

# Broads Authority

24 July 2020

Agenda item number 14

## Summary of formal complaints – 2019/2020

Report by Administrative Officer

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### Purpose

This report summarises the formal complaints received by the Broads Authority in 2019/20, together with the outcome of those complaints.

### Recommended decision

To note the report.

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## 1. Introduction

- 1.1. It is considered good practice for public bodies such as the Broads Authority to have effective, transparent and accessible arrangements in place to deal with complaints, to adequately publicise their complaints procedures, to monitor responses and to make sure lessons are learnt from the outcome of complaints.
- 1.2. The formal complaints summarised in this report are those made by members of the public and service users during the period 1 April 2019 to 31 March 2020, together with a summary of the Authority's responses.

## 2. Broads Authority complaints procedure

- 2.1. The Authority's formal Complaints Procedure is published on its website at <https://www.broads-authority.gov.uk/contact-us/comments-and-complaints/how-to-complain>. The procedure has a number of stages:
  - In the first instance, complainants are advised to contact the manager responsible for the area of work where they have a complaint or comment, so that the matter can be dealt with informally and as near as possible to the point of contact.
  - If it is not possible to resolve the complaint informally, the complainant may submit a formal complaint in writing. This complaint is investigated by the appropriate Director, who has a responsibility to reconsider the matter objectively and professionally. The complainant will receive a detailed reply in writing identifying whether their complaint is upheld or not. The reply will also explain how to take the matter forward should the complainant remain dissatisfied.

- Finally, if the complainant is still dissatisfied as a result of the Director’s response, they may ask for the matter to be reviewed by the Chief Executive. The Chief Executive is required to review the complaint in an impartial manner and may, if he/she sees fit, seek advice from other officers such as the Monitoring Officer, and any also seek direction from the appropriate committee, or from independent consultants or advisers if he/she believes that an external view would be helpful. If the formal complaint concerns action that the Chief Executive has taken, it will be reviewed by the Chairman of the Authority. This is the final stage of the Authority’s formal complaints procedure.
- 2.2. The Authority seeks to provide a remedy to complaints when it is found at fault.
  - 2.3. The Authority has a separate [Members Code of Conduct and complaints procedure](#), which clarifies the conduct expected by members and summarises how the Authority deals with such complaints.

### 3. Local Government Ombudsman

- 3.1. The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice by the administrative actions (maladministration) of local authorities and other bodies within their jurisdiction, which includes the Broads Authority.
- 3.2. The LGO provides a free, independent and impartial service, and will normally only agree to investigate a complaint if the internal complaints procedures of the appropriate body have been exhausted.

### 4. Formal complaints 2019/2020

- 4.1. Four formal complaints were made to the Authority in 2019/2020. The subject matter of those complaints is set out in Appendix 1, together with the outcomes. Other complaints and issues resolved on an informal basis are not recorded.

### 5. Comparison with previous years

- 5.1. The summary of formal complaints report to the Authority in May 2019 recorded a total of 21 complaints in the two years 2017/18 and 2018/19. 10 formal complaints were received in 2016/17 and 11 in 2015/16. In terms of complaints to the LGO, one complaint was made in 2018/19 (outcome awaited at May 2019), none in 2017/18 and one in 2015/16.
- 5.2. The complaint still at the LGO stage at the time of last year’s report related to a granted planning permission for the construction of a boatshed. The LGO outcome showed there was fault in this case as the ground levels should have been included and consideration given to this when determining the application. The Authority apologised to the complainant for its failure to properly consider the application and the impact on his residential amenity. The Authority reviewed its procedures to ensure planning

applications include details of ground levels to ensure similar problems do not occur in other cases.

## 6. Conclusion

- 6.1. Given the breadth and volume of the Authority's work, the number of formal complaints received in 2019/20 is considered to be small. Officers will continue to record and monitor formal complaints and seek to learn lessons from these, especially where the Authority's actions have fallen below expected standards.

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Date of report: 13 July 2020

Appendix 1 – Formal complaints 2019/2020

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Summary of complaint	Final response provided by	Summary of response
Allegation that the Authority had failed to adequately answer questions raised about a planning application, and had been evasive in addressing requested information and clarification of associated reports for a planning approval.	Local Government Ombudsman (LGO)	The LGO outcome was that the Authority had responded appropriately and answered the questions raised. Therefore, they would not investigate the complaint as it was unlikely they would add to the investigation carried out by the Authority and unlikely it would lead to a different outcome.
Complaint about the Authority’s practice of asking boat owners to display registration marks on vessels.	Chief Executive	The Authority agreed it would be reviewing the wording of the “Display of Registration Marks” guidance document in 2020 and include words making the requirements of the byelaw clearer and that the non-statutory guidance is designed to be helpful.
Complaint about a planning application stopping light and obscuring a view of the broad and much of the sky.	Director of Strategic Services	It was pointed out that the Authority’s complaints process was not the process for challenging planning decisions. Planning permission has been granted following consultation and assessment of the scheme. It was evidenced and confirmed that the planning application had been conducted in an appropriate manner. The complaint was not upheld.
Complaint that the Authority’s use of Broads National Park signage was misleading.	Director of Strategic Services	A detailed response was given to each of the seven points raised by the complainant. The complaint was not upheld.