

## Ellesborough Parish Council's Communications Policy

The policy is to be used to develop effective communications with all residents of the Parish and all the Parish Council's partners including the media.

### Objectives:

- To inform residents and strategic partners of the priorities, objectives and activities of the Parish Council on an on-going basis.
- To encourage residents in the community to be involved with the work of the Parish Council by volunteering and working together to contribute to making improvements where they are needed and to respond to the changes in our area.
- To use a range of communication methods and channels to ensure that the way in which we communicate is effective across our wide and varied audience. Methods to relay information include: regular email updates by the Parish Clerk, copies of minutes of EPC's meetings are posted on Ellesborough Parish Council website, notices are put on the noticeboard outside the Village Halls at both Ellesborough and Dunsmore, quarterly PC updates appear in the Ellesborough Village Magazine and an Ellesborough Parish Council Facebook page maybe introduced. Two-way communication methods include: via the Parish Clerk, directly with Councillors (see email list found on EPC website) and by attendance at the Parish Council Meetings.
- The Parish Council wants to hear the views of others and elicit constructive feedback.
- To ensure communication takes place promptly, efficiently and positively. This may take place through a single communication or from a pattern of communications.
- To be open and transparent. To comply with The Code of Recommended Practice on Local Authority Publicity.
- Consideration and respect should always be practised between members of the Council and between members and the public.
- Ellesborough Parish Council (EPC) operate in accordance with their Standing Orders (found on the EPC website – under Publications heading).

### Points of Contact

- The first point of contact for the Parish Council is the Parish Clerk. The Clerk's duties include the day to day running of events. Please note our Parish Clerk works part time so all emails are dealt with in a timely manner and an initial response should be received within 5 working days.  
Contact details: Mr Rex Norris, Three Acres, 86 Chalkshire Road, Butlers Cross, Aylesbury, Bucks HP17 0TJ Telephone: 01296 615821 Email: [clerk@ellesborough.org.uk](mailto:clerk@ellesborough.org.uk)  
If the matter is urgent please ring or text 07836 785970.
- A Councillor may be contacted/emailed directly however further correspondence/communication will always be copied to the Clerk, then the parish records will be accurately maintained.
- The majority of the current EPC have full time jobs and have volunteered their services and skill sets to make the best of their resources amongst the community.
- Each member of the EPC has designated roles as listed in the Standing Orders. The powers and duties of EPC are described in Annex B.
- Allow 5 working days for an initial response from Councillors.
- Depending on the nature of the enquiry this will either be answered or acknowledged by the Clerk, if he is the first point of contact, and the email will be forwarded to the relevant Councillor(s). The Councillor will respond as soon as practicable and will copy their response to the Clerk. If the Clerk believes that the matter should be referred to the full council, he will advise that this needs to be discussed at the next ensuing Parish Council meeting and placed on the Agenda.

- The Clerk will have discretion on how to deal with correspondence labelled “confidential”.
- In the event of the Clerk being on leave these enquiries will be dealt with upon their return. However, if the matter is urgent he can be contacted on 07836 785970. If unobtainable and a matter of extreme importance then the Chair will be the next point of contact (details found on the website).

#### Communication by Email

- Councillors and the Clerk must ensure that confidential information is not disclosed so as to place the Council at risk of breach of confidentiality.
- All Council business should be conducted using individual @epcouncil.co.uk emails not personal email addresses.
- Councillors and the Clerk are to have a signature block for their emails so that emails sent on behalf of EPC are identified as such and not as coming from Councillors when they are acting as individuals.
- Councillors must ensure that the principles set out in the Code of Conduct are followed to show respect to others when communicating by email.

#### Vexatious requests, complaints, unreasonable or repetitious requests for information

Sometimes Councils may find themselves being called upon to respond repeatedly to an individual or group of individuals where the council has already responded to the matter (or something very similar) and has concluded that there is nothing further or useful that can be done. In these cases, the council will review this contact. If the behaviour continues then advice will be taken to try and resolve this matter before restrictions are imposed. Adequate records will be retained by the Clerk of the details of the abusive, vexatious or persistent case and the action(s) that have been taken. See Annex A – Policy on Habitual & Vexatious Requests.

