

SWETTENHAM PARISH COUNCIL

COMPLAINTS PROCEDURE

Introduction

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. Community councils in Wales have been subject to the jurisdiction of the Public Services Ombudsman for Wales since 1 April 2006 pursuant to the Public Services Ombudsman (Wales) Act 2005. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England.

COMPLAINTS PROCEDURE

1. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer (If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman or vice chairman of the council).
2. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council. The complainant shall 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 (i.e. formal notice of meeting).
3. Fourteen clear working days' notice of the meeting shall be given.
4. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall also 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.

At the Meeting

1. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
2. The chairman shall introduce everyone and explain the procedure.
3. The complainant (or representative) shall outline the grounds for complaint and, thereafter, questions may be asked by
 - (i) the clerk or other nominated officer and then
 - (ii), members.
4. 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.
5. The clerk or other nominated officer and then the complainant shall be offered the opportunity to summarise their position.
6. The clerk or other nominated officer and the complainant shall 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.
7. The clerk or other nominated officer and the complainant shall 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.

After the Meeting

1. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
2. The complainant also has the right to complain to the local Standards Committee.

More information can be found about this from the Cheshire East website (www.cheshireeast.gov.uk)

Whether a complaints procedure is appropriate

It will not be appropriate for a local council to deal with all complaints from members of the public under a complaints procedure. Councils may consider engaging other procedures/bodies in respect of the following types of complaint

Type of conduct

Financial irregularity

Criminal activity

Member conduct

Employee conduct

Refer to

Local elector's statutory right to object Council's audit of accounts pursuant to s16 Audit Commission Act 1998.
On other matters, councils may need to consult their auditor or Audit Commission

The police

In England, a complaint relating to a member's failure to comply with a council's code of conduct must be submitted to the district council for its area or, if there is no district council, the county or London borough council. In Wales, any complaint about member conduct should be made to the Public Services Ombudsman.

Internal disciplinary procedure

Complaints Procedure Adopted November 2013

Contacts

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