

## FINANCIAL REGULATIONS

### Handling Complaints – Policy & Procedure Policy

Brewood and Coven 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 this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

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. There may also be the opportunity to raise your concerns in the public participation session at Council meetings. 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.

It will not be appropriate to deal with all complaints from members of the public under this complaints procedure. This procedure is not appropriate for use where a complaint is made against the conduct of an individual.

The Council should consider engaging other procedures or bodies in respect of the following types of complaint:

- Financial irregularity: Refer to the local elector's statutory right to object to the Council's audit of accounts as per s.16 Audit Commission Act 1998. On other matters, the Council may need to consult its auditor and/or the Audit Commission.
- ii) Criminal activity: Refer to the Police.
- iii) Member conduct: A complaint relating to a Member's failure to comply with the Council's Code of Conduct should be dealt with in accordance with Brewood and Coven Parish Council's Code of Conduct which was adopted by the Parish Council in July 2012, as prescribed by the Localism Act 2011.
- iv) Employee conduct: Refer to the Staffing Committee to be dealt with under the Council's Disciplinary and Grievance Procedure.

### Procedure

To be used in cases of complaint by the public about the Parish Council's procedures and their implementation and administration.

You may make your complaint about the Council's procedures or administration to the Clerk. You will be asked to put your complaint in writing.

Wherever possible, the Clerk will endeavour to resolve your complaint immediately. An apology will be issued if appropriate. If it is not possible to resolve your complaint, the Clerk will normally attempt to acknowledge it within five working days. The outcome will be reported at the next meeting of the Council.

If the complaint cannot be resolved, the Clerk or the Chairman of the Council will investigate further, obtaining additional information as necessary from you and/or from staff or members of the Council.

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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 intends 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.

If you are dissatisfied with the response to your complaint, you may ask for it to be referred to the full Council. The Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at a full Council meeting in public.

Usually within eight weeks you will be notified in writing of the outcome of the review of your original complaint. The outcome of the investigation will be announced at a full meeting of the Council.

The Council's decision shall be final.

## **CODE OF CONDUCT FOR COUNCILLORS**

### 1.0 Introduction

1.1 This Code of Conduct ("the Code") was adopted by Brewood and Coven Parish Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 9 August 2012 with effect from 13 September 2012.

1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members"). This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their private and personal lives.<sup>1</sup>

### Part One - Standards of Conduct

As a member of the Council you must have regard to, and act in accordance with, the following standards of conduct:<sup>2</sup>

#### 1. Selflessness

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.<sup>3</sup>

#### 2. Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned; you should not behave improperly and should avoid the appearance of such behaviour.

#### 3. Objectivity

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest. You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

<sup>1</sup>When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.

<sup>2</sup>And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

<sup>3</sup>This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

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#### 4. Accountability

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

#### 5. Openness

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

#### 6. Leadership

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees.<sup>4</sup>

### Part Two – Registration and Disclosure of Interest

#### Registration of Interests

7. Within 28 days of this Code being adopted by the Council or within 28 days of your election or co-option (whichever is the later), you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.<sup>5</sup>

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8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.

9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.

10. A pecuniary interest is a "disclosable pecuniary interest" defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012 described as:-

4Members may express themselves robustly in representing their or their constituents' views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code.

5The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the website of South Staffordshire Council and of the Parish Council (if the latter maintains a website)

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#### Subject

##### Description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

##### Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 7 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

##### Contracts

Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities\*) and the Council—

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

##### Land

Any beneficial interest in land which is within the area of the Council.

##### Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

##### Corporate tenancies

Any tenancy where (to the member's knowledge)—

(a) the landlord is the Council; and

(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.

##### Securities

Any beneficial interest in securities of a body where—

(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and

(b) either—

(i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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\*Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:

(a) it is an interest of yourself, or

(b) it is an interest of:-

(i) your spouse or civil partner,

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as if they were civil partners, and the you are aware that that other person has the interest.

12. You are also required to notify the Parish Clerk of any gifts or hospitality with an estimated value of at least £50.6 which you receive in your role as a Parish Councillor.<sup>7</sup> You must inform the Parish Clerk of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Members Gifts and Hospitality.<sup>8</sup>

Sensitive interests

13. If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.<sup>9</sup> <sup>10</sup>

<sup>6</sup>This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

<sup>7</sup>This does not include civic gifts or hospitality received by the Chairman of the Council whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Parish Clerk.

<sup>8</sup>The Parish Clerk must advise the Monitoring Officer that a member has registered receipt of a gift or hospitality, the Monitoring Officer will then enter the receipt of the gifts and/or hospitality in the Register of Gifts and Hospitality which will be made available for public inspection and published on the website of South Staffordshire Council and of the Parish Council (if the latter maintains a website)

<sup>9</sup>Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

<sup>10</sup>If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

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Disclosure of disclosable pecuniary interests at meetings

14. The following provisions apply if you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.

15. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).

16. If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

17. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).

18. You may not:

(a) participate, or participate further, in any discussion of the matter at the meeting,

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(b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Parish Council ), or

(c) remain in the room during the discussion or vote on the matter.

19. Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

Disclosure of other interests at meetings

20. Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be

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declared in the public interest, such interests may be declared to the meeting; this includes any interest which relates to or is likely to affect:

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management.

21. In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

Allegations of a Failure to Comply with Code of Conduct

22. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by South Staffordshire Council.