

Committee: AUDIT & REVIEW
Date: 27 June 2008

Report: COMPLIMENTS AND COMPLAINTS – HALF YEARLY RETURNS;
AND INFORMATION ABOUT THE LOCAL GOVERNMENT
OMBUDSMAN

Purpose of the report

1. To inform Members of compliments and complaints received by the Authority and handled under the compliments and complaints procedure during the period November 2007 to May 2008 inclusive.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

Background

3. The Audit & Review Committee reviews, on a half-yearly basis, the compliments and formal complaints received by the Authority under the compliments and complaints procedure.

4. **Appendix A** sets out details of compliments received during the period November 2007 to May 2008 inclusive, including a summary of the compliment, and the area of Authority work to which the compliment relates. **Appendix B** is a summary of complaints handled during the period, including a summary of the complaint and the findings, the time taken complete the process, and the area of work to which the complaint relates. Details of these complaints are given in a private report later in the agenda.

5. Prior to receiving a more detailed report on the Local Government Ombudsman later in the year Members might be interested to note that, as of April 2008, there have been changes to the way in which complaints are handled. A new dedicated Access and Advice Centre based in their Coventry office is the first point of contact for all new complaints and enquiries, before subsequent handling by the local office. This will ensure that all "premature" complaints (currently over 30% of the complaints received) are identified and processed as speedily as possible, to the benefit of the complainants and the relevant councils.

6. Through this new approach, the Ombudsman aims to increase the accessibility of its service; support communication contact to a consistently high standard; manage complainants' expectations at the outset; and provide a more consistent approach to premature complaints.

RECOMMENDATION

7. That the report be noted.

Lesley Knevitt
Secretariat Administrator

16 June 2008

Background documents:
None

Compliments November 2007 to May 2008

| <i>Ref No</i> | <i>Name of complim</i> | <i>received</i> | <i>Summary of compliment</i> | <i>Department</i> | <i>Area of work</i> |
|---------------|---------------------------|-----------------|--|-------------------|---------------------|
| 292 | Howard Blackie | 07-Nov-07 | email thanking Josie Wilson (PM Administrative Officer) congratulating her on behalf of the Volunteers for all her work | Park Management | Volunteers |
| 293 | John Blackie (member) | 14-Nov-07 | formal commendation at committee to Richard Daly (Solicitor/Monitoring Officer) for work done on governance | Secretariat | Legal |
| 294 | Janet Rawlins (Leyland) | 20-Nov-07 | Letter of appreciation for all help and support for exhibition - "a superb place, and everyone so kind and helpful" | Authority | Exhibitions |
| 295 | Lesley Irvine, Bellerby S | 25-Nov-07 | Letter congratulating Matt Neale (Area Ranger Upper Wensleydale) for presentation on red squirrel project which was received "with enthusiasm" | Park Management | Rangers |
| 296 | Kettlewell parish council | 27-Nov-07 | Letter congratulating Authority (Simon Chapman, Area Planning Officer, and Val Brown/Marion Brown, Enforcement Officers) for successful handling of enforcement matter | Planning | Enforcement |
| 297 | Mr Jenkins | 05-Dec-07 | Phone call congratulating James Lamb (Area Ranger Swaledale) on professionalism, courteousness and general manner - a great ambassador for the Authority | Park Management | Rangers |
| 298 | John Blackie (member) | 12-Jan-08 | email congratulating Planning Technicians team for excellent work and quality of service | Planning | admin |
| 299 | Steve Dickins | 14-Jan-08 | email thanking Kevin Smith (Retail Manager) for time and effort sourcing a gift - very much appreciated | External Affairs | Retail |
| 300 | Dr T W Gibson | 28-Jan-08 | letter referring to the Chief Executive's "very helpful" PA (Sam Parfitt, PA to Chief Executive) | Secretariat | Admin |
| 301 | William Little | 18-Feb-08 | Letter to Marnie Peacock (Information Adviser, Aysgarth) for providing information - "your knowledge and time is much appreciated" | External Affairs | NPCs |
| 302 | Simon Lovel, Natural En | 02-Apr-08 | Note of thanks to Miles Johnson (Countryside Archaeological Adviser) for work with Natural England on moorland agreements - "I think you deserve a special mention". | C&P | Historic Environ |
| 303 | Sue Midgley, British Hor | 06-May-08 | Note congratulating Mark Allum (Access Officer Projects) and Craig Bellwood (Access Ranger South) for all the work carried out on the Boss Moor Bridleway - "many thanks to all those concerned" | Park Management | Access |

