

Great Bedwyn Parish Council Vexatious Complaints Policy

A policy for dealing with abusive, persistent or vexatious complaints and complainants

1. Introduction

1.1 This policy identifies 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 .

The following clauses form the Council policy for ways of responding to these situations.

1.2 In this policy the term habitual means ‘done repeatedly or as a habit’. The term vexatious is recognised in law and means ‘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.

1.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000, The Equality Act 2010 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

1.4 Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1.5 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.

1.6 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 Complainants

2.1 For the purpose of this policy the following definitions 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 Parish 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 Parish Council 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. Wiltshire Unitary Councillors for Great Bedwyn will also be informed that a constituent has been designated as an 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 Great Bedwyn 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. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

3.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complainant.

3.3 Features of an unreasonably persistent and/or vexatious complainant 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 complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- 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 remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- 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 questions, frequent and/or complex letters, faxes telephone calls or e-mails)
- harass or 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 or publish their complaints in other forms of media

- 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 statements he or she made at an earlier stage in the complaint process
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or 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 or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- 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 according to the adopted complaints procedure.

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 e-mail, 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 them 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 over which that the restriction will be in place. In most cases restrictions will apply for

between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Council Meeting.

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 e.g. a solicitor, a Councillor or a friend acting on their behalf
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
- requiring contact to take place with one named member of staff only
- restricting telephone calls to specified days and/or times and/or duration
- requiring any personal contact to take place in the presence of an appropriate witness
- letting the complainant know that the Town 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 or the Council will 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 has been 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 that is unacceptable, the Clerk, in consultation with the Chairman 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, e.g. 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.

Policy adopted February 2012

Great Bedwyn Parish Council

Standing Orders

These Standing Orders were adopted by the Council at its meeting held on 10th September 2007. *Reviewed and revised 14th April 2010. Reviewed and revised 11 January 2012.*

These Standing Orders form the basis of Great Bedwyn Parish Council administration. For areas not covered in our standing orders refer to the NALC Standing Orders.

1. Questions

No questions shall be asked that are not connected with the business under discussion except during the part of the meeting set aside for questions.

2. Rules of Debate

- (a) No discussion shall take place upon the minutes, except upon their accuracy.
- (b) No speech by a mover of a resolution shall exceed 3 minutes.
- (c) A member other than the mover of a resolution, shall not, without leave of the council, speak more than once on any resolution, except to move an amendment or further amendment or to move a closure.
- (d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (e) Whenever the Chairman rises during a debate all other members shall be seated and silent.

3. Disorderly Conduct

- (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly, or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further as may reasonably be necessary to enforce them.

4. Committees & Sub-Committees

The Chairman & Vice-chairman ex-officio shall be members of every committee.

5. Unauthorised Activities

No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council

- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee

6. Admission of the Public & Press to Meetings

- a) Members of the public are encouraged to attend parish council and committee meetings for the purpose of making representations, giving evidence or answering question, at a given time.
- b) If a member of the public interrupts the proceedings at any meeting (except when invited to do so by the Chairman), the Chairman may, after warning, order that he/she be removed from the Council Chamber.

7. Confidential Business

- (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be

(b) Any member in breach of the provisions of paragraph 7(a) of this standing order shall be removed from any committee or sub-committee of the Council by the Council.

8. Finance

(a) The Finance Committee shall consist of: -

- The Chairman or in his/her absence, the Vice-chairman of the Parish Council
- The Responsible Financial Officer (RFO) appointed by the Parish Council
- The Clerk to the Parish Council who will undertake the day-to-day operation of the account.
- Where no appointee can be found from the members of the Council, the Clerk shall be appointed the Responsible Finance Officer.

(b) The Clerk will be responsible for writing all cheques, which must be signed by two of the authorised signatories, being the Chairman, Vice-chairman and another councillor. Authority for all payments must be approved by the Council and recorded in the Minute Book. Wherever possible, all payments will be made by cheque.

(c) The Clerk/RFO shall prepare the Annual Precept and, after approval by the full Council, submit it to the District Council for payment as required.

(d) The Clerk shall bank regularly all monies due to the Council and ensure all outgoing payments are paid promptly.

(e) The Clerk shall be responsible for submitting all VAT returns and dealing with any VAT inspections, which may arise.

