

NOTICE OF MEETING

STANDARDS COMMITTEE

Tuesday, 5th October, 2021, 7.00 pm - 40 Cumberland Road, Wood Green, N22 7SG

To watch the meeting click [Here](#)

Members: Councillors Felicia Opoku (Chair), Barbara Blake, Vincent Carroll, Erdal Dogan and Julia Ogiehor

Quorum: 3

1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under 9 & 12 below).

4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. MINUTES (PAGES 1 - 10)

To confirm and sign the minutes of the Standards Committee meeting held on 29 June 2021 and the minutes of the Standards Assessment Sub-Committee meeting held on 26 July 2021 as a correct record.

6. BRIEFING PAPER ON DECLARATIONS OF INTEREST AND PERSONAL SAFETY FOR COUNCILLORS (PAGES 11 - 52)

7. BRIEFING PAPER ON RECENT DEVELOPMENTS ON ETHICAL STANDARDS FOR ELECTED OFFICIALS (PAGES 53 - 62)

8. COMMITTEE WORK PROGRAMME (PAGES 63 - 64)

This paper seeks to identify topics that will come to the attention of the Standards Committee and seeks members' input.

9. NEW ITEMS OF URGENT BUSINESS

10. EXCLUSION OF THE PRESS AND PUBLIC

Items 11-12 are likely to be subject to a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely, information relating to any individual and information likely to reveal the identity of an individual.

11. EXEMPT MINUTES (PAGES 65 - 70)

To confirm and sign the exempt minutes of the Standards Committee meeting held on 29 June 2021 and the exempt minutes of the Standards Assessment Sub-Committee meeting held on 26 July 2021 as a correct record.

12. NEW ITEMS OF EXEMPT URGENT BUSINESS

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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 27 September 2021

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MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON TUESDAY, 29TH JUNE, 2021, 7.00 - 8.25 PM

PRESENT: Councillor Felicia Opoku (Chair), Councillor Barbara Blake, Councillor Vincent Carroll, and Councillor Erdal Dogan.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Julia Ogiehor.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

RESOLVED

That the minutes of the Standards Committee meeting held on 2 March 2021 and the minutes of the Standards Assessment Sub-Committee meetings held on 2 March 2021, 11 March 2021, and 23 March 2021 be confirmed and signed as a correct record.

6. APPOINTMENT OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES

The Principal Committee Co-ordinator introduced the report which sought confirmation of the membership of the Standards Assessment and Hearing Sub-Committees.

RESOLVED

That, given the need for members' expertise and discretion, the membership of the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee be the same as the membership of the Standards Committee.

7. PROPOSED AMENDMENTS TO THE CONSTITUTION (RECRUITMENT OF STATUTORY OFFICERS)

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were so that the report submitted to the Staffing and Remuneration Committee, which provided background information on the agenda item, could be considered by the Standards Committee in a timely manner at the meeting on 29 June 2021.

The Democratic Services Manager introduced the report which took forward recommendations of the Staffing and Remuneration Committee to amend the Constitution to ensure that members remained responsible for taking steps for the appointment of the Monitoring Officer and to ensure the Monitoring Officer was correctly referred to within the Constitution. The reasons for were set out in Appendix 1 to the report, which was the report considered by the Staffing and Remuneration Committee on 16 March 2021.

It was explained that, following a change in the council officer structure, the position of Monitoring Officer now inadvertently fell outside of the recruitment process which was overseen by the Staffing and Remuneration Committee, as set out in Section K of the constitution. It was noted that members had requested an update to the constitution to require that all Directors, Assistant Directors, and statutory officers (including the Monitoring Officer) were appointed by the Staffing and Remuneration Committee.

The Chair noted that Article 3.02 of the constitution referred to European elections but that these would no longer be relevant following the United Kingdom's departure from the European Union. It was suggested that this reference should be removed; this was agreed by the Committee.

RESOLVED

1. To approve the additions to the constitution set out at Appendices 2 to 5 to the report.
2. To recommend that the reference to European elections in Article 3.02 of the constitution be removed as the United Kingdom would no longer have European elections following its departure from the European Union.
3. To recommend that these changes to the constitution were adopted by Full Council at its meeting on 19 July 2021.

8. PROPOSED AMENDMENTS TO THE CONSTITUTION (EXECUTIVE FUNCTIONS)

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was

included on the agenda and marked to follow to allow Cabinet Member comments on the changes proposed in the report. This needed to be considered by the Standards Committee on 29 June 2021 to allow the changes to be put forward to Full Council on 19 July 2021 and traffic management schemes to progress in a timely manner.

Mark Stevens, Assistant Director (Environment and Neighbourhoods) introduced the report which took forward minor deletions to Part Three, Section C Responsibility for functions: The Executive: The Leader, the Cabinet & Cabinet Bodies - Matters reserved to the Executive - namely - paragraph 2.1 – sub section on Highways – (a) Approval of traffic calming works where more than 10 objections have been received; and (c) Approval of any permanent traffic regulation order subject to valid objection and added this responsibility to the Officer Scheme of Delegation for Environment and Neighbourhoods.

It was explained that, during the annual cycle of reports for works, it was identified that the process set out in the constitution would inhibit the progress and delivery of schemes and included some inaccurate terminology. It was noted that, under the current process, a significant number of traffic orders were required to be considered by Cabinet; this included minor issues and proposals with very few objections. It was explained that the relevant Cabinet Members had been consulted and it was considered that the proposals were appropriate.

Under the proposed arrangements, any small schemes would be processed by officers, medium to large schemes would be determined in conjunction with the Cabinet Member, and any large schemes would be presented to Cabinet. It was noted that large schemes would include changes across wards, those with a significant number of objections, or Low Traffic Neighbourhoods (LTNs).

In response to questions from the Committee, it was confirmed that a full explanation of small, medium, and large, schemes was provided in paragraph 6.8 of the report. It was highlighted that small schemes would be costed below £100,000 and would be limited to one ward. It was noted that many local authorities delegated this type of decision to officers. It was also explained that the number of small, medium, or large schemes varied each year. It was noted that it might be possible to provide additional data on the numbers of schemes if required.

RESOLVED

1. To approve the deletions to the Constitution set out at Appendix 1 to the report.
2. To recommend that these changes to the Constitution are adopted by Full Council at its meeting on 19 July 2021.

9. REVIEW OF THE SOCIAL MEDIA POLICY

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was included on the agenda and marked to follow to allow further input from Legal

Services, IT colleagues, and Communications. Considering the report in June would allow the guidance to be used for training purposes and also distributed to members in good time.

The Democratic Services Manager introduced the report which responded to comments at Standards Committee in January and March 2021 and put forward updates to the existing guidance. It was proposed to reissue the guidance to support councillors who used social media. The Democratic Services Manager explained that the guidance from other local authorities and the Local Government Association had been considered and some changes were proposed to make the local guidance more accessible and practical. It was highlighted that the amendments included a frequently asked questions section and that the changes were marked within the report. It was added that political assistants, the Communications Team, and IT had been consulted on the proposals.

The Committee noted an addition to the Social Media Guidance which stated that councillors could be predisposed to a particular view but not to have gone so far as to have predetermined their position. Some members enquired whether this could also include predetermination in relation to a council position, rather than an individual position. The Monitoring Officer explained that predetermination only applied to decision makers but noted that the Guidance could advise councillors to avoid misleading the public or bringing the council into disrepute by suggesting that there would be particular outcomes for an impending decision. It was added that the Guidance could encourage councillors to seek advice from officers before committing to a position on social media in these circumstances.