#### Dealing with the media

All press enquiries should be referred to the Clerk in the first instance and the Clerk can issue statements of fact. The Parish Council’s standard response to any media enquiry will be “no comment”. A statement will be issued once the matter has been considered. The Clerk shall approve/discuss such statements with the relevant Councillors and Chair. No Councillor will contact the press in respect of any matter without discussing with the Clerk. No interviews will be given. If you have any questions about contact with the media please contact the Parish Clerk.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council’s prior written consent. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting as which they are entitled to be present. (As per EPC’s Standing Orders, Meeting 1.3)

#### Reports for the Council/Agenda items

Correspondence received prior to the agenda deadline (ten days prior to the Parish Council Meeting) will be catalogued and presented to the Council with the Agenda and paperwork for the meeting if it requires a response by the Council. Any correspondence received after that date, unless of an urgent nature or planning, licensing or tree works, cannot be included on the Agenda and will be considered at the following meeting.

Councillors must make it known to the Clerk or Chairman if they particularly want an item of correspondence that does not demand a response to be discussed on the Agenda prior to the deadline, otherwise it will be at the discretion of the Chair and Vice Chair whether it is included.

## Policy on Habitual & Vexatious Requests

### **Policy on dealing with unreasonable, abusive, persistent or vexatious requests for information, complaints or complainants.**

#### **1. Introduction**

- 1.1 This policy identified situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious and ways of responding to these situations.
- 1.2 This policy covers behaviour around repeated and duplicate requests for information and complaints regarded as unreasonable or vexatious. This includes behaviour which causes alarm or harassment to council officers or councillors and/or undermines the ability of the council to provide a fair service to others. Examples of what would be deemed unreasonable are outlined below under Section 3.
- 1.3 In this policy the term habitual means 'done repeatedly or as a habit'. The term 'vexatious' is recognised in law and defined as 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.4 This policy includes requests for information made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the complaints procedure is, where relevant, to be interpreted as meaning request under those Acts.
- 1.5 Habitual or vexatious complainants can be a problem for the Clerk and Councillors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources. The Council endeavours to respond with patience and professionalism to the needs of all complaints and complainants. However, there are times when there is nothing further which can reasonably be done and the full process has been applied. If the behaviour continues, it will result in a reduced ability to meet the needs of other residents.
- 1.6 Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 1.7 The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

#### **2. Habitual or Vexatious complaints and complainants**

- 2.1 For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:-

- (1) unreasonable complaints and/or unrealistic outcomes; and or
- (2) reasonable complaints in an unreasonable manner

2.2 Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Clerk and Chairman will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

2.4 The Clerk on behalf of the Parish Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The relevant County and District Councillors will also be informed that a constituent has been designated as a habitual or vexatious complainant.

2.5 The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

### **3. Definitions**

3.1 The Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder the Council's consideration of their or other people's complaints or deliver a fair service to others. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

3.2 Examples include the way or frequency that complainants raise their complaint or how complainants respond when informed of the Council's decision about the complaint.

3.3 Features of an unreasonably persistent and/or vexatious complainant or individual repeatedly or vexatiously requesting information include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

#### **An unreasonably persistent and/or vexatious contact may:**

- Have insufficient or no grounds for their complaint or provides no valid grounds for their complaint to be considered further.
- Be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious), harass or cause distress to officers or members.
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the power of the council to investigate, change or influence.
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced.

- Make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numbers, frequent and/or complex letters, telephone calls or emails).
- Harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language through any channel.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statement he or she made at an earlier stage in the complaint process.
- Electronically record meetings and conversations without the prior knowledge and consent of all the other persons involved.
- Adopts an excessive 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Standards Board, the police, solicitors.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Persistently approach the council through different routes about the same issue.
- Persist in seeking an outcome which has been explained as unrealistic or impractical for legal reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on an historic and irreversible decision or incident.
- Misrepresent to others the actions taken by the Council or officers on responses received whether by omission of relevant factual context or editing responses to misinform.
- Submitting repeat requests for information with minor additions/variations or which the requestor has already received or are in the public domain and they have been directed to the information already.
- The request is obsessive in nature e.g. a high volume of requests or lists of multiple items, repeatedly asking for the same information or using requests for information to open matters that have already been dealt with in other ways.
- Combine some or all of these features.