| <i>Ref No</i> | <i>Name of complim</i> | <i>received</i> | <i>Summary of compliment</i> | <i>Department</i> | <i>Area of work</i> |
|---------------|-------------------------|-----------------|---|-------------------|---------------------|
| 304 | Colin Speakman, Yorks | 12-May-08 | Note congratulating Jon Avison (Head of Park Management) "for all your help behind the scenes to make this (Dalesbus) possible | Park Management | Transport |
| 305 | Christine Rhodes, Corto | 26-May-08 | Letter of thanks to Meghann Hull (Information Adviser, Malham and Grassington) for answering all children's letters promptly and sending excellent information material | External Affairs | NPCs |

SUMMARY OF COMPLAINTS HANDLED during period November 2007 to May 2008 inclusive

Appendix B

NB entries in italics show cases reported to last committee which were unresolved at that time or had required further investigation

| Ref No | Date complaint received | Area of work | Stage | Summary of complaint | Findings/current situation | Time taken to complete |
|--------|-------------------------|-----------------|-------|--|---|------------------------|
| 113 | 04.08.07 | Park Management | 1 | <i>Complains that public bridleway is totally obstructed by a building, therefore the Authority is negligent in its duty to define and maintain it and keep it open. In addition, there are no waymarks or signposts to the route.</i> | Complaint partly upheld. Letter from Head of Park Management as response at Stage 1 explaining current situation in full - some doubt over reliability of definitive map as building pre-dated map by 800 years; anomaly to be investigated. Confirms route not signposted but suggest this should wait until uncertainty is resolved; will investigate erection of an explanatory notice. | 1 day at first stage |
| | | | 2 | <i>Complainant has subsequently raised various other issues regarding waymarking, access. Ongoing exchange in attempt to arrange meeting with Access & Recreation Manager.</i> <i>At Stage 2 of process complainant agreed "to suspend complaint" pending out come of meetings/negotiations with officers</i> | <i>Complainant not satisfied with this response but agreed to meet with officers to resolve issues – now dealt with and a matter of rights of way legal procedure; complaint file closed (May 2008)</i> | |
| 115 | 07.09.07 | Planning | 1 | <i>Complainants are solicitors acting on behalf of clients who had wanted to obtain planning permission prior to selling barn to maximise income; after planning permission was refused twice the barn was subsequently sold at auction. New owner then successfully applied for permission; complainant feels this was unfair treatment without apparent justification. Claims never informed of need for s106 agreement.</i> | Complaint not upheld. Letter sent outlining sequence of applications, confirming that reasons for refusal had not been addressed. Property then purchased by new owner who submitted satisfactory proposals addressing reasons for refusal so that planning permission granted. Confirmed that letter had been sent to client's agent confirming need for s106 agreement | 6 days at first stage |
| | | | 3 | <i>Complainants wrote on 24 April 2008 (six months after original response received) requesting further investigation at Stage 3, reiterating their original points.</i> | <i>Request for further investigation refused, as no reason for disputing original response given.</i> | |

