

**Summary of Formal Complaints**  
Report by Administrative Officer

**Summary:** This report summarises the formal complaints dealt with by the Authority during the two-year period 2017-2019 together with the outcome of these complaints.

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

## **1 Introduction**

- 1.1 It is considered 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 The complaints dealt with in this report are those which are made by members of the public and service users which originated during the period 1 April 2017 to 31 March 2019, 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/or 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 separate Members Code of Conduct and complaints procedure which provides clarification of the conduct expected by members and a summary of how the Authority deals with such complaints. This was updated in July 2018 and is also available via the Authority's website. The Authority also has its Protocol on Member and Officer Relations which details how Members should raise any complaints and concerns concerning Officers. This report does not include complaints made by Members; save in so far as any such may have been made in the capacity of a member of the public.

### **3 Local Government Ombudsman**

3.1 The Local Government Ombudsman ("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 There has been only one complaint forwarded to the Ombudsman and a decision is awaited.

### **4 Formal Complaints 2017/18 and 2018/19**

4.1 A summary of the main subject complained of in each complaint during 2017/19 is therefore set out in the Appendix below, together with the responses made.

4.2 Members will note that twenty-one formal complaints were received during this two-year period, although of course other complaints and issues were dealt with and resolved on an informal basis. The Authority does not record the number of complaints resolved informally.

4.3 The Authority looks to provide a remedy to complaints when it is found at fault.

### **5 Comparison with previous years**

5.1 In each of the previous five years, the number of formal complaints is as follows. There were ten formal complaints received in 2016/17, eleven during 2015/16, sixteen during 2014/15, ten during 2013/14 and four during 2012/13.

5.2 In terms of complaints to the Local Government Ombudsman, one complaint was made in 2018/19, no complaints were made in 2017/18, and in previous years one complaint was made in 2015/16, two complaints in 2014/15, two complaints in 2013/14 and no complaints were made in 2012/13.

## **6 Summary**

- 6.1 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. The complaint to the Local Ombudsman is still outstanding.
- 6.2 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 2017/18 and 2018/19

## Formal Complaints 2017/18 and 2018/19

Summary of Complaint	Final Response Provided by	Summary of Response
1. Complaint that the tolls increase was too high.	Chief Executive	Complainant informed that the correct procedures had been followed, that there had been proper consultation and the complainant provided with supporting documentation.
2. Complaint about the Authority's practice of asking boat owners to make a self-declaration that they have appropriate third party insurance in place at the time when they pay their toll.	Chief Executive	The complainant was advised that correct procedures had been followed and the approach the Authority had taken with regard to requesting information about insurance before processing toll payment was both reasonable and in accordance with the Broads Authority Act 2009.
3. Complaint about Consultation in relation to emerging Broads Local Plan and that the Authority failed in its duty to consult properly and effectively.	Director of Planning and Resources	<p>The Authority acknowledged that the Staithes Report was not made available during the Preferred Options Consultation Local Plan consultation and accepted that this was not the preferred situation.</p> <p>The purpose of the consultation on the Staithes report was to elicit any comments and therefore any factual changes that might need to be made to it. It is still a draft report and is to be finalised.</p> <p>Complainant informed that there has been no breach of any statutory duty in relation to consultation on the Local Plan. Rather than failing to meet its consultation duties, the Authority, through the Preferred Options and</p>

Summary of Complaint	Final Response Provided by	Summary of Response
		single issue focussed consultations well exceeded the regulations to consult on the Local Plan as well as exceeded the commitments to consult as set out in the Statement of Community Involvement.
4. Complaint about a planning application being dealt with in an unconsidered manner.	Chief Executive	Complainant informed that the correct procedures had been followed, that there had been proper consultation and the application had been dealt with in an appropriate manner.
5. Complaint relating to the granting of planning permission in regards to widening of the road	Chief Executive	It was evidenced and confirmed that the planning application had been conducted in an appropriate manner. Complaint not upheld
6. Complaint about payment of Tolls	Chief Executive	Complaint dismissed. Complainant sent information regarding tolls process and payments.
7. Complaint about Toll Charges	Chief Financial Officer	Response sent to complainant clarified the process for the annual toll charges.
8. Complaint about data disclosure for a boating incident	Solicitor & Monitoring Officer	Incident was investigated and complainant informed of data protection regulations.
9. Complaint about conduct of officers in regards to assessing whether the Yurts at River Waveney Centre require planning consent.	Chief Executive	The complainant was advised that correct procedure by officers had been followed and evidenced that planning permission for the Yurts was required.
10. Complaint regarding the planning status of the tent structure at the Dockyard which	Head of Planning	The complainant was advised that the structure did not constitute operational development and

Summary of Complaint	Final Response Provided by	Summary of Response
alleged was a permanent structure.		planning permission was not required.
11. Complaint about alleged harassment from Rangers when pursuing a line of enquiry in order to establish the facts	Head of Ranger Services	The complainant was advised that the Ranger was acting on information provided by more than one outside party. The complaint was not upheld as the Ranger had acted in a professional capacity
12. Complaint about an alleged defective Speedbump	Chief Executive	Complaint and claim for compensation not upheld as speed bump below maximum height indicated by Highways (Road Humps) Regulations 1999 Act, and no evidence found to suggest it was defective and the Authority was not in breach of its duty.
13. Complaint about tolls in adjacent waters	Director of Strategic Services	The complainant was advised that the complaint had been dismissed on basis that the Authority's view had been confirmed by the courts and tribunal system and correct policies had been upheld.
14. Complaint that the term Broads National Park is used internally within planning department communication.	Head of Planning	The complainant was advised that the complaint was not upheld as correct language/terminology had been used.
15. Complaint about unable to access to Planning Documents on Website in Word format.	Head of Planning	The complainant had been advised of the most accessible format and copies of the requested documentation had been forwarded by email.
16. Complaint in respect of a planning decision for access alterations.	Director of Strategic Services	Complainant was advised that all statutory procedures had been followed.

Summary of Complaint	Final Response Provided by	Summary of Response
17. Complaint about alleged insufficient account of drainage in determining a planning application	Head of Planning	The complainant was advised that procedures were followed and sufficient account of the flooding issue had been taken as this was taken up with the Local Highways Authority as the responsible body.
18. Complaint about a granted planning permission in regards to the construction of a boatshed	LGO	Complaint still live at LGO stage – response from officer due 9 May 2019.
19. Complaint about some of the wording in the Staithes Report.	Director of Operations	Following discussions between parties, an agreement in wording was reached.
20. Complaint about discourteous communication.	Director of Strategic Services	The incident was investigated in line with our policies and procedures and it was concluded that it was a misunderstanding.
21. Complaint about a member of staff.	Visitor Services Supervisor	Incident was investigated in line with our policies and procedures and as no further communication was received the matter had been considered closed.