It was enquired whether the Guidance should include a description of what mediums were considered to be social media; it was queried, for example, whether messaging apps should be expressly excluded from the Guidance as it was unlikely that people would be acting in their role as councillors in this instance. The Monitoring Officer explained that this might be dependent on the facts of the case and that it could be determined that someone was acting as a councillor through a messaging app. The Committee requested an explanation within the Guidance of what would be considered public interaction on social media.

RESOLVED

1. To agree the updated Social Media Guidance for Councillors (Appendix 1 to the report), subject to the inclusion of additional information relating to predetermination and a definition of public interaction on social media.
2. To note that the Guidance would be:
 - (i) Posted on the Members Portal on the Council's intranet;
 - (ii) Incorporated into the Members Toolkit for new councillors in May 2022; and
 - (iii) Used to provide training to councillors In May 2022.

10. UPDATE ON DEBT MANAGEMENT

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was included on the agenda and marked to follow to allow further information to be added by Finance colleagues. Considering the report in June would allow the Committee to meet the expectations set out in the work plan.

The Chair introduced the report which provided an update on debt management. It was explained that the Committee had previously supported a change in the policy for debt management which permitted a larger amount to be written off by officers. It was noted that the Committee had asked for an update on the number of debts that had been written off since the policy change. It was also noted that this information was regularly reported to Cabinet as part of the quarterly budget monitoring reports.

RESOLVED

To note the update on debt management.

11. COMMITTEE WORK PROGRAMME

The Chair noted that there had been some changes to election requirements which meant that councillors no longer had to display their home addresses. She noted that there had been increases in the cases of violence against councillors and enquired whether it would be possible to consider a similar arrangement for councillor declarations of interest. The Monitoring Officer explained that the rules for declarations of interest were set out in legislation but that she did have the discretion to consider whether a councillor had a sensitive interest. A sensitive interest would still be recorded and would still need to be declared but the detail of the interest would not be public. It was noted that the Committee would not be able to change how interests were declared but that it would be possible to present a paper explaining declarations of interest and providing advice on personal safety for councillors.

After the discussion, it was confirmed that the updated work programme was as follows (amendments in bold):

October 2021

1. Declarations of interest and personal safety for councillors.

Possible future items, to be confirmed

1. Changes to Scrutiny arrangements in the Constitution. It was noted that this would likely be considered by the Standards Committee in 2022.
2. Review of the Corporate Committee. It was noted that, during the review of the Regulatory Committee, it was considered that there was no demand to change the Corporate Committee at present. It was added that some minor proposed changes in relation to the audit and finance requirements for the Corporate Committee might be presented to the Standards Committee.

3. Review of the Health and Wellbeing Board Terms of Reference. It was noted that this issue had been delayed by the Covid-19 pandemic but might be readdressed shortly.

RESOLVED

To note the Committee work programme, subject to the above amendments.

12. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

13. DATES OF FUTURE MEETINGS

It was noted that Standards Committee meetings were scheduled for:

5 October 2021
25 January 2022
28 February 2022

14. EXCLUSION OF THE PRESS AND PUBLIC

It was noted that items 15-17 contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

RESOLVED

That the press and public be excluded from the meeting for consideration of items 15-17 as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

15. STANDARDS COMPLAINT SC002/2021

The Committee considered the exempt information.

16. EXEMPT MINUTES

RESOLVED

That the exempt minutes of the Standards Assessment Sub-Committee from 2 March 2021, 11 March 2021, and 23 March 2021 be confirmed and signed as a correct record.

17. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date

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MINUTES OF MEETING Standards Assessment Sub Committee HELD ON Monday, 26th July, 2021, 7.00 - 7.50 pm

PRESENT:

Councillors: Felicia Opoku (Chair), Barbara Blake, Vincent Carroll and Erdal Dogan

10. ELECTION OF CHAIR FOR THE DURATION OF THE PROCEEDINGS

Councillor Dogan nominated Councillor Opoku to chair the meeting, this was seconded by Councillor Blake.

Councillor Opoku in the Chair

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ogiehor.

12. DECLARATIONS OF INTEREST

None.

13. URGENT BUSINESS

None.

14. ARRANGEMENTS FOR THE HANDLING OF COMPLAINTS

Raymond Prince, Assistant Head of Legal, outlined the arrangements for the handling of standards complaints.

15. NEW ITEMS OF URGENT BUSINESS

None.

16. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded for the consideration of items 8-10 as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 and 2; information relating to an individual or likely to reveal the identity of an individual.

17. STANDARDS COMPLAINT SC004/2021

The Committee considered Standards Complaint SC004/2021.

18. STANDARDS COMPLAINT SC006/2021

The Committee considered Standards Complaint SC006/2021.

19. NEW ITEMS OF EXEMPT URGENT BUSINESS

None.

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date

Report for: Standards Committee – 5 October 2021

Title: Register of Interests – Disclosable Pecuniary interest in Land

Report

Authorised by: Ayshe Simsek, Democratic Service and Scrutiny Manager

Lead Officer: Ayshe Simsek| 020 8482929| ayshe.simsek@haringey.gov.uk

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non-Key

1. Describe the issue under consideration

This report responds to and takes forward discussion from the previous Committee meetings on the declaration of home addresses on Members' Register of Interests form.

2. Cabinet Member Introduction

N/A.

3. Recommendations

3.1 To note the report.

4. Reasons for decision

4.1 To respond to a request from the Chair of Standards and Committee members to explore consideration of the requirement to divulge a Councillor's home address on the Councillor Register of Interest form published on the Council's website . There is longstanding concern about councillor's personal safety from having this information on the website.

5. Alternative options considered

Not applicable

6. Background information

6.1 The model Code of Conduct was issued by the Secretary of State under section 50 of the Local Government Act 2000 in 2007, regarding the conduct which is expected of members and co-opted members of an authority. The Localism Act in 2011 also brought in changes to the Standards regime and provided further guidance on the declaration of interests, including introducing pecuniary and non-pecuniary interests to further help with separating out the business interests of members and co-opted members.

6.2 The Council have continued to adopt a code of conduct for Councillors and this is set out in part 5 of the Constitution. The code is based on the 7 Nolan principles of selflessness; integrity; objectivity; accountability; openness; honesty and

leadership; and is essential in promoting confidence in the authority for decision making and ensuring that the interests of the whole borough are at the forefront of decision making.

- 6.3 The code of conduct sets out how the business of the authority should be conducted and sets out the responsibility of members acting on behalf of the local authority. It provides a list of general obligations and the definition of personal interests, prejudicial interests, pecuniary interests and those interests which are disclosable and non-disclosable.
- 6.4 There is a need for members to register their interests within 28 days of taking public office. This register is needed so that the public, authority staff, and fellow members know which Councillor's interest might give rise to a conflict of interest. Members must also advise of any change to their register of interests within 28 days. The Localism Act further prescribes, at section 29 (5b), that the member's register of interest is published on the Council's website.
- 6.5 The model Code of Conduct for Members in 2007 provided a list of interests that must be disclosed. This included any Land and property in the authority's area in which a member has a beneficial interest (or a licence to occupy for more than 28 days) including but not limited to, the Land and house that the member may live in and any allotments a member owns or uses. This is also adopted in the Council's Constitution and land is listed as a disclosable pecuniary interest.
- 6.6 It has been the continuing advice of the Monitoring Officer to advise members to register their home address on the declaration of interest form in order to meet this requirement.
- 6.7 The mechanism for withholding an interest from the register (to include redactions) is contained within section 32 of the Localism Act, which deals with 'Sensitive Interests'. This provision is designed to cover situations where the nature of the interest is such that the member or co-opted member, and the authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation. This is also replicated in the Council Constitution at part 5, section 8.1.
- 6.8 The operation of section 32 requires some evidence in relation to the member whose interests are under consideration. That is, there would need to be some material on which to form a rational view as to whether disclosure could lead to the relevant individuals being subjected to violence or intimidation.
- 6.9 The Monitoring Officer has indicated, at the June meeting, that she is willing to consider individual representations from Councillors that their land interest should be withheld due to actual or potential risk of violence or intimidation and will make a decision based on the information and evidence provided. However, taking forward a blanket policy of excluding home addresses, as previously suggested by the Committee, would still not conform to the Council Constitution nor legislation.

