the Complainants enquiry	18/10/2022 Within 15 working day deadline	Manager explained there had been a mistake in the original logging of the enquiry, leading to it going astray. Agreed to arrange a meeting at the earliest convenience of all parties. Further correspondence showed complainant very happy with outcome.	None required
C.524 26/10/22 Stage 1	Asset Management Complaint regarding stay at an Authority owned holiday cottage - various issues with the accommodation and facilities.	Not required	Complaint withdrawn as was dealt with by the letting agent.	None required
C.525 26/10/22	Planning	02/11/2022	Explained that no consultation takes place on non-material amendments and that the Complainant's private view is not a	None required - further investigation showed the

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Stage 1	Complaint regarding neighbouring garage being dealt with as a non-material amendment to a planning application. Complainant objected to this and believed they had been shown the wrong plans.	Within 15 working days deadline	material planning consideration. Apologised for the mix up which may have occurred with the complainant viewing the wrong plans.	Customer and Business Support Team had not assisted the Complainant with any plans so they must have been viewed elsewhere.
C.526 14/11/22 Stage 1	Planning Complainant was not notified about neighbouring development. Complaint made direct to Planning Service on 28/09/2022 and logged retrospectively	29/09/2022 Within 15 working day deadline.	Explained neighbour notification process is automated based on properties within 10 metres of the application, this can miss properties next door that are over 10m away due to e.g. long gardens. Officers endeavour to pick this up manually but in this instance it was not picked up. However, the impacts on the neighbour's amenity were taken into account when the application was considered.	None required.
C.527 05/12/22 Stage 1	Planning Delay in processing planning application which is still ongoing a year after it was expected to be resolved. Mixed messages given by planning officers.	22/12/22 Within 15 working day deadline.	Officer and Manager had met to discuss application and a recommendation of refusal would be taken to the next planning committee. Explained reasons for differing views between Officers and apologised for time taken to respond to revised plans. Communication between Officers, applicant and agent will be considered in the Planning Service Review.	Complaint is an example of issues regarding communication which will be considered in the Planning Service Review.
C.528 09/01/23 Stage 1	Asset Management Complaint regarding the re-surfacing of the Tissington Trail being not suitable for a bridleway, causing pain to horses and making the trail unsuitable for horses to use. The gates that have been installed were also problematic as they	12/01/23 Within 15 working day deadline	Explained full reasons for using this surface on the trails. Advised gate was installed for safety reasons and its design is currently being reviewed with a view to assisting wheelchair users.	None required

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	were too narrow and heavy.			
C.529 11/01/23 Stage 1	Planning Complaint regarding lack of progress on a planning application.	25/01/23 Within 15 working day deadline	Complaint withdrawn following conversation with Planning Manager	None required.
C.530 26/10/22 Stage 1	Planning Officers misled committee by claiming to pursue prosecution, injunction and direct action against enforcement enquiries when complainant believes that this is not the case.	18/11/2022	Complaint not initially registered as a formal complaint, but was registered when Customer wished to escalate to Stage 2. Explained how prioritisation of enforcement cases is decided and that the methods mentioned are options available to us and that they are used as necessary and when capacity allows.	None required
Stage 2 28/11/22	Officers misled committee by claiming to pursue prosecution, injunction and direct action against enforcement enquiries when complainant believes that this is not the case.	03/03/23 Outside 20 working days deadline.	Explained enforcement can be a lengthy process and that further action is taken when a breach reaches the appropriate level of seriousness.	None required.
C.531 22/02/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required.
C.532 22/02/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required.

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	unauthorised developments.			
C.533	Planning	02/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
22/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage 1				
C.534	Planning	02/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
28/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage 1				
C.535	Planning	01/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
28/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage1				
C.536	Planning	01/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
28/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage 1				
C.537	Planning	02/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	
28/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage 1				
C.538	Planning	02/03/23	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
28/02/23	Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	Within 15 working day deadline		
Stage 1				

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C.539 28/02/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.540 28/02/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.541 02/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.542 02/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	02/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.543 03/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	03/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.544 08/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	03/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required.

