

# HARWORTH & BIRCOTES TOWN COUNCIL

## COMPLAINTS PROCEDURE

This complaints procedure explains how Harworth & Bircotes Town Council will proceed when a complaint has been received about the **procedures or administration** of the Council. It is designed for those complaints, that cannot be satisfied by less formal measures or explanations provided to the complainant by the Officer or Chairman.

This procedure has been adapted from advice offered by the National Association of Local Councils, ref LTN9.

Complaints about an **employee** of the Council are dealt with internally under an employment matter and therefore **not** covered by this procedure.

Complaints regarding a **Councillor** are **not** covered by this procedure. Under the Local Government and Public Involvement in Health Act 2007, the local Standards Committee of the District Council now undertakes determination of complaints about breaches of Member Code of Conduct with effect from 8 May 2008. Complainants should be advised to contact the Monitoring Officer at Bassetlaw District Council on 01909 533533, for further information.

Complaints regarding financial irregularities are **not** covered by this procedure and should be referred to the Council's auditor, whose name and address can be obtained from the Officer. (Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998)

Complaints regarding criminal activity are **not** covered by this procedure and complainants should contact the police.

### **Making a complaint**

The complainant should put the complaint about the Council's **procedures or administration** in writing to the Executive Officer.

If the complainant does not wish to put the complaint to the Officer, he or she can be advised to put it to the Chairman or Vice Chairman of the Council.

### **How the complaint will be dealt with**

The Officer shall acknowledge receipt of the complaint and advise the complainant when the Council will consider the matter.

The Council may wish to establish a Panel to deal with the complaint. This avoids the need for full council having to assemble and also makes the process less daunting for a complainant if he or she chooses to attend a meeting in person. If a panel is formed, it will report its conclusions to the next council meeting.

The complainant shall be invited to attend the relevant meeting and to bring with him/her such representation as he or she wishes.

At least seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which he or she wishes to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely on at the meeting.

Any Councillor can be called upon to act on such a complaints panel. The panel will comprise of the Chairman or Vice Chairman of the Council and nominated Councillors. No Councillor so nominated should be connected in any way with the matter, which has led to the complaint.

It may be that the Officer at the meeting represents the position of the Council. If the Officer is putting forward the justification for the action or procedure complained of, he or she should not advise the Council, as they need to determine the matter themselves.

### **At the Meeting**

1. The Complaints Panel 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 a Council meeting in public.
2. The Chairman will introduce everyone.
3. The Chairman will explain the procedure to be followed.
4. The complainant (or representative) will outline his or her grounds for complaint.
5. Members will ask any question of the complainant.
6. If relevant, the Officer will explain the Council's position.
7. Members will ask any question of the Officer.
8. The Officer, if appropriate and the complainant will be offered the opportunity of last word (in this order).
9. The Officer, if appropriate and the complainant will be asked to leave the room while Members decide whether or not grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back.)
10. The Officer and the complainant will return to hear the decision or formal recommendation to be made by the Council.

### **After the Meeting**

Once the Council has taken a decision, this should be confirmed in writing within seven working days together with details of any action to be taken.

## **Confidentiality**

The identity of a complainant should only be made know to those who need to consider a complaint. The Council should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

## **Timescale and Remedies**

The Town Council will endeavour to handle any complaint as soon as practicable, with time allowed for dealing with lengthy and complex complaints. The Council must be given adequate opportunity to investigate and reply to the complaint.

## **The Local Government Ombudsman (LGO)**

The Local Government Act 1974 does not give the LGO any jurisdiction over parish and town councils and there are no statutory mechanisms in place should complaints be made against local councils in England.

## **Executive Officer's contact details**

Mrs Davies, Harworth & Bircotes Town Hall, Scrooby Road, Bircotes,  
Nottinghamshire, DN11 8JP

Tel: 01302 759037 Email: [wdavies@harworthandbircotestowncouncil/org.uk](mailto:wdavies@harworthandbircotestowncouncil/org.uk)