

# Stone Town Council



## Complaints Procedure

April 2016

# 1 INTRODUCTION

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- 1.1 This document sets out the procedures to be used when dealing with complaints by members of the public against the Council.
- 1.2 In accordance with the advice in the National Association of Local Councils (NALC) Legal Topic note 9, it does not cover all complaints that may be made by the public.
- 1.3 Any complaint by a member of the public should initially be communicated to the Town Clerk to allow for an informal resolution of the issue, if possible and appropriate, or to the Town Mayor if the complaint relates to the Clerk.
- 1.4 There are, however, a number of circumstances where the use of the process set out in this document would be inappropriate. These are:
  - a. **Financial irregularity** – where a local elector may wish to exercise their rights to object to the accounts, or where the Council may wish to consult their auditors before taking further action.
  - b. **Criminal activity** – which should be referred to the police by the Clerk (or the Town Mayor if it relates to the Clerk).
  - c. **Member conduct** – if a complaint refers to a Member’s failure to comply with the Council’s Code of Conduct, then it should be referred by the Clerk to the Monitoring Officer at Stafford Borough Council.
  - d. **Employee conduct** – which should be dealt with under the Council’s disciplinary process.
- 1.5 The process below should therefore be used for complaints by members of the public against the Council which have not been resolved informally in accordance with paragraph 1.3 above, and do not fall into the categories set out in paragraph 1.4 above.

# 2 COMPLAINTS SUB-COMMITTEE

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- 2.1 Complaints by members of the public will be heard by the Management Sub-Committee, sitting as the Complaints Sub-Committee.
- 2.2 Any member of the Complaints Sub-Committee who has a conflict of interest related to the complaint should declare this interest to the Clerk at least 72 hours before the start of the meeting, and indicate that they will not be attending. Should this result in the number of eligible members of the Sub-Committee falling below five (including ex-officio members) the Clerk will ask the Chairman and Vice-Chairman of the General Purposes Committee to nominate one or more substitutes to the Sub-Committee so that there are no less than five eligible members available for the meeting.

- 2.3 The Clerk cannot both present the Council's case and advise the Sub-Committee. In advance of the meeting the Clerk, in consultation with councillor expected to Chair the Sub-Committee meeting, will determine who will undertake these separate roles. In some cases, it may be appropriate that an independent advisor is secured for the meeting.
- 2.4 Throughout the procedure below, reference is made to the Clerk presenting the case for the Council. This should be read instead as the nominated person as determined in accordance with paragraph 2.3 above, if it has been determined that it would be more appropriate for the Clerk to act as advisor on this occasion.
- 2.5 The press and public will be excluded from meetings of the Complaints Sub-Committee, but public minutes will be produced and reported to the General Purposes Committee stating the nature of the complaint and the decision made by the Sub-Committee.

### 3 BEFORE THE MEETING

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- 3.1 The complainant will be asked to put the complaint about the council's procedures or administration in writing to the Clerk, or to the Town Mayor if the complaint relates to the Clerk. If this later situation occurs, the Town Mayor should determine whether the complaint:
  - a. Is the result of potential misconduct by the Clerk, in which case the disciplinary procedures should be used rather than these procedures, and the complainant advised accordingly, or,
  - b. Relates to the Clerk as a representative of the Council, in which case the Town Mayor should refer the matter back to the Clerk, who should then continue to follow these procedures.
- 3.2 The Clerk will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Sub-Committee. The complainant will be advised that the press and public will be excluded from meeting, but public minutes will be produced and reported to the General Purposes Committee stating the nature of the complaint and the decision made by the Sub-Committee.
- 3.3 The complainant will be invited to attend the meeting and to bring with them a representative if they wish.
- 3.4 Seven clear working days prior to the meeting, the complainant will be expected to provide the Council with copies of any documentation or other evidence relied on. The Council will then 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.

## 4 AT THE MEETING

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- 4.1 The chairman should introduce everyone and explain the procedure.
- 4.2 The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk<sup>1</sup>, then members of the Sub-Committee.
- 4.3 The Clerk will have an opportunity to explain the Council's position and questions may then be asked by the complainant and members of the Sub-Committee.
- 4.4 The Clerk and then the complainant should be offered the opportunity to summarise their position.
- 4.5 The Clerk and the complainant (and their representative, if any) should then be asked to leave the room, leaving just Members and their advisor. Members will then decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both the Clerk and the complainant shall be invited back.
- 4.6 The clerk 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 is likely to be made and when it is likely to be communicated to them.

## 5 AFTER THE MEETING

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- 5.1 The Clerk should confirm the decision of the Sub-Committee in writing within seven working days together with details of any action to be taken.

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<sup>1</sup> As stated in paragraph 2.4, all references to the Clerk in this section of the procedure should be read as the "nominated person to present the Council's case" if the Clerk is instead acting as advisor to the Sub-Committee.