- 6.10 It should also be noted that if a councillor gains agreement to withhold their address as a sensitive interest, this does not preclude them from declaring that they have this DPI where relevant to the discussion/ decision making at a meeting. Councillors would still need to disclose that they have a sensitive interest but would not provide their address.
- 6.11 Legislation removing the requirement for candidates to have their home address published on the ballot paper and statement of persons has now been made and will apply for all principal area and parish Council elections held in England.
- 6.12 There is currently no change in the legislation identified relating to Councillor addresses on register of interest forms and this is likely to be related to the nature of a Councillor's position of local power and financial elements in their role as decision maker.
- 6.13 The LGA published the attached guidance on handling intimidation in April 2021, providing more detailed advice for councillors keeping safe. This includes safety at surgeries and at home. Councillors have been provided with a risk assessment and checklist taking forward this advice on surgeries. As a further way forward, we can issue this guidance to all Councillors who may not have accessed this information previously. This information can also be included as part of the Member Training programme for Councillors in May 2022.

7. Contribution to strategic outcomes

Members of the Council are directly responsible for the setting and oversight of all strategic priorities.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

There are no financial implications arising from this noting report.

Legal

Legal implications are contained within the body of this report.

Equality

9. Use of Appendices

Appendix 1 Councillors' guide to handling intimidation

10. Local Government (Access to Information) Act 1985 N/A



Councillors' guide to handling intimidation

Practical steps that you and your council can undertake to protect yourself as a person in a public position.

About

The LGA and the [WLGA](#) recognise the growing need among councillors for support related to intimidation and have jointly developed this resource following advice from councils, councillors, other council representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation.

The guide covers topics such as how to handle abuse, whether face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved. It will be continuously updated with the latest advice and information available.

Introduction

Becoming and serving as a councillor is a responsibility, a privilege and a hugely rewarding undertaking. However, we are aware that an increasing number of councillors and candidates are being subjected to abuse, threats and public intimidation, undermining the principles of free speech, democratic engagement and debate. The growth of social media has provided an additional and largely anonymous route for individuals and groups to engage in such activity.

We are also aware that the growth in public intimidation is putting people off standing as local councillors. This is of concern to us as an organisation representing local government, as we want to encourage more people to stand as councillors as part of our [Be a Councillor](#) campaign. We need a numerous and diverse set of candidates

and councillors to represent our local communities to ensure that decision making is robust and well-informed.

This guide is not designed to alarm, but to suggest some steps you and your council can undertake to protect yourself as a person in a public position, and how to respond should an incident occur.

In this guide we define public intimidation as “words and/or behaviour intended or likely to block, influence or deter participation in public debate, or causing alarm or distress which could lead to an individual wanting to withdraw from public life”. This includes discriminatory, physical, psychological and verbal actions such as: physical attacks; being stalked, followed or loitered around; threats of harm; distribution of misinformation; character assassination; inappropriate emails, letters, phone calls and communications on social media; sexual harassment or sexual assault; and other threatening behaviours.

While debate and having different views is all part of a healthy democracy, abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it. There is existing legislation designed to protect not only councillors but the general public as a whole, and this guide provides some advice on it.

We are aware that due to the scale and nature of public intimidation, many police forces feel under-resourced and unable to tackle it. However, if public intimidation is taking place and a crime has been committed it is important that it is recorded and reported so that the scale and nature of the issue can be better understood. In addition to producing this guide, the LGA is planning further guidance for councils on supporting councillors and will continue to work with national government and other agencies to address the issue of public intimidation and its impact on local democracy.

Please note that this guide does not take the place of legal advice or personalised advice from the police on offences or personal security. If you are concerned about your personal safety or security as a result of abuse, harassment or intimidation, do contact your local police force.

General advice on handling intimidation

The most important determining factor in deciding how to respond to intimidation is the impact it is having on you. Sometimes, it is not one single action but a series of linked events that determines the perception of a threat and causes damage to one's sense of security. There will likely be variations from person to person in what constitutes intimidation based on contextual and demographic factors such as age, gender or ethnicity and previous experiences. However, regardless of what others may think, if it is affecting you and your sense of security, then that is sufficient enough for you to take action.

Key points:

- Councillors are encouraged to keep a record of any intimidatory communication or behaviour
- It is fine to consider the context, content and frequency of communications and behaviours, and action can be taken retroactively
- Contact with unknown or anonymous individuals should be undertaken with care
- Councillors are encouraged to speak out against harassment and intimidation of others and address any inappropriate and disrespectful behaviour, where they feel safe to do so, with the aim of discouraging others from accepting such behaviours

General advice

Below are a suggested set of actions that you could undertake if you believe you are being subjected to intimidation:

- Make sure that your immediate safety is not at risk. Make sure you are safe.
- If possible, record or diarise the encounter or communication. In the case of an email or letter you can copy or save it. A telephone call or face-to-face discussion and social media incident could be written in a diary as soon as possible after the event, recorded, screen-shot or saved. You can also take photos of damage or even a computer screen. Even if this is the first or only incident, others may also have been subjected to intimidation and a collective record is important if future action is going to be taken. It is also important that incidents relating to the same individual or individuals should be recorded as such evidence could be critical if the matter gives rise to a criminal prosecution.
- Raise the incident with a view to discussing it or obtaining support from a nominated council officer and/or political group nominated person. This will also help you establish if others have been subjected to the same or similar intimidation.
- If a serious potential crime has occurred, it is advisable to formally report it to the council and/or to the police, particularly in the context of a serious threat to life or anticipated violence.
- If you are concerned about your personal safety, raise this with the council and the police so that there is a record of the impact the incident is having and review your own security and personal safety. This could include your personal or work activities and those of your family.
- Under the Health and Safety at Work Act, councils have a duty to safeguard their staff against potentially violent persons and often have a register with names of such parties. Although councillors are not employees in the legal

sense, treating them as such in this instance will enable the council and the councillor to ascertain if the individual or individuals who have intimidated them is on such a register and, if not, ensure that that their name is added.

- Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.
- If the letters, phone calls, social media communications or emails continue, further steps may need to be considered such as advising the individual that such abuse will result in a referral to the police and the stopping of further correspondence.