(f) The Clerk/RFO shall balance and prepare the accounts in accordance with the regulations for Audit by 30th September annually.

9. Obligations arising from legislation.

(a) Crime and Disorder Act 1998.

Section 17 is the relevant part. This states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

(b) Data Protection Act.

For the purposes of this Act the “Data Controller” is the Parish council, and the relevant premises are the Village Hall, or such premises as the council formally notifies as its meeting place. The Parish Council will inform an individual in response to his/her request, what information it holds about him/her. Such information will be provided as a photocopy or by inspection of the original document(s) at the relevant premises, prior to a formal meeting of the council.

(c) Race Relations Act.

In accordance with Section 71.1 the Parish Council acknowledges its duty under the Race Relations (Amendment) Act 2000, and resolves that in the provision of its services, due regard will be given to:

- the elimination of unlawful discrimination
- the promotion of equal opportunity
- the promotion of good race relations between peoples of different racial groups.

(d) The Freedom of Information Act.

The council will provide information in accordance with the minimum core model scheme, issued by the Information Commissioner. The council may levy a charge for providing the information. The information may be supplied as a photocopy, or electronically, or by inspection of the document at the relevant premises prior to a formal meeting of the council, within 20 working days of receipt of a request or receipt of payment where applicable.

(e) Disability Discrimination Act. Part III; Employment Equality (Sexual orientation) Regulations 2003; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Age) Regulations 2006.

The council will have regard to the Equal Opportunity obligations in all its dealings.

No member of the public, job applicant, elected member, or employee shall receive less favourable treatment on the grounds of gender, race, sexual orientation, marital/family status, disability, religion/belief or age

Approved by the Great Bedwyn Parish Council at the Meeting of *11 January 2012.*

.....Chairman.Dated.

EXTRACT FROM NATIONAL ASSOCIATION OF LOCAL COUNCILS MODEL STANDING ORDERS

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least () clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least () clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be

numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.

- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-

committee or an employee.

- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds [to be sealed by the Council's common seal] OR [signed by two councillors] and witnessed.
(See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to (£).
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding () minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other

B3.14

Gazette & Herald

MARLBOROUGH

Council calls woman's parking campaign 'vexatious'

6:00pm Wednesday 18th April 2012 in

Marlborough



Station parking protester Jan Thornton has been told by Great Bedwyn Parish Council to shut up and go away after members decided her campaign to stop rail commuters parking on the estate where she lives had become "vexatious".

Mrs Thornton was instrumental in setting up The Knapp Residents Association and leading a so-far unsuccessful campaign to get double yellow lines to prevent commuters parking outside their homes blocking access, she said, for carers and doctors.

Last November the tenants association told the Gazette they were getting little support from the parish council, claiming it was blocking any move to improve parking near the station for residents of The Knapp.

The issue has since escalated into an all-out confrontation between the parish council and Mrs Thornton, 53, resulting in the authority declaring The Knapp tenants' campaign to be vexatious and saying it will no longer respond to letters or emails from Mrs Thornton.

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Great Bedwyn Parish News has already declared it will not publish any correspondence from The Knapp other than what is reported in parish council minutes.

[▶ Get a quote](#)

This has led to Philip Blunt, who lives in Brook Street, writing to the Gazette. He said: "Where's democracy and free speech when

we need it?"

Mr Blunt, who runs an IT consultancy, said:

"The parish council, the Parish News and the Bedwyn Railway Passenger Group are doing their best to silence Jan.

"This grubby little proposal smacks of an organisation silencing someone who is making life awkward for them... a shame on the council members behind this."

Council chairman Roger Durie confirmed the council had declared the residents' association and Mrs Thornton "vexatious" and would not respond to any further letters or emails from them.

Coun Durie said: "She keeps on writing emails and letters no matter what we do and we would do exactly the same with anyone else who acted in this way."

Mrs Thornton said her letters and emails were neither aggressive nor offensive. She said she had lodged complaints with the Standards Board about both the council and Coun Durie and said: "They have tried every which way to gag me but I am not giving up."

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Devizes

17.6°C

20% chance of rain

[weather forecast »](#)

0

[Email](#)

FEATURED JOBS

B3.15

9/30/11

[REDACTED]
[REDACTED]
Mrs J Thornton
Secretary
The Knapp Tenants Association

Dear Mrs Thornton,

Would you please supply me with a list of your members and minutes of all your monthly meetings since inception, as detailed in The Knapp Tenants Association constitution.

