

Cyngof Tref Y Trallwng Welshpool Town Council

Y Porth i Gymru | The Gateway to Wales

STANDING ORDERS

The Council Complaints Procedure

Introduction

From time-to-time members of the public may have complaints about the administration, procedures and code of conduct of Councillors or of the staff of a Welshpool Town Council.

Local councils are subject to the jurisdiction of the Ombudsman, however a local solution should be sought before making such an approach and this policy sets out the way this is to be done.

Complaints against the Town Clerk or staff are to be dealt with via the employment legislation.

Complaints by a Councillor towards another Councillor shall be included in the Complaints procedure.

Complaints may also be submitted to the Standards Board for Wales where there is perceived to be a breach of Welshpool Town Council's Code of Conduct for members – which equates to the Model Code of Conduct Order 2001 re the Local Government Act 2000 Part III, particularly the sections dealing with Prejudicial Interest.

Other than that it is recommended for transparency in local government and for the benefit of good local administration that councils should adopt a standard formal procedure for considering complaints: either made by complainants directly or referred back to the council from other bodies to whom they have been made.

The Code of Practice set out below is based on a recommended model, as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

Councils have been urged to do their utmost to settle complaints and satisfy complainants in the interest of the good reputation of the council.

The Council should try and resolve any complaint at local level.

The Town Clerk will make available the complaint (which must be given in writing) to the First available Council or Committee Meeting and inform any members affected.

The Full Council will then consider the complaint and if of a minor nature may deal with the matter itself. In more serious cases the Council may request the Mayor to appoint a panel of 3 Councillors to report back to the Council with recommendations.

Welshpool Town Council will only take a complaint to ombudsman once an attempt to settle the matter locally has been completed.

This is to be considered as a re-examination before reference to the Ombudsman or Standards Board.

Welshpool Town Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints

Procedure

1. If a complaint about procedures or administration or conduct is notified orally to a Councillor or the Town Clerk of the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Town Clerk and receive an assurance on receipt that the matter will be dealt with promptly.
2. If a complainant indicates that he/she would prefer not to put the complaint to the Town Clerk of the Council then he/she should be advised to put it to the Chairman of Council.
3. On receipt of a written complaint, the Town Clerk of the Council or the Chairman, as the case may be, shall be referred to Council at the first opportunity.

4. Where the Town Clerk to the Council or Chairman receives a written complaint about his own actions, he/she shall immediately refer the complaint to the council.

5. Upon receipt of the complaint at Council the council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public.

6. The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. This procedure will take place with regard to minor matters at Council and more serious matters via a Panel appointed by the Mayor to report back to Council with recommendations.

7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant by the Town Clerk.

8. If the Councillors complained against do not accept the decision of the Council then the Council shall go to the Ombudsman.

9. At all stages of a complaint about the Council or its Members the Town Clerk shall seek advice from the Monitoring Officer of the County Council.

10. All complaints should be dealt with in private session except where the law does not permit it.
In the event of serial facetious, vexatious or malicious complaints from a member of the public the council shall consider taking legal advice before writing any letters to the complainant.

R A Robinson FRICS FSLCC
Town Clerk
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