

Embleton Parish Council

Policy on vexatious behaviour

Policy on dealing with vexatious behaviour

1 Definitions

“Vexatious Behaviour” means unreasonable behaviour of anyone making a request or complaint in an abusive, threatening, or offensive manner or unreasonably persistent manner by the frequency of requests and complaints.

“Council” means Embleton Parish Council

“Clerk” means the Parish Clerk of Embleton Parish Council

“Chair” means the Chair of Embleton Parish Council

“Designated Councillor” means the councillor who has been appointed by formal resolution of the Council to act for the Chair in respect of this policy if the Chair is absent or if the Chair considers it to be inappropriate to act in respect of the discharge of this policy.

“Panel” means the panel of 3 councillors excluding the Chair or designated Councillor appointed by formal resolution of the Council to consider any appeal against the imposition of restrictions in accordance with this policy.

“Order” means the letter issued by the Clerk setting out the details of restrictions imposed on the Person in communicating with the Council.

“Person” means any member of the public, organisation or any person or organisation acting on behalf of a member of the public including solicitors, councillors from another authority, councillors of the Council, Members of Parliament making a request for information or complaint about the Council or a councillor of the Council

“Warning” means a letter informing a Person of their Vexatious Behaviour and the details thereof and that an Order shall be issued if they do not desist from such behaviour.

2 Aim of this policy

This policy is to assist in the efficient operation of our policies of dealing with requests for information or complaints in a timely, reasonable, and consistent manner; sets out the procedure for determining whether Vexatious Behaviour has occurred and for imposition of restrictions on the Person making the request or complaint; should be read in conjunction with other appropriate policies of the Council; This policy is for the guidance of staff, councillors and a Person making a request or complaint.

3 Procedure

Prior to issue of warnings or restrictions the Clerk shall ascertain that the request or complaint has been dealt with or is being dealt with in accordance with the appropriate policy unless the Vexatious Behaviour is hindering or preventing the use of the appropriate policies

If the Clerk considers that Vexatious Behaviour has occurred and after consultation with the Chair or Designated Councillor shall issue in writing a Warning letter to the person making the request or complaint.

If the Vexatious Behaviour continues, the Clerk after consultation with the Chair or Designated Councillor shall issue in writing an Order and the period for which such Order shall apply. The period shall be reviewed every 3 months by the Clerk and Chair and may be reduced. left unaltered or extended.

If the Vexatious Behaviour continues the period of the order or the terms or both may be amended in writing by the Clerk after consultation with the Chair or Designated Councillor.

If the Person considers the Order to be unreasonable a written appeal setting out the grounds for the appeal may be submitted to the Panel. The Panel may permit the Person to speak to the Panel prior to them making a decision. Their decision which shall be communicated in writing by the Clerk to the Person shall be final.

If the Person who has received an Order submits a new communication by letter unrelated to the previous request or complaint the Clerk after consultation with the Chair or Designated Councillor may agree to deal with the new communication in accordance with the appropriate policies of the Council.

4 Records

When an Order or amendment thereto is issued, the Clerk shall report to the Council that such an action has been taken as soon as practicable. If the council wish to be informed as to the detail of the Order the information shall be reported in closed session to the Council.

The Clerk shall maintain in a suitable format detail of Warning and Order letters and submit a summary report to the annual meeting of the Council.