APPENDIX B: Vexatious Customer Procedure

This appendix contains a model procedure to deal with planning related complaints that are unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures.

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Vexatious Customer Procedure

1 Introduction

1.1 This procedure is designed to deal with lobbying, representations, complaints and similar submissions to the Planning Service where the complainant is unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures. These will be referred to collectively as vexatious complaints in these procedures.

1.2 Whilst not specifically covered by these procedures, the Council does not expect staff to tolerate behaviour that is abusive, offensive or threatening and will take action to protect staff from such situations.

2 Reasons For The Procedure

2.1 Planning decisions are based on balancing competing interests and making an informed judgement against a national, regional and local policy framework on what can be controversial proposals. One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

2.2 Whilst Councillors and officers must take account of these views, they cannot favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that Councils make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

2.3 Whilst it is legitimate that people affected by planning proposals express their views on them so that they may be considered, they must respect the Council's members and officers and not subject them to unacceptable behaviour. The purpose of this procedure is to identify such behaviour; explain why it is unacceptable; and set out procedures to deal with it when it occurs persistently.

3 Potential Problems

3.1 Dealing with complaints, representations and enquires from the public is generally a straightforward process. In a small number of cases, people pursue them in a way which can either impede dealing with the matter or can have significant resource implications for the Council. This can happen either while the matter is being investigated, or once the Council has finished dealing with it. It is important to distinguish between people who make several complaints because they genuinely think things have gone wrong and people who make unreasonably persistent complaints, representations or enquiries.

3.2 The aim of these procedures is to contribute to the Council's overall aim of dealing with all customers in ways which are consistent and equitable. It sets out how the Council will decide which customers will be treated as vexatious, and what the Council will do in those circumstances. This guidance runs alongside existing corporate policies and guidance relating to equalities, health and safety, and dignity and respect at work. It should only be pursued where necessary.

3.3 What follows are the three most common examples of behaviours that would be covered by these procedures.

National Scheme Of Delegation

3.4 The Government have introduced a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This means that there are only certain circumstances when a planning application can be referred to committee for determination. The old practices of a specific quantity of objections triggering that or referral by a ward member, no longer apply.

3.5 The decision on whether a matter is determined by members in committee, cabinet or full council is specified by the Regulations or the Constitution. Where there is discretion, it is generally a decision between the Chair of Planning Regulatory Board (PRB) and the Head of Planning. There are statutory provisions governing how they should do this, and lobbying is not a matter that can be considered. Because of this risk that they will be put under pressure to use their powers in a particular way, the Constitution prohibits the lobbying of these members and officers in these circumstances.

3.6 Any such lobbying should be reported to the Monitoring Officer, who will deal with it under these procedures.

Representations On Planning Applications

3.7 The public have the right to comment on a planning application. It is the substance of what has been said that is material, not how often it has been repeated or who said it. A planning decision is not a local plebiscite and voluminous, repetitive objection or support campaigns add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be processed.

3.8 Councils have always had to deal with such repeat representations, but a new trend is emerging where AI is used to generate this material. The result can be excessive both in the number of objections generated and in the length of individual objections. These can often be highly inaccurate. Along with the right to make a representation, there is a duty to ensure that it is accurate. Again, excessively long and inaccurate representations add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be checked.

3.9 Any such excessively voluminous representations or where there is evidence of the unreasonable use of AI, should be reported to the Monitoring Officer, who will deal with it under these procedures.

Vexations complaints

3.10 The final category is wider than representations on planning applications and can occur with other planning activities such as enforcement complaints and policy matters. Again people have the right to make complaints or other representations, but they also have a responsibility to be reasonable and not submit excessive quantities of correspondence and be unreasonably persistent.

3.11 The Council defines unreasonable behaviour in these cases as those 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/enquiries. Customers who are displaying unreasonable behaviours, may have justified complaints or grievances but are pursuing them in inappropriate ways. They may not be seeking to resolve a dispute between themselves and the Council but are seeking to cause unnecessary aggravation or annoyance to the Council. Alternatively, they may be intent on pursuing complaints or enquiries which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

3.12 Any such behaviours that reach the vexatious threshold should be reported to the Monitoring Officer, who will deal with it under these procedures.

4 Principles

4.1 The key principle behind these procedures is the need to balance the rights of the public to correspond with the Council with their responsibility to do so in a way that is proportionate and reasonable. The procedures are not intended to be used to restrict customers in contacting the Planning Service, however the Council has a duty to ensure that it provides value for money for all its residents and customers. It is those customers who are placing heavy demands on staff time that is unjustified and unreasonable who will potentially be subject to these procedures.

5 Procedure And Sanctions

5.1 Where the Head of Planning considers that a customer is in breach of these procedures they will refer the matter to the Monitoring Officer.

5.2 If the Monitoring Officer agrees that the thresholds in these procedures have been reached, they will contact the customer. There are three stages to the process.

Stage 1

5.3 The infringement of these procedures will be explained to the customer. They will be advised not to repeat their actions and the potential consequences of ignoring the advice will be set out.

Stage 2

5.4 If there is a further infringement, that fact will be pointed out to the customer. They will be advised that this is their final warning and if they repeat their actions, they will be treated as a vexatious complainant as previously set out.

Stage 3

5.5 Following a third infringement, they will be treated as a vexatious complainant and informed of the actions the Council is putting in place. This would usually mean that they must submit any representations or other communication with the Planning Service through either:

- An appropriate professional person; or
- the customer's ward member.

5.6 The professional person should be operating in the field of planning or a closely related professional area and would include a RTPI planning consultant, RICS surveyor, an RIBA architect or similar. These professions have professional codes which prescribe the behaviour of their members thereby enabling the Council to manage, through their respective institutes, any problems that might arise. The professional person must therefore be endorsed by the Head of Planning and their decision on this would be final.

5.7 If the customer is unable or unwilling to use a professional person, then the only way to submit material on planning matters to the Planning Service is through their ward member. The ward member would have to comply with the Council's rules in doing this, including the expectations around proportionality and reasonableness.

5.8 Further sanctions may be considered depending on the circumstances of a particular case. These could include:

- **Named Point of Contact:** Requiring the complainant to only contact one named staff member.
- **Refusing New Complaints:** Refusing to process further complaints about the same matter.
- **Banning Access:** Banning the individual from council premises, except by appointment.
- **Termination of Contact:** In extreme cases, stopping all communication with the complainant.

5.9 The restrictions would normally continue for a year. The sanctions will then be reviewed by the Monitoring Officer, in consultation with the Head of Planning, to judge whether they can be lifted. This decision will be based on whether the customer has displayed reformed behaviour. The sanctions should remain in place until such time as it is considered that they have.

5.10 If sanctions are removed but the customer renews their previously identified behaviour, the sanctions can be reimposed without any further warning.

Appeal

5.11 The decision to treat a customer as vexatious and impose sanctions can be appealed through the Monitoring Officer. This must be received by the Council within 28 days of the date of its decision. If the customer is dissatisfied with the outcome, the Executive Director for Place can be asked to review the decision. That request must also be made within 28 days and the decision will be final.