



SOUTH MOLTON TOWN COUNCIL

COMPLAINTS PROCEDURE FOR STALLHOLDERS AND STAFF RELATING TO SOUTH MOLTON TOWN COUNCIL MARKETS

South Molton Town Council's Complaints Procedure is reviewed by the Council annually. This Procedure was last approved on (Insert Date).

1. Introduction

Complaints received from Stallholders about members of staff or about the administration or procedures of South Molton Town Council are not subject to the jurisdiction of the Local Government Ombudsman. However, for the sake of transparency in local government and for the benefit of good local administration, South Molton Town Council has adopted a formal procedure for considering complaints.

It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement

The Town Council's Complaints procedure for Stallholder and Staff relating to South Molton Town Council Markets applies to the following types of complaint:

- 1.1. Complaints about a member of staff by a Stallholder
- 1.2. Complaints about a Stallholder by a Stallholder, member of staff or member of the public

2. Definition of a complaint

What the complaints procedure will not deal with:

Where legal proceedings already exist.

Complaints about employment matters these will be dealt with by the Town Council's internal grievance procedure.

Complaints about an incident or matter that took place longer than 12 months ago.

3. Equal Opportunities

The Town Council is committed to equal opportunities. Complaints/feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

Complaints by members of the public of discrimination and/or harassment against the Town Council may be dealt with through the general public complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. Stages of the Procedure

The Stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

5. Informal Complaints

During the course of daily business, minor complaints are made to staff and Cllrs regarding the service South Molton Town Council provide. The appropriate officer or Town Clerk will usually deal with these. It is not appropriate for every comment received to be treated as a formal complaint. This will also apply regarding complaints made about staff or Stallholders. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

6. Procedure to follow for Handling Formal Complaints

Stage 1

A complainant may notify a complaint to the Mayor or the Town Clerk of the Council. This must be in writing or by email..

If the complainant remains unsatisfied with the response they shall be requested to put their complaint in writing to the Town Clerk of the Council. An acknowledgement will be sent within two working days

If a complainant indicates that they would prefer not to put the complaint to the Town Clerk of the Council then they should be advised to put it to the Mayor of the Council. An acknowledgement will be sent within two working days.

Stage 2

The complaint shall be fully investigated and both parties to the complaint will be interviewed. The Town Clerk of the Council shall be appointed to fully investigate the complaint.

The Town Clerk of the Council or the Chairman of the Council, shall try to settle the complaint directly with the complainant within 14 working days of receipt of complaint, but shall not do so without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.

If the investigation of the complaint is likely to take more than 14 working days, the complainant will be notified together with a reason for the extended investigation period.

Where the Town Clerk to the Council receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Mayor as Chairman of the Council.

Stage 3

The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved; the complainant has the right to request, within 28 working days that the matter should be referred to

- a) The Staff Committee in the case of a member of staff.
- b) A panel of two Councillors and the Town Clerk for matter relating to the council. Reference should be made to the Town Council's Complaints Procedure.
- c) For matters relating to Stallholders reference should be made to the Schedule of Conditions Relating to Stalls in the Pannier Market.

A decision made by (a) and (b) shall be considered final and the complaint will be considered closed.

The Complainant will be notified, in writing, of the final decision within 14 working days of the meeting.

7. Unreasonable and Vexatious Complaints

In the event of serial facetious, vexatious or malicious complaints, the council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint as to justify consideration as a new complaint.

8. Anonymous Complaints

Anonymous complaints should be referred to the Town Clerk of the Council, and may be acted on at their discretion, according to the type and seriousness of the allegation.

9. Contacts

South Molton Town Council Town Clerk, The Amory Centre, 125 East Street, South Molton, Devon EX36 3BU Tel No. 01769 575523, andrew.coates@northdevon.gov.uk.

Please note that when there is a conflict between a policy and standing order, the standing orders will prevail.

[End]