

CITY OF DURHAM PARISH COUNCIL POLICY ON DEALING WITH VEXATIOUS BEHAVIOUR

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 the City of Durham Parish Council

“Clerk” means the Parish Clerk of the City of Durham Parish Council

“Chair” means the Chair of the City of Durham Parish Council

“Designated Councillor” means the councillor who has been appointed by 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 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.

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. The policy 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.

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 Mayor 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.

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.

Guidance note for the Policy on dealing with vexatious behaviour

1. Great care should be taken before implementation of this policy to make sure that the action is appropriate and proportionate to the vexatious behaviour as defined in the Policy and not merely annoying behaviour.
2. Examples are given below of vexatious behaviour which may occur solely or with other examples. These examples are not to be considered as exclusive.

- Manner of communication
- Frequency of communication
- Communications are for annoyance
- Refuse to specify the grounds for the communication
- Refuse to accept that the matter is outwith the Council's control
- Insist on it being dealt with not in accordance with the Council's policy or good practice
- Make groundless complaints about staff or Councillors
- Make persistent and unreasonable demands on staff or Councillors
- Harass, abuse or try to intimidate staff or Councillors
- Use foul, offensive or racist language
- Raise subsidiary matters whilst another matter is being investigated
- Introduce trivial matters while another matter is being investigated
- Change the substance of a particular matter while it is being investigated
- Deny previous statements
- Electronically record conversations without prior agreement
- Involve other third parties unreasonably in the process
- Refuse to accept the resolution of a particular matter
- Attempt to raise a matter under the guise of a new communication
- Persistently raise an issue with different means of communication
- Persistently seek an outcome which is unrealistic
- Refuse to accept documented evidence as factual
- Refuse to accept an outcome based on a historic and irreversible decision or incident

3. Restrictions may be as follows

- Banning an individual from entering the office
- Permitting them to enter the office for a pre-arranged appointment with a named person only
- Permitting telephone, e-mail communication or letter only
- Banning them from telephone communication
- Banning them from telephone and e-mail communication
- Banning them from telephone, e-mail or letter communication
- Permitting communication from an approved third party by letter only
- Permitting communication from an approved third party by letter and e-mail only
- Permitting communication from an approved third party by letter, e-mail and telephone only
- Permitting communication from an approved third party by letter, e-mail, telephone and appointment to see a named individual only.

4. The period of restriction shall be not less than 3 months nor longer than 12 months and shall be reviewed every 3 months by the Clerk in consultation with the Chair of the Council or a designated Councillor.

Date adopted: July 2020

Date to be reviewed: May 2021