

**Summary of Formal Complaints 2012/13**  
Report by Head of Governance and Executive Assistant

**Summary:** This report summarises the formal complaints dealt with by the Authority during 2012/13, together with the outcome of these complaints.

**Recommendation:** That the report be noted.

## **1 Introduction**

- 1.1 It is good practice for local authorities and other public bodies to ensure that effective, transparent and accessible arrangements are in place for dealing with complaints, that complaints procedures are adequately publicised and that processes are in place to enable the Authority to monitor responses and ensure that lessons are learnt from the outcome of such complaints.
- 1.2 This report sets out details of the complaints dealt with during the period April 2012 to March 2013, together with a summary of the Authority's response.

## **2 Broads Authority Complaints Procedure**

- 2.1 The Authority has a formal Complaints Procedure which is advertised on its website and which 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, in order that the matter can be dealt with informally and as near as possible to the point of contact.
  - If it proves impossible 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.
  - 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 sees fit, seek advice from other officers, such as the Solicitor and Monitoring Officer, or from independent consultants or advisers if he believes that an external view would be helpful. This is the final stage of the Authority's formal complaints procedure.

### **3 Local Government Ombudsman**

- 3.1 The Local Government Ombudsman 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 Ombudsman 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.
- 3.3 During 2012/13 the Ombudsman reviewed no complaints relating to the Broads Authority which is an improvement on the two complaints made in both 2010/11 and 2011/12.

### **4 Formal Complaints 2012/13**

- 4.1 As already indicated it is good practice for the Authority to monitor the number of complaints dealt with and their outcome. A summary of those dealt with during 2012/13 is therefore set out in the Appendix, together with the Authority's response.
- 4.2 Members will note that four formal complaints were received during this period (compared to seven during 2010/11 and eleven during 2011/12), although of course other complaints and issues were dealt with and resolved on an informal basis.
- 4.3 Of these four, two were planning related and two were navigation related. This is not surprising, these being the two activities of the Authority most likely to impact on members of the public on a day to day basis.

### **5 Summary**

- 5.1 Given the wide breadth and volume of the Authority's work, the number of complaints which were taken to and dealt with at the 'formal' stage is not considered to be excessive. It is very encouraging that no complaints were submitted for determination by the Ombudsman during the year, and therefore that there were no findings of maladministration against the Authority.
- 5.2 Officers will continue to monitor and record details of complaints and seek where possible to learn lessons from these, especially where the actions of the Authority have fallen below expected standards.

Background papers: Nil

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Broads Plan Objectives: None

Appendices: APPENDIX 1 - Formal Complaints 2012/13

## Formal Complaints 2012/13

Summary of Complaint	Final Response Provided by	Summary of Response
1. Complaint relating to the serving of an enforcement notice on a holiday property.	Chief Executive	The complainant was advised that the Authority had to comply with the Town and Country Planning Act 1990 and send the enforcement notice to the whole planning unit in accordance with Section 172 of the Act (and that copies of the notice had been sent to all owners and occupiers of the site). The notice had also specifically highlighted by an underlined sentence on the first page of the notice that if the chalets were being used for holiday purposes (as was the case for the complainant) that no action needed to be taken. It was therefore considered that the Authority had acted reasonably in this matter.
2. Complaint concerning potential breaches of the Data Protection Act following the payment of a toll.	Director of Change Management and Resources	The complainant was advised that all credit card details provided over the telephone were entered on a form and then placed in a batch for processing, kept in a secure room and were shredded when actioned. There had therefore been no breach of the Data Protection Act.
3. Complaint about the manner in which the Authority was carrying out its duties in relation to a previous complaint against alleged breach of planning control, claiming that a caravan was being used for residential purposes.	Director of Planning and Strategy	The previous complaint in 2011/12 had been forwarded to the Ombudsman who had decided not to investigate the complaint provided that the Authority re-investigated the alleged breach. Officers re-visited the site on a number of

		occasions and no breach was found. The complainant was also advised that the Authority had correctly carried out its duties and that advice provided to the complainant in respect of this matter had been correct.
4. Complaint about having to pay a toll for a hire vessel located in adjacent waters and that tolls being quoted were inconsistent.	Chief Executive	The complainant was advised that the vessel required a toll, defined to include a charge "levied in respect of a vessel moored, used or navigated on any adjacent waters" (2009 Act, sections 2(1) and 11(2) and 1997 Byelaw 19 as extended and applied by those provisions). The complainant was also advised that the Authority had been consistent in its request of the toll for the vessel, which was 50% of the full toll applied to motor craft in recognition that it was not possible for the vessel to be navigated by customers.