| Ref No | Date complaint received | Area of work | Stage | Summary of complaint | Findings/current situation | Time taken to complete |
|--------|-------------------------|--------------|--|---|---|------------------------|
| 118 | 14.01.08 | Planning | 1 3 | <p>Complainant (acting through solicitor) complains that no notification of application re neighbour's property was given, despite being told to the contrary. Unable to contact officers – messages left but no return calls. Permission therefore granted “without the opportunity for objection” and complainant feels will suffer as a result.</p> <p>Complainant subsequently asked for response at stage 1 to be further investigated (ie by member panel) as disputes that notification sent, although request made outside timescale. However, complainant reluctant to commit and has been offered opportunity to withdraw request. Still outstanding (with 20 June deadline).</p> | <p>Complaint partly upheld at first stage. Accept that phone calls not returned for which apologies given.</p> <p>Concerns over affect on amenity appear unfounded and loss of view could not be taken into account in determination. Correct procedures for consultation were carried out including full notification (letters, site notice) to neighbours. Complainant not consulted at planning officer's discretion as not felt necessary.</p> <p>Outstanding</p> | 10 days at first stage |
| 119 | 08.02.08 | Planning | 1 | <p>Complainant notified planning department in October 07 of potential breach in permission during extension works to adjacent property. No action taken and complainant contacted office in November to make formal notification of breach of conditions. Having heard nothing further, complainant wrote again in January threatening to take matter to MP; angry at lack of communication as well as failure to enforce conditions of permission which brings system into disrepute, as well as threatening complainant's own privacy and security.</p> <p>Complainant subsequently took matter up with MP who wrote to CEO.</p> | <p>Complaint upheld. Despite unavoidable delays in bringing case to conclusion sue to reduced staff levels, accept that complainant had not been kept properly informed for which sincere apologies given.</p> <p>Exchange of correspondence between MP and CEO highlighting need for discretion to be used when deciding if sufficient harm incurred as result of breach to justify taking enforcement action.</p> | 7 days |
| 120 | 10.04.08 | Planning | 1 | <p>Complaint made via agent. Had taken advice from planning officer over course of year and as a result had incurred professional costs prior to submitting application, which was refused at committee in line with recommendation (original officer had left the Authority). Complainant sought reimbursement of costs due to poor/bad advice.</p> | <p>Advice sought on potential for precedent from legal team, ombudsman and other NPA colleagues. Accept that complainant given poor advice; asked for itemisation of costs incurred. Awaiting outcome (July deadline, due to personal circumstances of complainant)</p> <p>Outstanding</p> | |

| Ref No | Date complaint received | Area of work | Stage | Summary of complaint | Findings/current situation | Time taken to complete |
|--------|-------------------------|-----------------|-------|---|--|------------------------|
| 121 | 09.05.08 | Park Management | 1 | <p>Protracted dealings with officer regarding proposed footpath modification order application for route. Officer then left Authority, and complainant advised that previous advice had been poor/misleading and modification application was inappropriate – although complainant subsequently confirmed that officer had simply suggested that evidence be collected, not that an application should be made. Meanwhile, path remains blocked with building waste and despite assurances from planning officer, no enforcement has been actioned.</p> | <p>Complaint upheld. Complainant should have been notified of officer's departure from the Authority, for which apology given. Meeting has now been arranged with all parties including NYCC to clarify best way forward and to act accordingly.</p> <p>All waste has now been removed.</p> | 7 days |
| 122 | 09.05.08 | Various | 1 | <p>Complainant unhappy with "inadequate service and advice that the National Park Office in Grassington provides" citing examples of failure to respond to complaints of burning rubbish, planning enquiries relating to quarry development, and the NPA's poor stance on conservation.</p> <p>When asked to be more specific, complainant added speeding motorists, dog fouling, "Grassington being turned into a rural Blackpool", and condemned the lack of projects to encourage conservation, natural development, education.</p> | <p>Previous contacts with complainant checked, and investigation into possible deficiencies of service as stated by complainant.</p> <p>As substantive complaint (response from planning officer) has now been dealt with, no further response proposed</p> | n/a |
| 123 | 28.05.08 | Planning | 1 | <p>Complainant angry at "endless to-ing and fro-ing with regard to her planning application, and the seeming importance placed on "erroneous" objections from neighbour. Also feels that some of the information being asked is irrelevant and an intrusion into her privacy. Complainant is frustrated that she is never able to speak to any officers in the department about her queries, and that officers failure to return calls.</p> | <p>Outstanding.</p> | |