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C.545 08/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	14/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required
C.546 08/03/23 Stage 1	Planning Alleging lack of action by the Planning Team in relation to a property with several unauthorised developments.	14/03/23 Within 15 working day deadline	Authority was undertaking preparatory work necessary before applying to the high court for an injunction preventing further unauthorised development and requiring reinstatement. Additionally a Tree Preservation Order was being served.	None required.
C.547 09/03/23 Stage 1	Planning Concern regarding the number of vehicles entering a site.	28/03/23 Within 15 working day deadline.	Monitoring and Enforcement Team asked to make contact with the applicant to ensure the travel plans was being implemented.	None required
C.548 10/03/23 Stage 1	Landscape Tree in complainant's garden collapsed causing damage to house. They had been advised by Authority tree officer several years before that it was safe.	29/03/23 Within 15 working day deadline.	Duty of care lies with owner of tree so authority not liable. Trees should be inspected regularly and certainly more often than every 10 years.	None required.

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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.512</p> <p>Ombudsman 23/11/22</p> <p>(Stage 2 reported in Q2 of 2022/3)</p>	<p>Planning</p> <p>Complaint about lack of action at an enforcement site, which was escalated to Ombudsman</p>	<p>Ombudsman decision received 20/03/22</p>	<p>Complaint not upheld. Ombudsman found no evidence of procedural fault in the decisions the Authority had made or in how it had progressed the case.</p>	<p>None required.</p>
<p>C.517</p> <p>Ombudsman 16/11/22</p> <p>(Stage 2 reported in Q2 of 2022/23)</p>	<p>Planning</p> <p>Complainant reiterated perception that Officers had made false and misleading promises regarding planned action at an enforcement site.</p>	<p>Ombudsman decision received 20/03/23</p>	<p>Complaint not upheld. Further action was ongoing and the Authority had continued to keep the complainant updated about progress.</p>	<p>None required.</p>

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Update on Lessons Learned

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Lesson Learned	Implementation- update from Manager
C.521	Engagement Service Complaint regarding poor customer service by a particular member of staff at a cycle hire centre.	Advised the matter would be taken up with the member of staff concerned and that all staff would be made aware of the relevant procedures	<p>Incident was taken up with the member of staff who had a very different account of the event which was supported by another member of staff on duty. Staff member was given support and training on how they might diffuse the situation in the event that they have a confrontational customer again.</p> <p>There were no repeat occurrences from staff member or confrontational customers. When resolving the complaint on the phone with the complainant, they were amiable and were happy with explanation of how the issue would be dealt with. They did not want any further follow up.</p>
C.527	Planning Service Complaint regarding delay in processing planning application which was still ongoing a year after it was expected to be resolved. Mixed messages given by planning officers.	Complaint is an example of issues regarding communication which will be considered in the Planning Service Review.	<p>Package of proposals being implemented and designed to respond to unstable staffing which has led to delays, increased caseload and mixed standards of communication.</p> <p>Various methods being employed and developed to improve staff retention alongside a revised service structure aimed at attracting and developing staff, as well as providing stronger overview and management with greater potential for clear communication of our approach and culture to reduce the scope for mixed messaging going forward</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	Against Planning Service	Against Other Services	Against Members	Planning Service	Other Services	Planning Service	Other Services	Planning Service	Other Services	Members
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
2022/23	38	5	31	7	0	25	4	2	0	2	0	0

The following trends in complaints have been identified:

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

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

2022/23 - The sharp increase in the number of complaints made against the Planning Service is due to community action regarding one particular enforcement site. This site was also the subject of the two complaints which were escalated to the Local Government Ombudsman, neither of which were upheld. If this community action was considered as one “super complaint” then the annual total would be much closer to the “less than 20” target.
Other Services: Actions of Officers.

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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	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