

WHPC Meeting 6<sup>th</sup> February 2024  
Agenda Item 24/049  
HR Working Group - Communications from a Resident

Purpose of this Paper

- a. To note correspondence received from a resident since 11th January 2024.
  - b. To consider recommendations regarding actions and costs agreed by the Parish Council (24/033, 16th January 2024):
    - o The engagement of legal advice regarding correspondence received and the Council's Duty of Care as an Employer
    - o Keeping the Council's Insurer informed of the correspondence.
  - c. To assess the WHPC Risk Register and consider appropriate steps to manage those risks.
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1. Background

At the Extraordinary meeting of the Council held on 16<sup>th</sup> Jan 2024 (ref 24/033) it was resolved that a firm of solicitors that specialises in advising Local Authority sector should be approached for advice on steps the Parish Council may take to reduce the burdensome workload and stress to the Parish Clerk caused by repeated requests and complaints from a single parishioner. Also, the Council sought to reduce the dis-proportionate amount of Council time attributable to one member of the public despite efforts to resolve matters.

The Parish Council (WHPC) had previously agreed to expenditure up to £2,000+vat for solicitor's fees concerning this matter (ref WHPC Meeting 20th July 2023, 23/265).

2. Further Correspondence Received by WHPC

WHPC has continued to receive high volumes of correspondence from the resident during January 2024. Since 11<sup>th</sup> January 2024 the Council has received:

11th Jan Email re Extraordinary Meeting

12th Jan Complaints against WHPC

13th Jan Complaints

13th Jan Complaints, Freedom of Information requests, Subject Data Access Requests

17th Jan Subject Data Access Requests, Freedom of Information requests

29<sup>th</sup> Jan Complaint

Royal Mail attempted delivery of a WHPC letter to the resident on 27<sup>th</sup> and again on 29<sup>th</sup> January 2024. On this occasion the householder refused to accept delivery of the letter.

3. Meeting with a Solicitor

In accordance with the WHPC resolution 16<sup>th</sup> Jan 2024 (ref 24/033) the Vice Chairman Cllr Pullman and the Parish Clerk met with a solicitor with Tozers Solicitors LLP on 23<sup>rd</sup> January at their office in Exeter.

Having read some of the correspondence received from the parishioner the Solicitor expressed a view that the behaviour on the part of the parishioner was unreasonable and unreasonably persistent. The Solicitor understood:

- a. the Parish Council was seeking advice upon the Council's obligations with reference to Freedom of Information Act Requests and Subject Access Requests and also advice about how to respond to excessive complaints submitted by the resident.
- b. The Parish Council's was seeking to reduce the unsustainable workload caused by these requests and
- c. to ensure that WHPC policies are effective with regard to managing the behaviour of the parishioner.

The Solicitor proposed the following actions:-

1. Provide a preliminary review of the communications received from the individual between October 2023 and January 2024.
2. Advise upon the Parish Council's obligation to respond to the individual's requests under the Freedom of Information Act and Data Subject Access requests and the decision-making process regarding potentially vexatious requests.
3. Prepare a draft letter to the individual to explain the Council's obligations regarding Freedom of Information Act Requests, Data Subject Access requests and classifying the recent requests as vexatious. The letter would also explain the restriction placed on the individual's correspondence with the Council.
4. Review the WHPC complaints policy and advise upon any suggested changes.
5. Draft an unreasonable and unreasonably persistent complaints policy using the current WHPC policy as a starting point.
6. In addition, the Solicitor suggested WHPC may also want to instruct Tozers regards a separate policy to address vexatious requests policy for Freedom of Information Act and Data Subject Access requests.

#### 4. Fees

The Legal fees for work undertaken in January 2024 (£580.00+vat) and actions 1,2 and 3 listed above could be delivered within the approved budget, £2,000 +vat.

Fees for the additional actions 5, 6 and 7 would incur significant additional fees.

The HR Working Group could probably further develop the current complaints policy and write an unreasonable and unreasonably persistent requests policy.

#### 5. WHPC Insurance Cover

On 24<sup>th</sup> January 2024 WHPC's insurance provider confirmed that they had updated their records regarding correspondence received by WHPC. The Parish Council has notified the insurer of:

- the receipt of correspondence including references to taking legal action. This was understood to be against person(s) outside the Council.
- The individual had stated they were not taking action against the Council.

WHPC had made clear that the Parish Council had not received any communication from a Solicitor or such on this matter and the Council would notify the Insurer if such communication is received.

6. Risk Register

The Parish Council has an obligation to assess risks and consider appropriate steps to manage those risks.

Councillors are asked to consider risks associated with the ongoing correspondence. Areas of concern identified by the HR Working Group include, but are not limited to: reputational risk, loss of key personnel, inaccuracy due to the loss of Councillors and inability to attract new Councillors.

7. Decisions Required:

- a. **To note correspondence received from a resident since 11th January 2024.**
- b. **To consider options presented by Tozers LLP and to resolve which, if any, should be taken and to approve the associated costs as appropriate.**  
**To approve an invoice received from Tozers Solicitors LLP, £580.00+vat.**
- c. **To note the actions taken by the Council's Insurer, Clear Councils, regarding the Council's policy.**
- d. **To identify further actions and associated costs, if any, considered necessary, to manage WHPCs risks.**

HR Working Group  
31<sup>st</sup> January 2024