



Bothenhampton & Walditch

Parish Council since 1886

BOTHENHAMPTON & WALDITCH PARISH COUNCIL

COMPLAINTS PROCEDURE

SLCC
Society of Local Council Clerks
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 **HOUSE OF COMMONS
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Adopted 8th June 2020



Parish Council Chairman

SOURCE

This complaints procedure has been written with reference to the House of Commons' Briefing Paper number 04827 dated 15th May 2015 and the Society of Local Council Clerks both of whom have provided information for parish councils.

INTRODUCTION

Constituents may wish to complain about the decisions, the procedures, or the conduct of members or staff of their parish council. There are few remedies available in this regard outside of the four-yearly elections to the parish council. The route to complain depends upon the subject of complaint: there is no single organisation which oversees parish councils.

Parish councils are able to put in place their own mechanisms for handling complaints, having regard to a model code of practice produced by the National Association of Local Councils.

District or unitary authorities have certain reserve powers over the conduct of elections in parish councils. But in general, it is not possible to have a parish council's decision reversed at a higher level unless it can be demonstrated that the decision is unlawful: like other public authorities, parish councils are subject to action in the courts and judicial review. Larger parish councils must appoint an auditor. Allegations of financial irregularities in a parish council can be reported to the auditor, who must then decide whether to investigate them.

The Localism Act 2011 abolished the Standards Board for England, which investigated allegations of councillor misconduct or failure to declare interests. Under the 2011 Act, local authorities must establish their own standards regime, with at least one 'independent person' whom the authority must consult when investigating an allegation of misconduct. Parish councils too must establish a standards regime, but they may opt in to the one operated by their district or unitary authority. It is for that authority to investigate allegations against parish and town councillors.

Further information is available in Library briefing paper 05707, Local government: the standards regime in England. The standards regime covers co-opted members as well as elected members. Schedule 2 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) lists the categories of pecuniary interests which must be disclosed by members of parish councils. Under section 33 of the Localism Act 2011, parish councils are permitted to grant a 'dispensation' to members to allow them to continue to take part in discussion on an issue in which they have a pecuniary interest.

Complaints about the behaviour of parish councillors, or employees of the parish council, should be addressed to the chair of the parish council in the first instance.

Clear guidance on handling complaints has been produced by the Local Government Ombudsman and can be accessed from the publications page of the LGO website <https://www.lgo.org.uk/>. Although directed at principal councils in England, parish and community councils may also find this guidance helpful.

COMPLAINTS PROCEDURE

1. Bothenhampton and Walditch Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from our council or are unhappy about an action or lack of action by our council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council in February 2019 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Dorset Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Dorset Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by emailing the Clerk. The addresses and numbers are set out below or see our website.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.
8. The Clerk or the Council will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)