



# **Bude-Stratton Town Council**

## *Complaints Procedure 2008*

## Complaints Procedure

### 1. Definition

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service - whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council

### 2. Introduction

Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England

The Council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints

### 3. Informal Complaints

**3.1** It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Town Clerk (or other nominated officer), Mayor or Chair of the appropriate Committee will resolve most issues raised by a member of the public

**3.2** Any informal complaint will be brought to the Council by the Mayor (or the Chair of the relevant Committee) to be noted

### 4. Formal Complaints

**4.1** In certain circumstances procedures/bodies other than Bude-Stratton Town Council may be appropriate in respect of the following types of complaint:-

Type of conduct	Refer to
Financial irregularity	Statutory right to object to Council's audit of accounts pursuant to S 16 Audit Commission Act 1998. On other matters the Council may need to consult its auditor/Audit Commission
Criminal activity	The police
Member conduct	If the complaint relates to a failure to comply with the Local Government Code of Conduct 2007 it must be submitted to the Standards Committee of the relevant principal authority (Local Government and Public Involvement in Health Act 2007)
Employee conduct	Internal disciplinary procedure

**4.2** If a member of the public is not satisfied with the outcome a complaint dealt with under Section 3 of this procedure then the complainant should put the complaint about the Council's procedures or administration in writing to the Town Clerk or other nominated officer. If the complainant does not wish to put the complaint to the Town Clerk or other nominated officer he or she should address it to the Mayor

**4.3** The Town Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant that the matter will be considered by the Council or the appropriate Committee (if the matter falls within the 'Terms of Reference' of a particular Committee). The complainant will also be advised whether the complaint will be treated as confidential or whether notice of it will be given in public

- 4.4 The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which professional advice is required
- 4.5 The complainant will be invited to attend a meeting and to bring with them a representative if they wish
- 4.6 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 will provide the complainant with copies of any documentation upon which it will rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting
- 4.7 The Council (or Committee) shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council (or Committee) meeting in public
- 4.8 The Mayor (or Chair of the Committee) shall introduce everyone and explain the procedure
- 4.9 The complainant (or representative) shall outline the grounds for complaint. Thereafter questions may be asked by (i) the Town Clerk or other nominated officer and then (ii) members
- 4.10 The Town Clerk or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) members
- 4.11 The Town Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position
- 4.12 The Town Clerk or other nominated officer and the complainant should be asked to leave the room whilst 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
- 4.13 The Town Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision will likely to be made and when it is likely to be communicated to them
- 4.14 The decision should be confirmed in writing within seven working days together with any action to be taken
5. **Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council (or a Committee) has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. These matters will be referred to the Council by the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response
6. **Anonymous Complaints**

Anonymous complaints will be disregarded

**Christine Kett**  
**Town Clerk**

*Based upon the 'NALC model complaints procedure: Legal Topic Note: LTN: 9 November 2007*

Adopted by BSTC 15 May 2008