

SUBSIDIARY LEGISLATION 363.04**LOCAL COUNCILS (COMPLAINTS)
REGULATIONS**

26th November, 1993

*LEGAL NOTICE 159 of 1993.***PART I****General Provisions**

- 1.** The title of these regulations is the Local Councils (Complaints) Regulations. Citation.
- 2.** In these regulations, unless the context otherwise requires - Interpretation.
"Act" means the Local Councils Act; Cap. 363.
"complaint" means any concern, accusation, criticism, grievance, charge or protest or any other negative information addressed to or received by the Council or any Council employee whether directly or indirectly,
"urgent complaint" means a complaint which by its nature is considered as urgent and includes a complaint which -
- (i) alleges a major breach of national or local laws;
or
 - (ii) indicates a serious safety risk; or
 - (iii) indicates that a substantial liability may be incurred by the Council; or
 - (iv) is so deemed by the Secretary.
- 3.** All complaints shall be treated and reviewed in accordance with these regulations and any procedures which may be issued by the Minister, and shall be classified under the following three categories: General conditions and classification of complaints.
- (i) Category One complaints referring to general Local Council matters as defined in the Act and including:
 - (a) unlawful activities, actions or situations as described in article 13(1), article 16(1), article 22(a) and (b) and article 71 of the Act;
 - (b) any other unlawful activities of the Council, Councillors, Secretary or any other employee;
 - (c) unsatisfactory or incorrect execution of the functions, administration, or any other business of the Council, Councillors, Secretary or any other employee, excluding Category Two complaints;
 - (d) intentional disregard by the Council to the contravention of a bye-law;
 - (e) Council activities which result in consequential

- damages to a complainant excluding Category Two complaints;
- (f) negative aspects or activities related to the police, traffic, environment, health, education, consumer protection, and any activities which are likely to create a nuisance.
- (ii) Category Two complaints referring to the following specific Council functions:
- (a) defective or unsatisfactory services or works executed by or for the Council;
- (b) defective materials or supplies provided by or to the Council;
- (c) Council functions referred to in sub-paragraphs (a) and (b) which result in consequential damages to a complainant;
- (iii) Category Three complaints referring to third party matters and including:
- (a) dangerous, unsafe, unhealthy, unsightly or damaging structures, items or activities within the locality;
- (b) unlawful, unsafe or undesirable commercial, building or construction activities.

PART II

Handling of complaints

Recording and classification of complaints.

4. (1) On receiving a complaint the Secretary shall ensure that it is recorded together with all the original details and that it is thoroughly investigated and dealt with until it is closed.

(2) Complaints shall be classified by category, type and degree of importance or urgency according to these regulations and to any procedures which may be issued by the Minister. The Council may moreover adopt internal procedures not inconsistent with the said regulations or procedures.

Complaints referring to third party matters.

5. The Council may deal with Category Three complaints on behalf of the complainant:

Provided that:

- (a) the subject of such complaint does not fall within the competence of a Government department or agency;
- (b) the Council or the Secretary deems the subject of such a complaint of importance to the locality.

Complaints of an urgent nature.

6. (1) The Secretary shall respond to or address complaints of an urgent nature within twenty-four hours of their receipt.

(2) The Secretary shall immediately inform the Council of any complaint of an urgent nature and of any action taken.

Secretary to report to the Council on new complaints.

7. (1) The Secretary shall present to the Council a report listing all new complaints received prior to each Council meeting.

(2) The report referred to in subregulation (1) shall include recommendations and supporting information for the Council's consideration on how to act on the new complaints received.

8. (1) The Secretary shall at each Council meeting report to the Council on the current status of all complaints. Report on status of complaints.

(2) The status report referred to in subregulation (1) shall include:

- (a) an analysis of complaints by category, type and degree of importance;
- (b) the average time taken by the Council in closing complaints in the current financial year;
- (c) the age of all pending complaints;
- (d) the identification of complaints which are related by their nature or which indicate that a particular problem, issue or situation has aggravated or improved;
- (e) monthly trends in the receipt of complaints.

9. (1) The Council shall discuss the reports presented by the Secretary under regulations 6 and 7 and shall decide on the necessary action to be taken or the response to be given. Council to decide on complaints.

(2) The Secretary shall ensure that such Council decisions are implemented as early as possible.

10. (1) A complaint shall be considered closed when: Closure of complaints.

- (a) it is dismissed as frivolous, vexatious or trivial by the Council;
- (b) the Council finds the complaint to be unreasonable, unsubstantiated, unfounded or unjustified;
- (c) the Council has resolved the issue, concern, point or matter of the complaint by providing information to the satisfaction of the complainant;
- (d) the complainant withdraws the complaint and the Council is satisfied that the complaint should be closed;
- (e) the Council, or any other body or organisation to whom the complaint was referred, has successfully addressed the matter of the complaint to the satisfaction of the complainant;
- (f) the Council has indemnified or compensated the complainant following a claim for damages;
- (g) the Council has initiated legal proceedings in the case of the contravention of national laws or locality bye-laws;
- (h) the Council has, by any other means, satisfied the complainant.

(2) If the subject of a complaint is *sub judice* or under police

investigation or has been referred to the Permanent Commission Against Corruption, the complaint shall be put *sine die* awaiting the outcome of the judgement or the investigation.

The Secretary to
answer complaints.

11. (1) Subject to the provision of regulation 5, the Secretary shall answer in writing any complaint within thirty days of its receipt.

(2) The answer referred to in subregulation (1) shall include information, details of any investigation or action taken or to be taken and shall state whether or not the Council considers the complaint closed according to regulation 10.

(3) The Secretary shall inform complainant when the complaint is closed.

(4) The Secretary shall continue to update each complainant in writing every thirty days until the complaint is closed according to regulation 10.
