

Summary of Formal Complaints 2014/15
Report by Solicitor and Monitoring Officer

Summary: This report summarises the formal complaints dealt with by the Authority during 2014/15, 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 2014 to March 2015, together with a summary of the Authority's responses to these complaints.

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.

- 2.2 The Authority also has a Members Code of Conduct and the Authority's Complaints Procedure provides clarification of the conduct expected by members and a summary of how the Authority deals with Standards allegations. This is also available via the Authority's website.

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 Local Government 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 2014/15, the Local Government Ombudsman reviewed two complaints relating to the Broads Authority; both of which are detailed in the Appendix below. It should be noted that the Local Government Ombudsman decided not to investigate either of these complaints. As a comparison, two complaints were made through the Local Government Ombudsman in 2013/14, no complaints were made in 2012/13 and two complaints were made in both 2010/11 and 2011/12.

4 Formal Complaints 2014/15

- 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 2013/14 is therefore set out in the Appendix below, together with the responses made.
- 4.2 Members will note that sixteen formal complaints were received during this period (compared to seven during 2010/11 and eleven during 2011/12, four during 2012/13 and ten during 2013/14), although of course other complaints and issues were dealt with and resolved on an informal basis. The Authority does not record the number of complaint resolved informally.
- 4.3 The summary of the responses demonstrate that the Authority was found partially or fully at fault for four of the sixteen complaints received, where apologies were duly made to the complainants. This demonstrates that the Authority does look to provide a remedy to complaints when it is found at fault.

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 considered to be small. It is very encouraging 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 should 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 2014/15

Formal Complaints 2014/15

Summary of Complaint	Final Response Provided by	Summary of Response
1. Complaint relating to the inappropriate handling of a planning application.	Chief Executive	The complainant was advised that the evidence in the Planning Committee reports and minutes demonstrated that due regard had been given to the matters identified and that the members of the Planning Committee therefore addressed this matter correctly.
2. Complaint relating to enforcement action.	Director of Planning and Resources	The complainant was advised that in terms of how the matter had been dealt with, the information that had been provided was technically and legally correct. However, an apology was made that the Authority could have been more explicit about the concerns over signage at an earlier stage.
3. Complaint relating to lack of enforcement action.	Chief Executive	The complainant was advised that there was no evidence that the Authority had handled the issue in an inappropriate manner when considering whether to take enforcement action or not and that the timeline and active discussion between the Authority and the land user supported the approach not to take enforcement action.
4. Complaint concerning the conduct of a member of staff.	Director of Operations	The complainant was advised that other staff members, who had listened to the telephone conversation in question, had confirmed that the member of staff had not been abusive and indeed had been very calm and polite.
5. Complaint relating to the inappropriate handling of a planning application	Director of Planning and Resources	The complainant was advised that the Authority had given great consideration to the issues raised by objectors, that a thorough site visit

		had been made and that a comprehensive and detailed committee report and presentation allowed the members to discuss all the issues in considerable detail before coming to a conclusion.
6. Complaint about delays in response to an enquiry on tolls	Director of Planning and Resources	An apology was provided to the complainant over the lack of response to their earlier communication and the required responses were provided.
7. Complaint about the non-return of a toll after selling a boat	Chief Executive	The complainant was advised that all vessels kept or used in the navigation area for more than 28 days in any toll year required an annual toll and that refunds after the 28 day period were not possible.
8. Complaint about the build-up of refuse	Head of Governance	The complainant was advised that the land did not belong to the Authority, that the Authority had no powers in this regard unless it became a planning issue, and that the land owner had been alerted to the issue with a request for them to take action to clear the area.
9. Complaint about delays in response to an inquiry on planning	Director of Planning and Resources	An apology was provided to the complainant over the delay in response to their earlier communication.
10. Complaint concerning moorings	Local Government Ombudsman	The complainant was advised by the LGO that the Authority had properly responded to the complainant offering a reasonable compromise to remedy the complaint. The LGO considered that the action offered by the Authority provided a solution to the complaint and that it would not be good use of public money to pursue this matter further.
11. Complaint concerning the conduct of a member of staff and contradictory, unhelpful information provided by the Authority	Director of Planning and Resources	The complainant was advised that there was no evidence that the member of staff had been rude and that there had been no evidence of to

		support the allegations of contradictory or unhelpful information.
12. Complaint concerning the Authority not complying with its statutory or legal requirements in the processing and determination of a planning application	Chief Executive	The complainant was advised that there was no evidence that would support that the Authority had failed to handle the application in an appropriate manner.
13. Complaint concerning the process the Authority followed concerning a planning application	Chief Executive	The complainant was advised that there was no evidence that would support that the Authority had failed to handle the application in an appropriate manner.
14. Complaint concerning the reasons for not registering an application	Director of Planning and Strategy	The complainant was advised of the valid reasons that the application was not registered.
15. Complaint that a previous response to an issue raised was unacceptable	Chief Executive	An apology was provided to the complainant that the Authority had omitted to provide a copy of its complaints procedure in response to their previous communication. The remaining issues concerning the Authority's previous response were not upheld on the basis that it was decided that officers had acted reasonably.
16. Complaint concerning the Authority's communication policy	Local Government Ombudsman	The complainant was advised by the LGO that they would not investigate as the complainant was complaining about his position as a Member of the Authority.