

Broads Authority

12 May 2023

Agenda item number 16

Annual summary of formal complaints and complaints made under the Member Code of Conduct- 2022/23

Report by Senior Governance Officer

Purpose

This report summarises the formal complaints received by the Broads Authority, together with the outcome of those complaints, as well as information on complaints under the Member Code of Conduct, for the year 2022/23.

Recommended decision

To note the report.

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 Authority also a separate complaints procedure for dealing with complaints made under the Member Code of Conduct. When the Authority's new Standards Committee is established later in the year, these complaints will be contained within the committee's annual report to the Authority.
- 1.3. The formal complaints summarised in this report are those made by members of the public and service users during the period 1 April 2022 to 31 March 2023, together with a summary of the Authority's responses. There is also a section on complaints relating to the Member Code of Conduct.

2. Broads Authority complaints procedure

- 2.1. The Authority's formal complaints procedure is published on its website at [How to complain \(broads-authority.gov.uk\)](https://www.broads-authority.gov.uk/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 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. Information on complaints under this process can be found in section 6 of this report.

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 22/23

- 4.1. Seven formal complaints were made to the Authority in 2022. The subject matter and outcome of those complaints is set out in Appendix 1. Other complaints and issues resolved on an informal basis are not recorded.

5. Comparison with previous years

- 5.1. The summary of formal complaints reports to the Authority recorded seven complaints in 2021/22; five in 2020/21; four in 2019/20, six in 2018/19 and 15 in 2017/18. In terms of complaints to the LGO, none were made in 2021/22 or 2022/23; two were made in 2020/21; one in 2019/20, one in 2018/19 and none in 2017/18.

6. Code of Conduct Complaints

- 6.1. One complaint was received during 2022/23 relating to the Member Code of Conduct. An officer of the Authority alleged that words used by a member in a committee meeting amounted to a failure to treat that and other officers with respect. The then Monitoring Officer (MO), Mr Bing, assessed the complaint under the Authority's arrangements under section 28 of the Localism Act 2011 and determined that the complaint be referred to mediation between the parties. A qualified mediator conducted a mediation involving the officer, the officer's trade union representative, the member and the current MO. The mediation was successful with an outcome being reached which was agreed by the officer, the member and the MO.

7. Conclusion

- 7.1. Given the breadth and volume of the Authority's work, the number of formal complaints received in 2022/23 is considered to be small. Officers will continue to record and monitor formal complaints and seek to learn lessons from them, especially if the Authority's actions have fallen below expected standards.
- 7.2. The new Standards Committee will monitor the number and type of Code of Conduct complaints to review the behaviour of members and assess if training needs to be provided.

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Date of report: 26 April 2023

Appendix 1 – Formal complaints 2022/2023

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Summary of complaint	Final response provided by	Stage reached and summary of response
Lack of response to an FoI request relating to moorings on the River Ant at How Hill	Chief Executive	Stage 3 – The initial stage one investigation showed the original complaint had been denied access to our systems by the Broads Authority spam filter, once cleared by our anti-virus protection protocol a partial response was provided. Further information was limited as the issue is the subject of an ongoing legal process.
Monitoring of Kingfisher Holiday Park at Burgh Castle – dissatisfied with responses received to an FoI request	Chief Executive	<p>Stage 3 - A detailed response was provided to all of the points raised. This included clarification on the site which was the subject of the original FoI request, as the complainant referred to it by different names and the complex of holiday parks was located across two different local planning authorities.</p> <p>The essence of the complaint appeared to be regarding the monitoring of the site and the complainant was advised that officers would examine whether any of the units were being used as permanent dwellings.</p>

Summary of complaint	Final response provided by	Stage reached and summary of response
		<p>Following an exchange of emails, the Planning Team has opened an enforcement file on the matter raised which has satisfied the complainant.</p> <p>The complainant thanked the Chief Executive for the time and assistance which had given to the complaint.</p>
How Hill Mooring and planning application BA/2021/0305/CU	Chief Executive	<p>Stage 3 – The complainant was advised that the Chief Executive had reviewed the correspondence, discussed the matter with colleagues and sought advice from the Deputy Monitoring Officer. The conclusion was that he agreed with the response provided by the Director of Strategic Services at stage 2 regarding the handling of the planning application - no evidence could be found of officers having acted against the law or against the Authority’s code of practice.</p>
Berney Arms	Director of Strategic Services	<p>Stage 2 – A detailed response was provided, with the complainant’s attention being drawn to the fact that the issues were between landlord and tenant. For those concerns raised which did not apply to Broads Authority services, the complainant was advised that we could not take enforcement action in respect of these issues and they were provided with information about the relevant services which should be contacted.</p>

Summary of complaint	Final response provided by	Stage reached and summary of response
<p>Officer behaviour – the complainant was unhappy with the behaviour of officers who had visited her property</p>	<p>Chief Executive</p>	<p>Stage 3 - A detailed response was provided to all of the points raised, which included advising the complainant that, as a Local Planning Authority, the Broads Authority has a right of entry, granted in the Town & Country Planning Act 1990. Notwithstanding this, it was acknowledged that, had officers known more about the individual's personal circumstances, then a different approach may have been taken. However, no evidence could be found that the two officers had behaved in anything other than an entirely professional attitude.</p> <p>An apology was given for the impact this had on the individual.</p>
<p>Introduction of mooring charges at Ranworth and Reedham</p>	<p>Director of Strategic Services</p>	<p>Stage 2 – A detailed response was provided to all of the points raised, which concluded that the proposed new mooring fees would not be a significant contributor to the higher cost of the complainants' holiday and, in addition, reasonable notice had been given before the start of the season to plan for alternative mooring locations.</p> <p>Information was also provided on the network of 24-hour free moorings provided by the Broads Authority.</p>

Summary of complaint	Final response provided by	Stage reached and summary of response
Planning application BA.2023/0031/FUL – process of informing individuals about this planning application	Director of Strategic Services	Stage 2 - A detailed response was provided to all of the points raised, which concluded that the consultation was in accordance with the statutory requirements.