

St Ives Town Council Complaint Procedure



Based on the 'NALC model complaints procedure: Legal Topic Note LTN 9 – November 2008

Presented for adoption by St Ives Town Council on 22 October 2009.

1. **Introduction**

1.1 A complaint may be made by member(s) of the public about the Council's action or lack of action, or about the level of service provided by the Council. A complaint may be directed at the Council as a whole, or at a person acting on behalf of the Council.

2. **What the complaints procedure does not cover:**

- 2.1
- Financial irregularity (instead refer to the local elector's statutory right to object to a Council's audit of accounts (Audit Commission Act 1998 s.16) or consult with the Council's auditor or the Audit Commission.
 - Criminal activity (instead refer to the Police)
 - Member conduct (instead refer a complaint regarding a Member's failure to comply with the Code of Conduct to the standards committee of Cornwall Council)
 - Employee conduct (instead refer to the internal disciplinary procedure)

Note: pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England.

3. **Informal complaints**

3.1 In instances where it is more appropriate, less formal measures or explanations will be provided to the complainant by the Town Clerk (or other nominated officer), Town Mayor or Chairman of the relevant committee, and where possible issues raised by a member of the public will be resolved in this way. If the complainant does not consider the complaint to have been resolved, then the formal complaints procedure may be followed.

4. **Formal complaints**

4.1 Formal complaints will be considered by a complaints committee (ordinarily the Resources Committee).

5. **Before the meeting**

5.1 The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated officer.

5.2 If the complainant does not wish to put the complaint to the Clerk or other nominated officer, he or she will be advised to address it to the Town Mayor.

5.3 The Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the complaints committee. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (ie to be heard by the complaints committee).

- 5.4 The complainant will be invited to attend the meeting and to bring with them a representative if they wish.
- 5.5 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence to be relied upon. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

6. At the meeting

- 6.1 The Council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the Council meeting in public.
- 6.2 The Chairman should introduce everyone and explain the procedure.
- 6.3 The complainant (or representative) should outline the grounds for complaint, following which, questions may be asked by (i) the Clerk or other nominated officer and then (ii) Members.
- 6.4 *It may be that the Clerk (or other nominated officer) at the meeting represents the position of the Council. If they put forward justification for the action or procedure complained of, he or she should not advise the Council or committee, as they need to determine the matter themselves.*
- 6.5 The Clerk (or other nominated officer) will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) Members.
- 6.6 The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
- 6.7 The Clerk or other nominated officer and the complainant should be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
- 6.8 The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision. However, if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

7. After the meeting

- 7.1 The decision should be confirmed in writing within seven working days together with details of any action to be taken.