

Summary of Formal Complaints 2013/14
Report by Head of Governance and Executive Assistant

Summary: This report summarises the formal complaints dealt with by the Authority during 2013/14, 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 2013 to March 2014, 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 included on the 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 2013/14 the Local Government Ombudsman reviewed two complaints relating to the Broads Authority; both of which are detailed in the Appendix. It should be noted that the Local Government Ombudsman decided not to investigate either of these complaints as it was considered that the complainants could go back to court for these matters. As a comparison, no complaints were made through the Local Government Ombudsman in 2012/13 and two complaints were made in both 2010/11 and 2011/12.

4 Formal Complaints 2013/14

- 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, together with the responses made.
- 4.2 Members will note that ten formal complaints were received during this period (compared to seven during 2010/11 and eleven during 2011/12 and four during 2012/13), although of course other complaints and issues were dealt with and resolved on an informal basis.
- 4.3 Of these ten formal complaints, two were addressed by the Local Government Ombudsman, one was addressed by the Solicitor and Monitoring Officer and the remainder were addressed by officers. The summary of the responses demonstrate that the Authority was not found at fault for any of the complaints received.

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 no complaints were considered to have foundation 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 should the actions of the Authority have fallen below expected standards.

Background papers: Nil

Author: John Organ
Date of report: 29 April 2014

Broads Plan Objectives: None

Appendices: APPENDIX 1 - Formal Complaints 2013/14

Formal Complaints 2013/14

Summary of Complaint	Response Provided by	Summary of Response
1. Complaint relating to a non-material amendment determined by the Broads Authority.	Director of Planning and Resources	The complainant was advised that the assessment process followed by the Case Officer took into account the standard process for dealing with non material amendments, that the application did constitute a non material amendment and that the application was processed correctly.
2. Complaint relating to treatment of planning applications for land.	Chief Executive	The complainant was advised that there was no evidence of them having been treated unfairly in respect of their planning applications, with the decisions being made against national and local planning policies, with statutory processes having been correctly followed.
3. Complaint relating to the development of the former Pegasus boatyard at Oulton Broad on highways grounds.	Director of Planning and Resources	The complainant was advised that the Planning Committee considered the issue of the impact of the development in highway safety terms and gave it considerable weight during the decision making process. However, in the absence of any objection from the statutory consultee and in the absence of any alternative professional or technical evidence to dispute the findings of the Transport Statement, the Authority concluded that it had no planning reason on which to refuse the application.
4. Complaint about a procedural error in the processing of a 2011 planning application.	Director of Planning and Resources	The complainant was advised that the Parish Council had been consulted by the Authority in accordance with its duties and that there was no evidence of procedural error in the processing of the 2011 application.
5. Complaint about the conduct of a member	Director of Operations	The complainant was advised that the Authority

of staff		had properly consulted with the organisation over a four month period and addressed their concerns as far as possible within agreed policies. No evidence was found that staff had behaved inappropriately or less than professionally.
6. Complaint about the safety of moorings	Head of Governance and Executive Assistant	The complainant was advised that the moorings were not owned by the Authority and that the land owner had been informed of the issue so that they could consider taking rectification action.
7. Complaint about the conduct of a member of staff	Director of Planning and Resources	The complainant was advised that the member of staff was acting properly and in pursuance of the Authority's statutory functions when they had verbally explained legislation in a friendly and informal manner which was not meant to be misconstrued as threatening by the complainant; who was not actually present at the meeting.
8. Complaint that the Authority had exceeded its Statutory Powers	Local Government Ombudsman	The complainant was advised that the Ombudsman would not investigate the complaint because it was reasonable for him to go back to court.
9. Complaint concerning the Authority's Mooring Policy	Local Government Ombudsman	The complainant was advised that the Ombudsman would not investigate the complaint as the matter was more appropriate to be dealt with in court.
10. Complaint concerning a breach of the Members Code of Conduct in that Members had engaged in a political act in the adoption of a policy to pursue National Park status.	Solicitor and Monitoring Officer	The complainant was advised that it is part of the role of a local authority to consider the effectiveness of its functions and make representations to government on a range of issues within its remit. On that basis there was no conflict with the Members Code of Conduct