Intimidation on the telephone

- Continue to be polite and try to stay calm – ensuring you are safe
- If you have a recording function on your phone, particularly if it is a mobile phone, switch this on. You can also use your mobile phone to record a landline call by switching on the voice recording function and holding it to the landline phone
- Try to ascertain the complaint if there is one and indicate to the person on the phone that you consider that they are trying to intimidate you and that calls may be recorded
- Try to ascertain the name, address and telephone number if you can
- Remember not to reveal any personal details
- Sometimes a suggestion that the caller refers the matter to the standards committee of the council may result in a solution for the caller
- If the call continues with threats, abuse and/or intimidation, you can terminate the call, indicating to the caller that you will do this
- Make a note of any details of the call you can remember, particularly the person's phone number
- If you are concerned make a report to responsible officer at the council.

Your mental health

Being abused or intimidated, whether in person or remotely, can have an impact on your mental health. If you are feeling anxious or worried, or if it is affecting your daily routines such as sleeping or eating, or if you have any concerns, do speak to your local GP.

Personal safety and security

This section sets out some advice for considering and maintaining your personal safety and security.

Further information on issues raised here are available with acknowledgement to, the [LGiU](#), the [Suzy Lamplugh Trust](#) the [National Counter Terrorism Support Office](#), Northampton Borough Council and Kirklees Metropolitan Borough Council, which has comprehensive paperwork relating to personal safety training.

Key points:

- consider your personal safety and security and incorporate it into planning any public duties or interaction, in association with your council
- much personal safety is common sense, but it is useful to remind yourself of the advice

1. Introduction

- 1.1 An important role of a councillor is to keep in touch with their residents and communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of council services. These contacts are usually rewarding and non-adversarial. However, councillors can find themselves in a position where they need to manage angry and frustrated residents who often contact their elected representative when they feel that they have no other avenue to pursue. Often councillors will deal with constituents on a face-to-face basis when alone.
- 1.2 The purpose of this section of the guidance is to set out what personal safety and security measures you could take to prevent and deal with those rare circumstances when you might find yourself in situations where you are concerned for your safety.
- 1.3 Most councillors will not experience any problems during their term(s) of office, but a little time given to the preparation and planning can reduce any risk.
- 1.4 Councillors are encouraged to:
 - assess the risks to their person in carrying out their public duties
 - recognise potential danger from personal contact or internet / postal communication and take appropriate action
 - be proactive in considering personal safety through, for instance, the purchase of a personal alarm, ensuring your partner, friend or relative has information on your activities, and ensuring your mobile telephone is charged

- if possible, vary daily routines, such as leaving and returning home at the same time or on the same route

2. **Ward surgeries**

2.1 The arrangements you can make will vary according to your local circumstances and it will be a fortunate councillor who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents.

2.2 The following suggestions are designed to help make a Ward Surgery safer and more effective:

- Not holding surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently holding surgeries alone, you could discuss how this can be overcome with fellow councillors or council officers.
- If you cannot avoid holding surgeries on your own, you can try to reduce any risk by considering the layout of the room, for example, sitting nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational). You can make sure there are no heavy items in the room that could be used as weapons and generally declutter the room.
- If possible, a separate and comfortable waiting area for constituents allows for a preliminary assessment.
- Have a plan for any helpers or staff regarding what to do in an emergency that you review and test regularly. This could include having an emergency word or phrase you can use to ask for assistance.
- Have an incident log book to record any incidents. This should include all types of unacceptable behaviour and should be dated, timed and signed in case further action is required.
- You can also undertake personal safety training if you want to have additional skills in dealing with a potentially volatile situation.
- If you are at the stage of looking for suitable premises in which to hold a surgery, the following can help when considering personal safety:
 - council premises (e.g. libraries) during opening hours or other premises where there are many other people about
 - premises close to members of staff or other people in case you need assistance

- premises that where the names of any visitors for councillors are recorded
- premises where there is a comfortable waiting area
- easy access to a landline or an alarm linked to reception
- a clear and agreed procedure for dealing with a call for assistance
- is in view of a public area or a reception
- a vision panel in the door
- has a swift means of escape and any visitors are not able to lock the door from the inside.

2.3 It can be useful to make the following personal security checks:

- Are council staff/friends/family aware of where and when I am holding my surgery? And will they check on me if the meeting takes longer than expected? Do they know how to contact me?
- How do I call for help if I need to? Have I got my mobile phone with me, is the battery charged and can I get a signal? Do I have a personal safety alarm with me that is working?
- Is the visitor displaying signs of irrational, aggressive or confrontational behaviour?
- Am I sat at their level and using eye contact and open and gestures to display a helpful attitude?
- Do I think it is safe for me to conduct this surgery? Do I need to consider other options, such as a fellow councillor supporting me during the surgery? Do I need to call the police?
- Have I checked the room to make sure it is set up correctly with no items lying around that could be used as weapons?
- Is my chair nearest the door, so I can get out quickly if I need to?
- Am I aware of the quickest way out of the area or building and is there a safe location identified for me to go in case of any issues?

3. **Dealing with a variety of behaviours**

3.1 It is inevitable that some of the people you will meet will be angry or upset. Calmness in the face of whatever comes up will help you and your constituents.

3.2 If you are subjected to offensive, threatening, intimidating, racist, homophobic or derogatory remarks, you are within your rights to bring the

meeting to an end and seek assistance. It is recommended that you take a detailed note of the incident and person(s) involved and let your council know about the incident. You can decide if you want to inform the police.

- 3.3 Some constituents seeking a councillor's help may have additional needs or a mental health condition, and it is important that they are still able to seek advice and representation from their councillor. They may just require suitable adjustments to be made and for an understanding of the nature of their condition. Advice on supporting such individuals is available from a number of organisations, including the [Autistic Society](#) and [Mind](#).

4. **Home visits**

- 4.1 Councillors do sometimes visit residents in their homes, especially those who are elderly, disabled, have additional needs or where they simply want to see for themselves the conditions that are the subject of complaints.

- 4.2 It is for each councillor to decide whether a particular home visit should be made, especially if the person to be visited is unknown to the councillor. Most councillors trust their own instincts as to whether to meet someone alone. However, if you have any doubts about the safety of the premises you are to visit and the purpose of the visit is not about the premises itself then arrange for the meeting to take place at a neutral venue.

- 4.3 If a home visit is undertaken, the following general personal safety issues can be considered and planned before the visit:

- arrange the visit during normal working and daylight hours, if possible
- if appropriate, refer to the council's 'cautionary contacts' database
- let somebody know who you are visiting, providing details of address, date and time of visit and expected duration
- keep a record of your whereabouts. This might include making a call on your mobile during the home visit, telling the resident that there is such a record or that you are expected elsewhere at a specific time. It would be advisable to let colleagues or family members know when you expect to finish.

- 4.4 During a home visit, you can consider the following specific personal safety advice:

- consider calling the person before the meeting to confirm arrangements and establish their mood/state of mind
- set up a code word or phrase for use on the telephone that you can use to raise the alarm. This needs to be something you have agreed with someone which will alert them that you think you might have a problem

- park your car so that it can be driven away easily and park in a well-lit area near other vehicles, if possible
 - stay alert when approaching the property, and look around the garden for obvious dangers, for example dogs or prowlers
 - after knocking, stand back and to the side of the door and do not stand on the edge of any steps
 - be aware of potential weapons
 - you can ask for any dogs or other pets to be secured
 - assess the situation and mood of the resident. Also note any other people in the property and their mood
 - if in any doubt or you feel threatened, do not enter, make an excuse and leave
 - only sit down when the resident does
 - where possible, sit in an upright chair as this is easier to stand up from without a barrier. If you have to sit in an armchair or settee, sit on the edge near the arm. This will enable you to stand up more easily. Look for any alternative escape routes
 - if the situation changes and you feel threatened, make an excuse and leave. Back out rather than turning your back on the resident.
- 4.5 If a serious situation occurs, vacate the premises immediately and report the incident.
- 4.6 If you are unable to leave immediately when a serious situation occurs, you can:
- place defensive barriers between yourself and the resident
 - continue talking to the resident, reassuring them that you mean them no harm
 - set off your personal alarm, if you have one, or scream or shout to attract the attention of others. The use of reasonable force to protect yourself can be a last resort.

