

Broads Authority

10 May 2024

Agenda item number 13

Annual summary of formal complaints 2023-2024

Report by Senior Governance Officer

Purpose

This report summarises the formal complaints received by the Broads Authority, together with the outcome of those complaints, for the year 2023/24.

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 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. Following the establishment of a Standards Committee in September 2023, information on complaints under this process is contained within the committee's annual report to the Authority (item 16 on this agenda).
- 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 2023 to 31 March 2024, together with a summary of the Authority's responses.

2. Broads Authority complaints procedure

- 2.1. The Authority's formal complaints procedure is published on its website at [How to complain \(broads-authority.gov.uk\)](#). 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, setting out the reasons why they believe the complaint has not been properly resolved at stage 2. 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.

3. Local Government & Social Care Ombudsman

3.1. The Local Government & Social Care Ombudsman (LG&SCO) 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 LG&SCO 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 2023/24

4.1. Seven formal complaints were made to the Authority in 2023/24. 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. For comparison between the current year and previous years, the number of formal complaints and complaints to the LG&SCO can be found in the table below:

	2023/24	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18
Formal complaints	7	7	7	5	4	6	15
Complaints to LG&SCO	0	0	0	2	1	1	0

6. Conclusion

- 6.1. Given the breadth and volume of the Authority's work, the number of formal complaints received in 2023/24 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.

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Date of report: 16 April 2024

Background papers: none

[Broads Plan](#) strategic objectives: n/a

Appendix 1 – Formal complaints 2023/24

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Summary of complaint	Final response provided by	Stage reached and summary of response
Speeding on Breydon Water – issue of Memorandum of Navigational Warning	Director of Operations	Stage 2 – A detailed response was provided to all the points raised, confirming that the issuing of the MoNW followed the correct processes and procedures. In addition, evidence of the transit and timings of the vessel in question confirmed that the MoNW was correctly issued for excessive speed and wash.
Access to a property following the granting of planning permission	Director of Strategic Services	Stage 2 - A detailed response was provided to all the points raised, advising that the assessment on the interference with the complainant’s property was done as part of the planning assessment for the planning application, when it was concluded that the proposal was acceptable because the level of interference was not deemed to be substantial. Planning permission had been granted and the BA could not make addendums to the submitted plans. The complainant was also advised that the complaints process was not a process for challenging planning decisions.

Summary of complaint	Final response provided by	Stage reached and summary of response
Alleged maladministration of planning applications at Wayford Bridge – the impact on the landscape had been ignored by the BA	Chief Executive	Stage 3 – A detailed response was provided to all the points raised. The Authority agreed that the failure of the landowner to develop the building in accordance with the approved plans, together with the installation of sheet piling, damaged the Oak tree. However, the responsibility for this and the damage to the tree, rested with the landowner. Therefore, there was no basis to support the assertion that the Authority was guilty of maladministration.
Placement of a planning site notice	Director of Strategic Services	Stage 2 – A detailed response was provided, advising of the legal requirements for publicising a planning application and the action which the BA, as local planning authority, had taken. It was concluded that the site notices had been correctly sited and the legal requirements to publicise the application had been met.
<ol style="list-style-type: none"> 1. Concern over proposed increase in tolls to cover excessive spending such as delivering the planning function; and 2. Dissatisfaction with BA officers over their lack of empathy during a difficult time. 	Director of Strategic Services	<p>Stage 2 - A detailed response was provided to all the points raised, explaining how planning was funded (i.e. through NP grant and not from tolls); the extensive range of functions covered by planning (e.g. policy; enforcement; trees; heritage etc).</p> <p>Having reviewed the emails and documents about the planning case, it was not agreed that the planning officers had acted with no sense of</p>

Summary of complaint	Final response provided by	Stage reached and summary of response
		humanity or empathy with the complainant's situation.
Experience at, and involvement in, a Planning Committee meeting – a number of issues raised	Chief Executive	<p>Stage 3 – Concluded that a full and fair response to all the issues raised had been provided by the DoSS at stage 2.</p> <p>(Stage 2 - The complainant had been advised that, having considered all the relevant information, the decision was based on sound planning reasons and the complaints procedure was not a means of overturning planning decisions. The Authority apologised for not giving a “one minute warning” during the public speaking stage of the meeting.)</p>
Action taken by the Authority (incl. senior officers) regarding enforcement of planning matters, leading to prosecution	n/a	<p>Interim response sent from the Chair pending outcome of Court decision. Advised that a detailed response would be provided after that date.</p> <p>Note: The Hearing was originally scheduled for September 2023 but subsequently adjourned to December 2023 and then postponed by the Court on two occasions. It is now set for 14 May.</p>