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Mrs M Comber
Sent via email
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Enquiries to Information Compliance Team My reference Contact-1214 & FOi - 6837
Direct Line 01962 846612 Your reference
Date 31 January 2014 E-mail corporate.complaints.team@hants.gov.uk

Dear Mrs Comber

Contact with Hampshire County Council

Unreasonable Contact

Further to our letter dated 31 October 2012 where you were warned that any further contact regarding common land with the County Council's Countryside team may be restricted.

Having discussed your continued contact with the Countryside team, I note that you and your associates have continued to contact the County Council on several occasions since October 2012 to date about the same or similar subject. The points you continue to raise have already been addressed by the County Council under its complaints procedure (and Local Government Ombudsman) and/or through the Freedom of Information Act/Environmental Information Regulation.

These continued correspondences have placed very heavy demands on the Countryside Team and has deflected their resources from undertaking their normal tasks and dealing with enquiries from other members of the public. In consultation with the relevant officers it has been decided to review your contact with the County Council in line with its 'Unreasonable Complainant Behaviour' policy. The County Council has adopted the definition used by the Local Government Ombudsman, one of these states that unreasonable complainant behaviour occurs when:

- *There is repeated and obsessive pursuit of a complaint which appears to have no substance or which has been investigated and determined.*

Chief Executive

Andrew Smith QBE MA DPA MBA

- *The contact may be amicable but still place very heavy demands on staff time, or may be very emotionally charged and distressing for all involved.*

As previously stated your continued correspondence has placed heavy demands on the staff of the Countryside team. In addition I believe that the effect of your continuing correspondence with members of the Countryside team can be viewed as harassment.

I therefore have concluded that your behaviour is consistent with the County Council's 'Unreasonable Complainant Behaviour' policy.

This means that all future contact with the County Council will be restricted to the following:

- Any further contact will only be accepted by email
- All emails should be sent to the following address - row.notices@hants.gov.uk
- Your emails will be read but not acknowledged, if any new issues are raised that have not previously been responded to then they will be considered accordingly.
- The restriction will last for 12 months and then be reviewed. Once the review has taken place you will be advised of the County Council's decision as to whether or not it is necessary to keep the restriction in place.

If you are not content with the County Council's decision to implement its Unreasonable Complainant Behaviour policy you have the right to contact the Local Government Ombudsman, their advice line is 0300 061 0614, alternatively you can write to them at the following address:

Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

Vexatious Request

As per your recent correspondences with the County Council's Countryside team and your email to Tara Potheary stating that *'I still do not know who does what as there are no names to accompany the positions. Please will you supply e.g. Area Team North and Central Access Team? This will save time if I have to contact any of them in my capacity as British Horse Society County Access Officer.'*

Having discussed you and your associates continued communications with the Countryside team and regarding common land, a decision has been taken to declare your requests on the same or similar subject as vexatious under s.14(1) of the FOi Act (FOIA) for the reason outlined below:

The County Council's Countryside team has been dealing with you and your associates' requests for information regarding common land for several years, which were responded to either under EIR, FOIA and/or under general enquiry to the departments. It is also noted that you have been in direct contact with a number of officers from the County Council's Countryside team regarding this subject.

We note your request for contact details of Officers in the Area Team North and Central Access Team in your email dated 29 October 2013 and later 6 January 2014. The County Council has already provided you with both generic and specific contact details in its initial response. It is also clear that any request for information in your capacity as British Horse Society County Access Officer can be made via the process already in place for general enquires to the Countryside Service. This allows the Countryside Service to direct your enquiry to the most appropriate officer and to provide the most up to date contact details where relevant. For more information, please visit our website: <http://www3.hants.gov.uk/contactus/>

Following a review of your latest requests, emails and communications (and with your associates), a decision has been made to implement s.14(1) of FOi Act 2000 (and Regulation 12(4)(b) of EIR) as it is believed that communications from you and your associates have caused a significant burden on the authority and have taken officers away from their primary duties. It is considered that your requests have caused a *'disproportionate or unjustified level of disruption, irritation or distress'*.

We believe that the County Council has fully complied with its requirements under the Freedom of Information Act and that any further requests on the same or similar subject can be deemed as vexatious or manifestly unreasonable. This decision is not taken lightly and an explanation of how we reached that decision is given below.

When deciding whether requests are vexatious under s.14(1) of FOi Act, the County Council has to take account of the guidance issued by the Information Commissioners Office. The guidance asks public authorities to consider a number of points before deciding whether requests should be considered vexatious or manifestly unreasonable and also take into consideration the context and history surrounding the requests.

It has been noted that you have been in correspondence with County Council's Countryside team (and specific Officers within that team), on the topics of common land and also rights of way in Hampshire since 1992. Throughout this time the County Council has responded to your correspondence and the questions you have asked, providing detailed responses wherever possible.

We are of the view that the lengthy and detailed nature of the correspondence from you (and your associates) in recent years has caused a significant burden to the County Council; it has taken up valuable resources within the County Council's Countryside team. By way of example, we have noted 27 separate contacts from you since 2007 on the specific subject of Broxhead Common alone. Each contact included several comments, complaints and/or requests for information. You have also contacted the Countryside Service on numerous other related topics in a similar

fashion. Each time a topic is raised; it has been followed by numerous further contacts and questions, usually directed at a specific officer and has lead to considerable disruption in their provision of County Council Services.

Your contacts with the County Council are frequently reported in some detail on your website (<http://horseytalk.net/>) with individual officers being named together with inaccurate and misreported details on the topic. It is our view that providing you with further contact details will exacerbate this pattern of behaviour.

In addition, some of your letters and emails are copied to your associates who also pursue the same topics as part of a campaign, as evidenced on the <http://horseytalk.net/> website. This, together with the behaviour above has caused irritation and distress to County Council Officers, which may also amount to harrassment.

Conclusion


Taking into account the points above and the history surrounding not only this request, but other dealings with the County Council, the decision has been made that any further requests for information from you and your associates regarding common land with the Countryside team will be treated as vexatious. Any requests for information on the same or similar topic will be read but will not be responded to if they are deemed to be vexatious or manifestly unreasonable.

The restriction on your contact will run concurrently with the restriction regarding your requests for information under the Freedom of Information/Environmental Information Regulation.

If you are dissatisfied with our decision to declare your requests vexatious, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of receiving our response, and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester, SO23 8UJ or emailed to foi@hants.gov.uk details of which are shown below.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner at the following address. Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF .

Yours sincerely


Judith Downing
Head of Information Compliance