5. **Potentially violent persons register**

- 5.1 The council will have a corporate database. Councillors can contact designated officers to check about potentially violent persons prior to undertaking a home visit.

6. **Lone working**

- 6.1 If you are working alone you might consider the following:

- leaving details of where you are going and how long you will be with a partner, friend or colleague
- checking that your mobile telephone is charged and switched on
- carrying a personal alarm
- making regular check-in calls to a partner, friend or colleague or asking them to call you at regular intervals
- teaming up with another councillor in your own or a neighbouring ward
- carrying out a risk assessment and discussing it with another councillor or officer, if there are a number of risks associated with a particular visit, for their view on whether a visit should be undertaken.

7. **Personal callers to councillors' private homes**

- 7.1 Most councillors seek to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity by the council as to how to contact councillors and details of ward surgeries reduces the chances of unwanted callers. Contact details for councillors can be found on the council's website, although councillors do not need to show their address on the published election nomination paper or on the council's website.
- 7.2 If a visit is to take place at your private home, it is recommended that this only takes place via a pre-arranged appointment, ideally with another person in support
- 7.3 It is inadvisable to see an unannounced caller in your home. You can suggest making an appointment, but if you have any doubts as to their intention or if they appear angry/aggressive, then contact the police
- 7.4 If you believe you are safe, you can try to ascertain their name and address and try to ascertain the nature of the issue they want to discuss, conducting any discussion outside the house.
- 7.6 If you do feel under threat you can carry a personal alarm, perhaps keeping it at the door for easy access.
- 7.7 If you have another person with you inside the house they could take a photo of the person or film the encounter, but be aware that this is likely to inflame the situation if the person is aware of it and they may become more aggressive – this should really be a last resort if you want evidence for the police.

- 7.8 If more than one individual who are not known to you turns up unannounced and you are concerned that they pose a threat it is advisable to contact the police and decline to open the door.
- 7.9 Once the incident is over, record as much as you can, including descriptions, should you decide to take any action over the matter. If you are concerned, report the incident to the council and/or the police.

8. Home security

- 8.1 As a person with a public profile it is advisable to maintain a decent level and awareness of home security. The following is general advice on what to consider in making your home safe and secure:
- Try to make it clear via boundaries the difference between public and private space. Front boundaries should be kept low so they don't provide hiding places and to enable good natural surveillance.
 - Keep fences and walls in a good state of repair and consider your planting to reduce the availability of handholds and to put off prospective intruders
 - Remember to lock your garages, outbuildings, sheds, etc. Ensure they are fitted with high-quality and secure locking devices, and you can add extra locks if you are concerned.
 - Ensure tools and ladders, which could be used to access your home, are locked away, and remove anything that could potentially be used to cause damage, such as loose bricks or large stones.
 - If possible, keep your dustbin and recycling bins secure until collection day to prevent them being used as climbing aids.
 - Obscure the view into your home by fitting blinds, curtains or film including glazed exterior doors. Get into the habit of closing curtains or blinds when occupying a well-lit room.
 - Do not label your keys – if you need to identify keys, use a colourcode theme, and keep control of your door keys. Make sure you know who has copies and if you cannot account for all the keys, change the locks. Do not give keys to people you do not know, e.g. trades people.
 - If you are planning on installing a home alarm or CCTV, the police recommend that you select an installer who is affiliated to one of the recognised alarm and CCTV inspectorate bodies, such as the [National Security Inspectorate](#) (NSI) or the [Security Systems and Alarms Inspection Board](#) (SSAIB).

- In order to identify visitors at night, good external lighting is recommended, alongside low wattage lighting is recommended to illuminate all external doors, car parking and garage areas and footpaths leading to your home.
- Additional useful information is available at [SecuredbyDesign](#).

9. **Attendance at meetings**

9.1 Councillors have to attend evening meetings which often finish after dark. It is possible that depending on the nature and outcome of the meeting that members of the public may leave feeling angry or upset. In such instances, councillors may wish to ask to be accompanied to their car or nearest public transport by colleagues or officers who also attended the meeting.

10. **Demonstrations**

10.1 It is possible, due to the nature of the difficult decisions that councillors have to make, that you may experience a protest against such decisions. If this does occur:

- stay calm – such protests may feel intimidating but will not necessarily lead to a physical threat
- remain inside, close and lock doors and windows and draw the curtains/blinds
- inform the police
- it is not recommended to confront the protesters
- if you concerned that the protest is an aggressive one, and it is safe for you to do so, note descriptions of individuals and vehicles present so you can pass these onto the police.

11. **Travelling safety**

This section sets out generic personal safety advise when travelling.

Car

11.1 When travelling the car, it is advisable to consider your personal safety by:

- having your keys in your hand or easily accessible
- investigating whether an area will be dark and isolated when you return to your car
- parking where possible, under street lighting and not in dark, deserted streets or isolated car parks
- parking on the ground floor in multi-storey car parks away from stairs and lifts and reversing into the parking space

- always locking the car doors when you get into the car and when leaving it
- taking boxes/bags to the car when other people are around
- always carrying a torch with you
- looking around your vehicle as you approach in case someone is crouching down
- looking inside before entering your vehicle to ensure no one is hiding there (even if the doors were locked)
- avoiding placing handbags, valuables or other such items on the passenger seat
- parking on the left hand side of the road facing the way you want to drive off
- trying to park in a space where you will not be blocked in
- avoiding having identifying stickers in your car
- locking the door at service stations when you go to pay
- ensuring your vehicle has sufficient fuel for the journey and refuel during daylight hours;
- not getting out if you are followed in your vehicle, and ensuring the car is locked, flashing your lights and sounding your horn to attract attention
- not winding down your window if someone taps on it, unless the individual is known to you.
- Be alert to any visual changes to your vehicle. If you notice a suspicious object on or near the vehicle, do not approach or enter it. Contact the police and give them the location and registration number of your vehicle.
- Don't leave laptops, documents, parking permits or papers in unattended vehicles, as they may identify you.

Public transport and taxis

11.2 When travelling by public transport, it is advisable to consider your personal safety by:

- having the right change or your pass available so that you do not have to bring out your purse or wallet
- ensuring that you know travel times – particularly the details of the last bus / train of the day

- waiting for a bus or train in a well-lit place near other people, whenever possible, and paying attention to your environment
- carrying “emergency” money so that if a bus or train does not turn up, you are able to call a taxi
- sitting on the lower deck and near the driver if a bus is empty or it is after dark
- on trains, choosing carriages that are well-populated and not hesitating to move seats if you feel uncomfortable where you are
- on trains, if you sit next to the door make sure that you keep your mobile telephone close to you. A common crime is for a thief to grab a telephone and make a dash just as doors are closing
- avoiding compartments which have no access to corridors or other parts of the train
- sitting with other people and avoiding empty carriages
if you do feel threatened, making as much noise as possible to attract the attention of the driver or guard
- if you can, arranging for someone to meet you at the bus stop or train station, particularly if travelling at night or in an unfamiliar area. If this is not possible, try to walking near other people with whom you feel safe, and walk purposefully to your destination
- always carrying the telephone number of a trusted, licensed company with you
- ensuring any pre-booked licensed minicab driver has ID and it that it matches the driver and the vehicle’s photographic licence. If it does not, do not get in the cab
- when booking a taxi or minicab, asking for the driver’s name, as well as the make and colour of the car. Confirm the driver’s details when they arrive – is it the taxi or minicab you ordered?
- sharing a taxi or minicab with a friend and sitting in the back of the car are good safety strategies
- minicabs that pick up fares on the street, without being pre-booked, are illegal, uninsured and potentially very dangerous.