Yours sincerely,

Roger Durie
Chairman
Great Bedwyn Parish Council

GREAT BEDWYN PARISH COUNCIL

Colin A Brinsden
Parish Clerk

[REDACTED]
[REDACTED]
[REDACTED]

Tel. [REDACTED]

The Knapp Tenants Association,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

23rd January 2012

The Knapp Tenants Association

Dear [REDACTED] and Mrs. Thornton,

As you are aware, at the January Parish Council meeting, during Public Discussion, questions were asked regarding the membership, constitution and validity of The Knapp Tenants Association. It was stated that none of your documents appear to have been published, or were in the public domain.

I believe some of this information has already been requested, and has not been forthcoming. To convince members of the public that you truly represent the Knapp tenants it is essential that this information is available and I would therefore be grateful if you would furnish me with a copy of your constitution and the minutes of your last two meetings.

At the February Parish Council meeting we expect a significant number of residents to object to the latest parking restriction proposals for The Knapp. If we are to take into account the views of your members we will need documentary evidence that they have seen these proposals and are in favour of them.

Yours sincerely,

Colin Brinsden
Parish Clerk

From: jan thornton [REDACTED]
To: colin [REDACTED]
Sent: Tuesday, 24 January 2012, 14:51
Subject: The Knapp Tenants Association

B3.17

Further to your request by post which was received late this morning.
Please find attached The Knapp Tenants Association Constitution. It includes our complaints procedure.
It was approved by Sarsen Housing and created with their recommendations.

The signed copy is held here, a copy will be posted to you.

At present we have accessed more than 50% of tenants regarding the proposal which we received on the 11th of January. We are at present coordinating a survey of tenants which will be forwarded directly to Highways. This survey, as with the others we have conducted in the past comply with Care Standards guidelines relating to confidentiality and the protection of vulnerable adults.

The minutes of the last two meetings will be forwarded to you when i have redacted the confidential information they include. Most of which relates to Mr Durie's 'visit's' to our homes. I am seeking the permission of those who have made the comments for their permission for the comments to remain minuted. This process will take a few days.

Please note that a joint reply to [REDACTED] and myself is not appropriate. [REDACTED] does not represent The Knapp Tenants Association.

Jan Thornton
Secretary
The Knapp Tenants Association

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

CONSTITUTION OF THE KNAPP TENANTS ASSOCIATION

- 1. The group shall be known as The Knapp Tenants Association.**
- 2. The registered address of the Association shall be the address at which the Secretary resides :**
15 The Knapp, Great Bedwyn. Wiltshire. SN8 3PA
- 3. The aim of the Association shall be to resolve the parking problems in The Knapp.**
- 4. Membership of the group will be open to all tenants living in The Knapp.**
- 5. Membership of the Association will be free and all tenants will automatically become members unless they have indicated to the Secretary otherwise.**
- 6. The Association shall encourage an even spread of membership across the estate.**
- 7. The Association shall ensure that all tenants in The Knapp are regularly consulted on and informed about the activities regarding the Association.**
- 8. The group will be managed by a committee consisting of Chairman, Secretary and three link members.**
- 9. The Committee shall meet every month on the first Wednesday of the month unless previously agreed. The meetings to be held at [REDACTED]**
- 10. The Management Committee shall call an annual general meeting not less than twelve months after the first meeting and not more than fifteen months from the last meeting. 28 days clear notice shall be given to all members.**
- 11. Reasonable conduct at all meetings is a condition of membership. Offensive behaviour or comments will not be accepted.**
- 12. Meetings must be attended by a minimum of three link members one of whom must be either the Chairman or Secretary.**
- 13. The Secretary shall ensure proper records shall be kept of each meeting.**
- 14. Dissolution of the Association will require the majority vote at the monthly meeting. 28 days notice will be given to all tenants.**
- 15. Any complaints should be raised with the link members or with the Secretary directly. Due to confidentiality members may prefer to contact Julie Kirk directly. If any member considers their complaint to be unresolved within the Association, they may refer to Julie Kirk to represent them. All final resolution is with Julie Kirk based at The Priory, or her successor.**

This document was adopted as the Constitution of The Knapp Tenants Association.

