

## **BUCKLAND BREWER PARISH COUNCIL – COMPLAINTS PROCEDURES**

This procedure was reviewed and adopted by Buckland Brewer Parish Council at its meeting on 11<sup>th</sup> August 2021.

### **Complaints Procedure / 1**

#### **Matters other than breaches of conduct by parish councillors**

##### Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Clerk to the Parish Council.
2. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Parish Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the full Parish Council. The complainant should also be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way.
4. The complainant shall be invited to attend a 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 Parish Council with copies of any documentation or other evidence relied on. The Parish Council shall provide the complainant with copies of any documentation upon which they wish to rely on 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

6. The Parish 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.
7. The Chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and then (ii), members.
9. The Clerk will have an opportunity to explain the Parish Council's position and questions may be asked by (i) the complainant and (ii), members.
10. The Clerk and then the complainant should be offered the opportunity to summarise their position.
11. The Clerk 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.

12. The Clerk 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

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

#### Notifications to the Parish Council of complaints received by the District Council Monitoring Officer

When the Monitoring Officer receives a parish complaint, the Monitoring Officer is required to notify the Parish Council of certain information at various stages of the case handling process:

- to know whether further evidence or the preservation of evidence is necessary
- what appropriate arrangements should be made

#### Notification procedures

a) The Clerk and/or the Chairman should be informed of and deal with such notifications when received.

b) They should not be included on a meeting Agenda.

c) The Clerk or the Chairman will provide further evidence or information.

d) Having appropriate arrangements in place will ensure that the rights of all concerned in a complaint are considered, and ensure that complaints are dealt with lawfully, effectively and fairly.

Legal issues include issues of confidentiality, obligations under the Human Rights Act 2000, Data Protection Act 1998 and Freedom of Information Act 2000. Statutory provisions regarding public access to information in agendas, minutes and meetings must be considered.

*This procedure is based on the National Association of Local Council's model for Smaller Councils Complaints Procedures, the Town & Parish Standard, Issue 4, February 2009 published by the Standards Board for England and The Localism Act 2011.*

## **BUCKLAND BREWER PARISH COUNCIL – COMPLAINTS PROCEDURES**

### **Complaints Procedure / 2**

#### **Complaints about breaches of conduct by parish councillors**

All complaints received against parish councillors will be referred to the Monitoring Officer of Torridge Council, who will instigate their own investigation using their prevailing complaints procedure

If a complaint of a breach of conduct by a member is received by a councillor, it shall be reported immediately to the Parish Clerk.

In all cases, the Clerk will:

- inform the complainant that the matter will be dealt with by the Monitoring Officer
- advise the Chair of the Parish Council immediately
- advise the full Parish Council that a complaint has been received at the earliest possible occasion
- refer the matter to the Monitoring Officer by email attaching contact information and any written evidence supplied by the complainant
- report the Monitoring Officer's recommendation to the full Parish Council at the earliest opportunity