Cycling Safety

11.3 When travelling by bike, it is advisable to consider your personal safety by:

- keeping your bike in good working order
- wearing a fluorescent belt or jacket and always using lights

- wearing a cycling helmet;
- securing your bicycle with a good quality chain and padlock.

Walking

11.4 When walking, it is advisable to consider your personal safety by:

- checking that you know where you are going
- considering what your walk will be like at night if you are travelling at that time.
- being prepared to walk a longer way around to keep safe
- wearing comfortable shoes that you can move quickly in, if you need to
- considering carrying a personal alarm, and if you do, making sure that it is accessible
- tucking a scarf or long hair inside your coat
- carrying any bag or handbag across your shoulder

12. Reporting incidents

12.1 If you consider any incident to be severe, contact the police. Even if an incident is not considered serious enough to involve the police, it should always be reported to the council.

12.2 If you have been subject to, or witnessed a hate incident or crime you have a duty to report it. By taking appropriate action you may help to prevent a similar incident reoccurring.

13. Training

13.1 Personal safety of councillors is a responsibility of your council whilst you are on council business. Personal safety training for councillors may be a key component of the councillor induction programme.

14. Terrorist-level threats

14.1 Although the purpose of this guide is not to cover this in detail, it provides a good opportunity to highlight the current safety advice should such an incident occur.

14.2 The main 'Stay Safe' principles are to "Run – Hide – Tell". If you would like more information you can refer to the National Counter Terrorism Support Office's website at <https://www.gov.uk/government/publications/crowded-places-guidance>.

14.3 You can discuss your personal security with your [local counter-terrorism security adviser](#).

Councillors and social media

This section sets out background information on the use of social media for councillors. With thanks to Ashfield District Council for permission to share their guidance on social media.

Key points:

- Social media can be very useful in getting feedback on proposals and communicating information about councillors' activities. However, remember that not everybody is on social media and so opinions expressed may not be representative.
- Social media is always on, so consider setting personal limits and establishing your own routine. You have no obligation to respond to posts and comments at any speed but it is often helpful to explicitly indicate that to users.
- Councillors are subject to the council's code of conduct when using social media.
- Consider the content of your communications carefully and apply this test – if you would be reluctant to say it face-to-face or in an official email, then it is probably inappropriate to say online.
- Once something is posted on social media, it is difficult to retain control over how it will be used. Think about this when posting.
- Different platforms allow for different types of interactions. It is useful to indicate the aims and intended audiences of your different accounts.

1. Why you may find social media useful

Social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge.

Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

In addition, it is a useful source of intelligence:

- People will talk about local issues, their concerns and interests.
- You can find out about breaking news, the latest research or publication or the latest policy announcements from organisations such as the LGA.
- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are similar to them.

- Residents can be made aware of and provide feedback to your work and campaigns, including mobilising support and interest and gathering followers.
- You can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly (bearing in mind that you would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

Online safety, personal security and digital citizenship

Digital Citizenship, which has begun to be taught in schools, is about engaging in appropriate and responsible behaviour when using technology and encouraging others to do so as well. It encompasses digital literacy, ethics, etiquette, online safety, norms, rights, culture and more.

Developing digital citizenship requires us to improve online political communications. It is about expressing our opinions while respecting others' rights and personas and avoiding putting them at risk or causing unnecessary distress. It is about respecting freedom of speech and dissidence while condemning abuse.

In any personal online biography, it is advisable to make clear that the views are those of the councillor in question and may not represent the views of the council. If space allows, you may also want to set out the aims of the page, the 'response' policy, such as "I welcome questions via email" and an 'engagement' policy, such as "abusive content will be removed".

It is easy to put personal information online, such as your birthday, routines, places you frequent, future visits, holiday destinations, relationships, and opinions, etc, which are then available for anyone in the public domain to access. For personal safety, as well as identity security, you may want to consider whether you share personal information, images of friends and/or family and details of any routines.

Social media platforms have different privacy options. You can choose different levels and change them depending on your own preferences.

Social media posts now include location-based information, particularly from mobile phones, which tells people exactly where you are or where you have been. Again, with personal security and privacy in mind, you may want to turn off these notifications. You can 'search for yourself' to check what information you can find out about yourself, your family or your business on-line. Checking this regularly

means you can check what is in the public domain and edit it if necessary and possible.

Concerning personal security, it is advisable not to include on social media details such as your personal phone numbers, home address, details of family members or vehicle details.

A picture paints a thousand words, and a photo can relay personal information you may not want to be shared on social media. As such, it is advisable to only publish photos of family, friends and colleagues with your consent and theirs, to ensure photos don't reveal your home or places frequented with family members such as schools or care homes, and to disable automatic photo and location tagging so that you have to approve another user identifying you in a photo or being at a specific location. You may also want to make your family and friends aware that you will be following these precautions.

Some people say things via social media that they probably would not say in person, and they can post false information, insults or messages that you would not want to be associated with you. These can multiply and be shared quite rapidly. Councillors, and in particular female, LGBTQ+ and BAME councillors, are unfortunately increasingly the subject of online abuse, bullying and harassment on social media. See our section on handling abuse on social media for advice on how to manage this.

Having a social media presence means that people can contact you at any time. This is great in terms of accessibility but means that they may expect you to reply immediately, which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence.

You can be sent phishing requests and malicious software on social media the same as you can on email, so maintain the same level of vigilance.

Be aware that some individuals post socially unacceptable, defamatory, inciting or even intimidatory remarks to generate online activity on the back of advertising or promotion of ideologies, brands or events. Similarly, the term "internet troll" is used to refer to a person or group of people who deliberately start arguments or upset people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.

Be aware that social media is the principal form in which misinformation spreads. It is a civic responsibility to stop the spread of dis and misinformation. Very often articles that spread false information trigger strong emotional responses such as fear, anger or shock to maximise shareability. Individuals posting online are responsible for the content of their posts even if they did not originally create it. Councillor should very carefully consider the content of new posts, posts they have shared and posts they support.

Be aware of safeguarding because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.

The usual protocols regarding confidential information, copyright, data protection, purdah, exempt reports, etc, apply to social media. Avoid publishing anything where there is doubt or seek permission in advance. Your council may also have a protocol regarding the use of social media in the run up to, during and after both internal and public meetings.

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

To provide support to councillors in their use of social media, it is recommended that councils have their own policies, protocols and training, as well as a point of contact within the council to give support and to report to if things go wrong. The LGA will be working with members to develop more detailed advice for councils in a future guide.

Responsibilities of councillors on social media

Councillors are personally responsible for the content they publish on any form of social media. Publishing an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if you pass on any similar untrue statements you receive.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.

You can make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. It is advisable to read the terms of service of any social media site accessed and make sure you understand their confidentiality / privacy settings.

