

BRIDPORT TOWN COUNCIL COMPLAINTS PROCEDURE

1. The Town Council will respond to all complaints received in line with this procedure.
2. A complaint is defined by the Local Government Ombudsman as:

‘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.’

3. This procedure relates to complaints which cannot be dealt with through other formal channels such as:

<u>Type of conduct</u>	<u>Refer to</u>
Financial irregularity	Local elector’s statutory right to object to the Council’s audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission
Criminal activity	The Police
Member conduct	If the complaint relates to a failure to comply with the Code of Conduct, this must be submitted to the West Dorset District Council’s Standards Committee.
Employee conduct	Internal disciplinary procedure

4. If the matter is not one that falls within the conduct listed under paragraph 3, then the Town Council will take the following steps.

Stage 1. The Complainant will receive a written response within **5** working days. In complex cases, this may only be an acknowledgement, in which case within **10** working days the complainant will receive a full response.

Stage 2. If the complainant is not satisfied with the response, he or she shall be invited to discuss the matter with the Town Clerk to see if a resolution can be reached. If the matter directly concerns actions taken by the Town Clerk, then the complainant shall be invited to discuss the matter with the Leader of the Council. In either case, these discussions should take place within **10** working days of the complainant notifying the Council that the matter is not resolved.

Stage 3. If the complainant is not satisfied with the response under Stage 2, he or she shall be given the option to have their complaint considered by the Finance and General Purposes Committee under Stage 4 below

Stage 4. Procedure for complaints to be heard by Committee

Before the Meeting

4. The complainant shall be asked to confirm in writing to the Town Clerk that they wish the matter to be heard by the Committee. They shall also be asked to confirm the nature of the complaint.
5. If the matter directly concerns actions taken by the Town Clerk and the complainant does not wish to put the complaint to the Town Clerk, he or she should be advised to address it to the Leader of the Council.
6. The Town Clerk (or Leader of the Council) shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Finance and General Purposes Committee. The complainant should also be advised whether the complaint will be treated as confidential or whether public notice will be given in the usual way.
7. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
8. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence 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.

At the Meeting

9. The 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 meeting in public.
10. The Chairman should introduce everyone and explain the procedure.
11. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii) members.
12. 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.
13. The Clerk or other nominated officer and then the complainant, should be offered the opportunity to summarise their position.
14. 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.
15. The 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 is likely to be made and when it is likely to be communicated to them.

After the Meeting

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

Remedies

17. Section 92 of the Local Government Act 2000 gives councils the power to make payment 'in cases of maladministration.' (Section 92 applies to local councils and the use of the word 'maladministration' is not linked to the use of the word by the ombudsman in this context). The full text of section 92 is as follows:

'92.— (1) Where a relevant authority consider—

- a. that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
- b. that a person has been, or may have been, adversely affected by that action,

the authority may, if they think appropriate, make a payment to, or provide some other benefit for, that person.'

18. It is to be noted that local councils have the power (i) to make a payment or (ii) to provide some other benefit where action amounts to or may amount to maladministration. 'Maladministration' is a broad concept. It has been described as including 'bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude and so on'. The 'and so on' is important. Lord Denning said 'It would be a long and interesting list, clearly open-ended, covering the manner in which a decision is reached or discretion is exercised...' (*R v Commissioner for Local Administration ex parte Bradford City Council* [1979] 1 QB 287).

Adopted by the Town Council 22 July 2008