On 23rd February 2011

**SIGNED
Chairman**

Secretary

Link

Members

Date 23rd Feb. 2011

A copy of the Constitution is available to all tenants on request.

Date: Tue, 24 Jan 2012 17:57:06 +0000
From: [REDACTED]
Subject: Re: The Knapp Tenants Association
To: [REDACTED]

Dear Mrs. Thornton,

Thank you for this information, and information still to come. It is noted, and if/when questions are being asked in "Public Discussion" the Parish Council can confirm that we have received confirmation of Constitution, Members etc. Hopefully, signatures will be available. At the last PC meeting, village residents appeared to question the number of Knapp residents that were actually represented by The Knapp Tenants Association.

Regarding my joint reply. I did not regard it as inappropriate. Your e-mail of complaint appeared to be based on correspondence that you had received from [REDACTED]

Regards

Colin Brinsden (Parish Clerk Great Bedwyn)

Date: Mon, 30 Jan 2012 09:58:09 +0000
From: [REDACTED]
Subject: Re: The Knapp Tenants Association
To: [REDACTED]

Dear Mrs. Thornton and [REDACTED]

With reference to your e-mail below; we are receiving more correspondence from village residents.

I have highlighted a couple of points raised, see below;

"still concerned that disabled residents of the Knapp (not just their Association officers) may not have had the chance to see it themselves and they are the ones whose current parking arrangements will be restricted by the loss of spaces that the proposals will create." (With reference to the latest drawings)

"The cul-de-sacs are used for long term parking by residents who wish to park outside their houses, so are they being offered alternative parking?"

I think this highlights the need to show village residents, that all The Knapp tenants who are represented by The Knapp Tenants Association, have been shown and made aware of the latest parking restrictions proposed for The Knapp.

We therefore need to have proof of this, ready for the next PC meeting. Judging by the response to a couple of your answers at the last meeting, your word will be questioned.

With reference to your statement; **comply with Care Standards guidelines relating to confidentiality and the protection of vulnerable adults.** I have reviewed the guidelines, and cannot convince myself that this is applicable to The Knapp Tenants Association. Could you please give details as to why you think your association is governed by Care Standards? It is my believe that only one resident of The Knapp is covered under the guidelines of Care Standards, and it is not known if she is a member of your association.

I believe it is in your interest to produce signed documents so that the Parish Council can confirm the validity of The Knapp Tenants Association. This should include, the minutes of your last two meetings, documents stating the number of The Knapp residents on whose behalf you act, the statement regarding that all your residents have been made aware of the new parking proposals, and your signed Constitution.

Regards

Colin Brinsden (Parish Clerk Great Bedwyn)

From: [REDACTED]
To: [REDACTED]
Subject: RE: The Knapp Tenants Association
Date: Fri, 3 Feb 2012 22:54:42 +0000

Thank you for the copy of Steve's Email. It was appreciated. Though i suspect not by Mr Smith.....

It is such a shame that we have been denied access to the Parish Magazine, the incompetence and closed shop attitude of the BTPG and the PC has denied the villagers knowledge of the true extent of the problems we experience.

We confess surprise as to the lack of accuracy regarding not just the existing proposal, but the process and the consequences. Including the PC's failure to lodge a proposal with Highways for future requirements in this January's submissions. Placing Great Bedwyn at the bottom of requests beneath every other Parish in Wiltshire.

The Parish Council voted for the scheme as witnessed by members of the public and press. Stuart Wheeler made it clear that the next stage is submission of complaints/support directly to WC. You may believe that it is in our interest to produce further information to you, but we see no reason to submit any further information to a biased PC that has misrepresented the tenants of the Knapp and their representatives.

How sad that the PC has clearly failed to take note of the information supplied previously regarding the needs of the tenants. The housing is classified as sheltered, the tenants are classified as THE most vulnerable and fragile within the handover groups from Ridegway to Leonard Cheshire.

I find it amusing that you have in your infinite wisdom/arrogance consulted with the Care Standard Guidelines and have suddenly become an expert to such an extent that you are, clearly without any knowledge of the tenants, able to make such an outrageous statement that only one resident is covered by the Care Standards.