Some councillors choose to have separate social media profiles for personal and council use. It is important to keep in mind, however, that even the strictest privacy setting is no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The code of conduct for members and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a councillor, you are deemed to be acting in your "official capacity" and any conduct may fall within the code.

Managing and moderating your own group or page

- 1.1 You may wish to set up your own councillor or community page on Facebook. These are valuable platforms to promote local information, news, events or council developments or seek people's views on community or council proposals.
- 1.2 Members of the community and others can contribute and comment in an interactive manner and whilst most is constructive and uses acceptable language, some individuals may use bad language or 'cross the line' into abuse or harassment.
- 1.3 It is useful to indicate at the top of the page, what the purpose of the page is and what the intended audience is.
- 1.4 If you are a Group or Page administrator, Facebook provides you with a range of tools to manage and moderate other people's content or contributions to your Group or Page for more serious breaches of standards.
- 1.5 You can:
 - block certain words or apply a 'profanity filter' in the settings, this will stop such postings appearing in your page
 - hide or delete comments, photos or tags
 - ban or remove someone from your pages

Useful guidance and instructions are available on the 'Banning and Moderation' section of Facebook.

Administering a large Group can be a lot of work, particularly if group members are active. If that's the case, you might want to share the responsibility with other councillors, friends or trusted community members. [Guidance](#) on making other people or administrators is available on Facebook.

Managing your Twitter account:

Twitter works differently than Facebook in many ways and allows different kinds of interactions. Facebook posts can be more informative because they do not have a limit to the number of characters. Twitter posts are limited to 280 characters and tend to have a shorter lifespan than Facebook posts.

When someone follows you on Twitter your posts will appear on their news feeds, giving them a real-time opportunity to comment on them. Abuse, harassment and intimidation can take place and escalate quickly. Twitter does not automatically remove abusive or threatening posts but there are actions you can take:

- 2.1 Protect your Tweets so they will only be visible to your followers. You will have the choice to accept or decline people's request to follow you.

2.2 Filter Notifications - if you're receiving unwanted replies or mentions from accounts you do not follow, you can filter the types of notifications you receive.

2.3 Consider carefully what you post before doing it. With 250 characters available to explain often complex ideas, Twitter posts can easily be taken out of context.

Dealing with harmful rumours and misinformation:

It is difficult not to engage when you are the subject of rumours, misinformation and smear campaigns. While it is always tempting to respond and clarify every rumour and falsehood circulated about you, it is also useful to think about the emotional, economic and time costs of engaging as in many cases, rumours disappear as quickly as they emerged. Councillors and supporting officials have shared some strategies they have found useful to deal with this.

4.1 Calmly try to understand who is behind the attack. Most of the time, they are people with a clear agenda trying to gain control or to manipulate.

4.2. Correct the facts. This can be done with a formal statement or if you can identify the source, then do it publicly by correcting their posts with facts and evidence. Remember that supporting officers are there to give advice, support and provide facts.

4.3 Remember that rumours and misinformation are fed by repetition. It is good to defend your reputation but councillors and supporting officials find that the most efficient way is to do it once and then stop engaging this way.

4.4 Leave the environment the rumour is being spread. A smear campaign tries to manipulate and gain control but no control can be gained if you do not participate. You may wish to advise your followers that you will be logging out of social media for a period of time, which gives the rumour time to calm down while protecting your own emotional and mental wellbeing.

4.5 Rumours and smear campaigns can be very stressful and at times, they can feel very isolating. Keep your self-confidence by talking to family, friends and others in your support network. Some may also feel able to counteract rumours with factual information.

4.6 If you can identify the source of the rumours and smear campaigns, you should document it and keep a record. This may be useful if further disciplinary or legal action is required.

Handling abuse on social media

This section provides advice on handling intimidation and abuse online. With thanks to the Welsh LGA for the reproduction of their [guide](#) in the production of this section.

Key points:

- Keep a record of any abuse

- Carefully consider how and whether to respond to inaccurate or defamatory social media comments
- Report any abuse to the social media companies for its deletion or to raise concerns about an account

Introduction

Any intimidation or abuse on social media is subject to all the same potential criminal prosecutions as other forms of intimidation, with the additional criminal offences relating specifically to electronic communications.

You are best placed to determine whether a post or interaction is abusive or intimidating, and if you feel intimidated you can take action to report it. Good digital citizenship encourages the labelling of abusive and inappropriate online material so that both the perpetrator and others viewing it can also know it is not acceptable.

However, it does not necessarily follow that the police or courts will regard it as intimidatory behaviour in law as they have to apply their own 'average person' tests – also known as 'reasonableness tests' or the '[Clapham omnibus](#)' test.

Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

Keep a record

If you have received online abuse, even if you are not overly concerned or if you intend to ignore it, you should consider keeping a record should any incidents escalate in the future. You can simply 'screen shot', 'clip' or 'snip' tweets or posts on your phone, tablet or computer. You may also decide to warn the perpetrator that you are keeping a record of all messages and may refer them to the appropriate authorities, which may stop them posting further comments or might encourage them to delete them.

Tackling abuse on social media

In any situation that arises on social media, you will need to decide whether you want to engage in a discussion or ignore it, and whether the communication is abusive, intimidatory or threatening.

When determining whether to engage or ignore, you'll need to balance the risks and likely success of either approach in stopping the situation. Engaging in online discussion could defuse it through the use of humour or similar, or could inflame the situation further. There is no right or wrong here. However, it is likely that the person posting has less of a following or public profile than you and by engaging you can increase their audience.

If the communication is abusive, intimidatory or threatening, then keep a record of it (such as a screen shot). You can post that you find the communication abusive,

intimidatory or threatening if you want to highlight the poor online behaviour, and report it to the social media platform and to the police. You can also make your council aware that you have been subjected to online abuse, intimidation or threats in your role as a councillor so they can keep a record or take action as well. If you think there are threats to your personal safety or security, you can ask for advice from the police.

It may be useful to refer to our section on the legislation applicable to harassment and abuse to see if the communication falls into any of the categories so you can describe it to the police in these terms.

Perhaps most distressing is when multiple users all send abusive messages in quick succession or at the same time. This can be overwhelming and the structure of Twitter in particular means that the more posts and retweets, the more others see it, and they can be encouraged to add to the abuse. It can escalate very quickly. There are sadly some who will willingly add to the abuse for their own amusement, even if they are unaware of the details. This is a difficult situation to handle, particularly if the information is being held by another user. If this occurs, you are advised to make a record of the abuse, inform the social media platform, your council and the police if any of the tweets make significant personal threats. You may wish to remove the original post if you can. Often these things burn themselves out very quickly and the perpetrators move onto the next trend or victim.

If someone has posted some inaccurate information about you or the council, and if the information is defamatory (a false statement that could harm your reputation), again, the first step is to gather evidence. You may then want to contact the individual initially to request that the tweet or post be deleted; some individuals may have made a mistake without malice and will remove their post immediately. Depending on the nature of the tweet or post and the number of followers who may have viewed the tweet, you may wish to seek a correction and/or an apology.

If this approach is unsuccessful or where a defamatory tweet or post causes serious concern or is part of a concerted campaign, in addition to informing your council, you may wish to take legal advice and to issue a “notice and take-down” letter via your solicitor (assuming you are able to locate the perpetrator). Although you may not have the intention of proceeding further, the threat of legal action is often a powerful deterrent and can prompt a swift and successful resolution.

If the tweet or post is a complaint about a council service, you can ask for contact details and pass the information to officers to follow-up on and inform the individual that this is the course of action you are taking. This may help defuse any tensions.

