

Summary of Formal Complaints
Report by Solicitor and Monitoring Officer

Summary: This report summarises the formal complaints dealt with by the Authority during 2016/17 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 2016 to 31 March 2017, 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 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 September 2016 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 The Ombudsman reviewed two complaints in the period, one of which related to a complaint which originated within the period and one from the previous year. In addition the LGO has since the end of March 2017 considered and dismissed a complaint which originated during this period under review. The complaints to the LGO were all dismissed.
- 3.4 The complaint from the previous year dealt with by the Ombudsman related to the charging of a toll on a static houseboat moored in a marina. The Ombudsman discontinued the complaint as the complainant had other legal remedies available if he disagreed with the interpretation of legislation.

4 Formal Complaints 2016/17

- 4.1 A summary of the main subject complained of in each complaint during 2016/17 is therefore set out in the Appendix below, together with the responses made.
- 4.2 Members will note that ten formal complaints were received during this 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. One of the complaints listed in this year was in relation to an external organisation, which the Authority elected to deal with.
- 4.3 The summary of the responses demonstrate that the Authority was found partially at fault for two of the ten 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 Comparison with previous years

5.1 In each of the previous four years, the number of formal complaints is as follows. There were eleven formal complaints received in 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, in previous years, one complaint was made in 2015/16, two complaints in 2014/15, two complaints were made 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. It is very encouraging that there were no findings of maladministration against the Authority by the Local Government Ombudsman.

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 2016/17

Formal Complaints 2015/16

Summary of Complaint	Final Response Provided by	Summary of Response
1. Complaint relating to pre-planning advice, the officer's report and presentation at Planning Committee, resulting in conditions.	Local Government Ombudsman	Complainant advised and evidence provided by Director showing compliance with statutory procedures. Complainant went to Ombudsman who closed case after initial enquiries as pre-planning advice always is without prejudice, Ombudsman had no jurisdiction and that planning appeals more appropriate process.
2. Complaint relating to way in which planning application dealt with and issues concerning lawful use and pre-application advice (this was the same complainant as complaint 1 above made within a day of it)	Chief Executive	Complainant advised that Authority had followed planning policy and that pre-planning advice is without prejudice and the decision to apply for permission and its content a matter for the applicant.
3. Complaint about grant of planning permission for a replacement jetty which failed properly to take account of habitat regulations	Head of Planning	Complainant was advised the proposal was a like for like replacement and therefore the statutory procedure for an assessment under Habitats Regulations was not required. An apology issued for failure to carry out a courtesy consultation.
4. Complaint about failure to comply with FOI formal requirements in Stage 3 complaint, where a FOI request included as part of a complaint regarding closure of a permissive footpath.	Solicitor and Monitoring Officer	Solicitor and Monitoring Officer met with complainant and subsequently carried out a review of the FOI element and provided a formal reply.
5. Complaint by boat hirer relating to the condition of a hire vessel and out of date	Head of Safety	Head of Safety and Solicitor made unannounced visit to yard, vessel inspected and

gas safety certificate for the vessel.		gas safety certificate issue dealt with under appropriate procedure. Complainant advised.
6. Complaint about failure to consult over a planning application amendment and alleged predetermination by officers	Director of Planning and Resources	Advice given that statutory consultation requirements had been met, that officers did not give assurances as to how it would be dealt with and in any event the matter was determined by the Planning Committee not by officers under delegated powers.
7. A complaint that the tolls increase had been biased against a larger vessel owner, who did not have access to the whole river system.	Local Government Ombudsman	Ombudsman rejected complaint on the basis that the Authority had followed its procedures, consulted, had done nothing wrong and was entitled to set the toll [Note: LGO decision received after 31/3/17]
8. A complaint that the tolls increase was too high.	Head of IT and Collector of Tolls	Complainant informed that the correct procedures had been followed, that there had been proper consultation and the complainant provided with supporting documentation.
9. A 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.
10. Complaint about pre-planning advice and delay	Head of Planning	Apology issued for delay and officer's judgment reaffirmed relating to main aspect of application. Complainant accepted apology.