#### **4. Imposing Restrictions**

4.1 The Parish Council will ensure that the complaint is being, or has been investigated properly.

- 4.2 In the first instance the Clerk will consult with the Chairman of the Council, prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the council may take if they do not comply.
- 4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Council and inform the complainant in writing of what procedures have been put in place and for what period.
- 4.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place. In most cases restrictions will apply for between 3-6 months, but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- Banning the complainant from making contact by telephone except through a third party eg. solicitor/councillor/friend acting on their behalf.
  - Banning the complainant from sending emails to individuals and/or all council officers and Insisting they only correspond by letter.
  - Requiring contact to take place with one named member of staff only.
  - Restricting telephone calls to specified days/times/duration.
  - Requiring any personal contact to take place in the presence of an appropriate witness.
  - Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence).
- 4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:-
- Why the decision has been taken.
  - What action is being taken.
  - The duration of that action.
- 4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.
- 4.8 Where a complainant continues to behave in a way which is unacceptable, the Parish Clerk, in consultation with the Chairman of the Council may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered eg. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

## **5. New complaints from complainants who are treated as abusive, vexatious or persistent**

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Parish Clerk and the Chairman will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, of ignoring genuine service requests or complaints where they are founded.
- 5.2 The fact that a complainant is judged to be unreasonably persistent with their vexatious behaviour resulting in restrictions being imposed with him or her will be recorded and notified to those who need to know within the Council.

## **6. Review**

- 6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Parish Clerk and the Chairman after six months and at the end of every subsequent six months within the period during which the policy is to apply.
- 6.2 The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

## **7. Record Keeping and review**

- 7.1 Adequate records will be retained by the Parish Clerk of the details of the case and the action that has been taken. Records will be kept of :-
- The name and address of each member of the public who is treated as abusive, vexatious or persistent.
  - When the restriction came into force and ends.
  - What the restrictions are.
  - When the person and Council were advised.
- 7.2 This policy will be reviewed annually.

Powers and Duties of Ellesborough Parish Council

<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provision</b>
Allotments	Powers to provide allotments	Smallholdings & Allotments Act 1908, s. 23
Bus shelters	Power to provide and maintain shelters	Local Government (Misc. Provisions) Act 1953, s.4 Parish Councils Act 1957, s.1
Bye laws	Power to provide bye laws for: Pleasure grounds	Public Health Act 1875, s.164
Charities	Open spaces and burial grounds Duties regarding parochial charities	Open Spaces Act 1906, s.15 Charities Act 1993 s. 79
Christmas lights	Power to provide to attract visitors	Local Government Act 1972. S. 144
Closed churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to enclosure, regulation and management, and providing common pasture	Inclosure Act 1845 Local Government Act 1894, s.8(4) Smallholdings and Allotments Act 1908, s.34
Community Centres/ Village Hall	Power to provide and equip community buildings	Local Government Act 1972, s. 133
Crime prevention	Powers to spend money on various crime prevention measures and	Local Government Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s.145
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways	Highways Act 1980, ss.43, 50
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
	Power to complain to district councils regarding protection of rights of way and roadside wastes	Highways Act 1980, s.130 (6)



Land	Power to acquire by agreement, to appropriate, to dispose of land	Local Government Act 1972, ss.124, 126, 127
	Power to accept gifts of land	Local Government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5, 6
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260 Public Health Act 1875, s.164
Parish property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village hall	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133
Playing fields and playground	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para.27)
		Public Health Acts Amendment Act 1890, s.44
		Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Traffic calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
Village signs	Power to use decorative signs to inform visitors	Local Government Act 1972, s.144
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water supply	Power to use well, spring or stream and to provide facilities for obtaining water therefrom	Public Health Act 1936, s.125

(List adapted from BMKALC 07 – Powers and Duties)