All tenants will be formally consulted, all tenants will have the opportunity to complete a confidential response and all tenants will be asked to sign to show that they have been consulted. This will be done at the correct time when the public notices are placed in The Knapp, as per the instructions and advice of the Highways team. The documentation is already in place.

We do have one further point we wish to make. The Parish Council have

requested proof of our Constitution and proof of meetings. We trust that this is a standard request for all groups and associations that the Parish Council interacts with, including the BTPG. Toddlers group, Scouts and Beavers and the Legion. And that this information is recorded and documented. To request it from just one group is victimisation.

I have attached section 149 of The Disability Act 2010. I would suggest you should have applied your time to studying this and applying it to the actions of the Parish Council, hopefully with more success than your attempt at Care Standards.

149

Public sector equality duty

(1) A public authority that is you must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic TKTA and persons who do not share it ;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

**(7)The relevant protected characteristics are—
age;disability;gender reassignment;pregnancy and maternity;race;religion
or belief;sex;sexual orientation.(8)A reference to conduct that is
prohibited by or under this Act includes a reference to—
(a)a breach of an equality clause or rule;
(b)a breach of a non-discrimination rule.
(9)Schedule 18 (exceptions) has effect**

**Jan Thornton
Secretary
The Knapp Tenants Association**

From: [REDACTED]
To: [REDACTED]
Subject: The Knapp Tenants Association
Date: Fri, 10 Feb 2012 18:39:55 +0000

Great Bedwyn Parish Council

Following your request for documentation i can confirm that the 'amendments' have been made to the minutes of our last two meetings, with the consent of the tenants named in the minutes. I must now wait until our next Tenants meeting to allow the link members to check/approve the details are acceptable. In order to save costs i will forward the signed copy of the Constitution at the same time. I am sure you will appreciate that we receive no funding so all costs fall to the link members.

The tenants have now completed the questionnaires, which include their views regarding the latest proposal. These were returned to us in sealed envelopes by the tenants and will be will be sent directly to Highways in accordance with the tenants wishes.

The gritting and snow clearance of the Paths in The Knapp was appreciated. May i make one suggestion, at 6am the light is deceptive. Would it be worth considering that a high viz jacket is worn.

**Jan Thornton
The Knapp Tenants Association**

GREAT BEDWYN PARISH COUNCIL

Colin A Brinsden
Parish Clerk

[Redacted]
[Redacted]
[Redacted]

Tel [Redacted]

28th March 2012

Mrs. Thornton,

[Redacted]
[Redacted]

Re: Parking in The Knapp

Dear Mrs. Thornton and the group purporting to represent itself as The Knapp Tenants Association,

The Great Bedwyn Parish Council has passed a motion that if you continue to persist in openly criticising and corresponding with The Council on this subject, in a habitual and vexatious manner, the Council will designate you and the group as vexatious, and apply the restrictions contained in our Vexatious Complainants Policy. (A copy of which is enclosed).

Despite repeated requests from The Parish Council and your assurances at several Parish Council Meetings that signed documents exist and are available, you have failed to supply documentation establishing the authenticity of The Knapp Tenants Association,

In view of the above, The Parish Council is unable to recognise or accept that The Knapp Tenants Association actually exists and therefore **any correspondence from KTA will not be responded to.**

I have also enclosed the Council's motion for your reference.

Yours sincerely

Colin Brinsden

Council Motion

To identify Mrs Jan Thornton and the Group purporting to represent itself as The Knapp Tennants Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Vexatious Complaints Policy adopted by Great Bedwyn Parish Council in February 2012.

To inform the complainant of the following:

- Why the decision has been taken

Due to continuing and unreasonable adversarial and aggressive correspondence with the Parish Council complaining about matters that have been dealt with by the Parish Council, are in the process of being dealt with by the Parish Council or have been disposed of during public meetings or in correspondence.

- What action will be taken

The complainant will be provided with a copy of the Parish Council's Vexatious Complaints Policy and informed that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of parking in The Knapp and any correspondence concerning this subject will be received and read by the Parish Council Chairman and Clerk only.

- The duration of this action.

This action will be maintained for a period not longer than 6 months and will be reviewed by the Parish Council at the end of that period.

Officers of Wiltshire Council and The Area Board will be informed of this action as will Ms Clare Perry MP.