Muting or blocking accounts on Twitter

You may wish to unfollow, mute or even block a person or group who is persistently tweeting you or is being abusive or intimidatory. Guidance about how to mute and block is available from Twitter, but in summary:

Muting allows you to remove an account's tweets from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can 'unmute' them at any time.

Blocking allows you to restrict specific accounts from contacting you, seeing your tweets or following you. Unlike muting, the perpetrators can find out that they have been 'blocked' and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

Reporting the abuse on Twitter

Twitter itself promotes '[Rules](#)' encouraging constructive debate but it explicitly prohibits behaviour "...that crosses the line into abuse, including behaviour that harasses, intimidates, or uses fear to silence another user's voice".

If tweets are so offensive that you believe they violate Twitter's rules, you can [report](#) them to Twitter who may decide to take action. For further information about how to report 'violations' visit Twitter's "how to report [violations](#)" page.

If someone sends threatening, abusive or offensive messages via any social networking site, they could be committing an offence. The most relevant offences are 'harassment' and 'malicious communications'.

According to the police, harassment means a 'course of conduct' (i.e. two or more related occurrences) and the messages do not necessarily have to be violent in nature, but must be oppressive and need to have caused some alarm or distress.

An offence relating to malicious communications may be a single incident, but for an offence to have been committed, a message must be indecent, grossly offensive, obscene or threatening or menacing.

Tackling abuse on Facebook

Facebook has slightly different '[Community Standards](#)' to Twitter and alternative methods of dealing with complaints.

You are also more likely to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow councillors or your local council on Facebook, and some pages will have been set up specifically with that purpose in mind. If these groups are not moderated effectively, they can provide a conduit for abuse and harassment. Your council may have a policy on communicating and engaging with such groups, particularly if they have been set up to criticise the council, and you can take advice from the council's communications officers.

There is no right or wrong way with regards to responding to a group or page which regularly criticises the council or councillors; some believe that it is beneficial to engage constructively, to explain, inform or signpost and hopefully improve awareness, understanding and support, whilst others are more reluctant as it will require emotional energy and time and the likelihood of successful engagement may be limited.

If you are concerned about comments or posts about you in a group or page, you can report the post to the group administrator. If you are concerned about a group that is abusive and you think it has broken Facebook's Community Standards, you can [report](#) the group to Facebook.

Although Facebook encourages respectful behaviour and takes action to protect 'private individuals' from bullying and harassment, it permits 'open and critical discussion of people who are featured in the news or have a large public audience based on their profession or chosen activities'. Facebook does take action around 'credible threats' and 'hate speech'.

There is a range of options for you to manage abuse or harassment on Facebook and full instructions are available on the Facebook [help page](#):

- if you want a post removed from Facebook, you can:
 - ask the person who posted it to remove it
 - if you don't like a story that appears in your news feed, you can [hide it](#)
 - if you are not happy with a post you're tagged in, you can [remove the tag](#)
 - you can leave a [conversation](#) at any time, though the other people in the conversation will be notified and you will no longer receive messages from the conversation
- you can [unfriend](#) or [block](#) another user; they will no longer be able to tag you or see things you post on your timeline
- If the post goes against Facebook's Community Standards you can report it to Facebook.

Tackling abuse on blogs

Blogs are a quick and easy way for members of the public or councillors to set up mini-websites to discuss and air views on matters of interest.

Occasionally, blogs may take an interest in local, community matters and some have been set up specifically to scrutinise the local council or councillors. At other times, councillors may face negative comments on their own blog.

While scrutiny is a key part of local democracy and accountability, on occasions, some blogs may make unfair comments or untrue allegations or may include abusive or threatening commentary. Unlike Facebook and Twitter, there are no 'community rules or standards' to moderate or challenge such content.

Depending on the nature of the comments, councillors therefore have several choices:

ignore them altogether and hope that few people read and become aware of the comments

engage with the blogger and seek to assure, inform or correct the comments as appropriate. Bear in mind that this course of action may fuel and prolong the debate and abusive comments further

if you are concerned that the blogger is harassing you, threatening you, spreading malicious communications or is defaming or libelling you, you may wish to record any evidence (such as screen shots) and seek further legal advice or refer the matter to the police.

Finally, councillors and supporting officials have shared the following practical tips, based on their experience and best practices, to prevent and handle online abuse:

1. **Set expectations** – point people to your rules of engagement and apply these consistently.
2. **Lead by example** – do not post comments that could be considered abusive, and avoid posting false or unverified information.
3. **Consider content** – some content will be more controversial than others. Consider before posting how you will manage engagement with this, for example only engaging in comments on the policy itself or directing people to consultation documents.
4. **Defuse conflict** – waiting to respond can take the heat out of situations, as can reframing your own language.
5. **Know when to step back** - Remember you do not have to engage with abusive or threatening behaviour. You can set the record straight with factual information if you wish, but you can step away when you want to.
6. **Protect your privacy** – set different passwords for different accounts, and do not post information that can allow people to identify your whereabouts outside of official council business.
7. **Understand privacy settings** – there is a range of settings to help you manage who can see or comment on your posts.
8. **Get and give support** – where you feel able, provide support to fellow councillors online, and reach out to colleagues and your council for support where needed.
9. **Record abuse**- screenshot comments and keep a record of abusive or threatening communications.
10. **Report serious issues** - if you feel unable to deal with online abuse yourself or have any concerns about your safety, report this to your council or the police

The law

This section sets out the legislation that applies to intimidation with the aim of helping councillors experiencing intimidation or abuse to classify it according to the legislation.

Key points:

- Threats to kill, rape or commit serious violence, stalking and property damage are all criminal offences

- Intimidating behaviour that is face-to-face or by letter, telephone call or online is a criminal offence
- Councillors are encouraged to make a record of these incidents and report them. Even if it does not result in a criminal investigation or conviction, it is important that the collective scale of the issue is reported

2. **Legal background**

Whilst the law on physical and verbal intimidation and abuse is better established and known, the law has been catching up with developments in the area of communication generally and the recent seriousness of intimidation arising from the conduct of our democracy. This includes the speed and available uses of the internet as well as the subsequent significant growth in the use of social media in both promoting political causes and discussions with residents and voters.

Although social media can create a new type of relationship with the electorate, it can provide a platform, through its remoteness and anonymity, to be used by those wishing to intimidate others.

Councillors are not employees of the council and do not have the benefit of safeguards in employment legislation if they suffer intimidation. However, they should be supported by their council to undertake their duties safely and without fear or intimidation. Their political party may also offer them support.

In undertaking their activities as a councillor, they are protected by the same legislation relating to intimidation or threats as to any member of the public. As councillors are servants of democracy, they, arguably, deserve greater support as they undertake their public duties.

Summary of offences and corresponding legislation

The summary table below sets out conduct that may be encountered and refers to the relevant legislation that may either criminalise that conduct or assist in seeking redress in relation to such conduct.

Conduct	Legislation	Comment
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The Act defines antisocial behaviour as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”	Anti-social Behaviour, Crime and Policing Act 2014	
Improper use of public electronic communications network	Communications Act 2003 – Section 127	Sending message which is grossly offensive or of an indecent, obscene or menacing character.

Conduct	Legislation	Comment
Racially or religiously aggravated offences	Crime and Disorder Act 1998 – Sections 28 – 32	Hate crimes relating to racial or religious issues. Crimes relating to disability, transgender status or sexual orientation, treated as factors in sentencing. Subject to Law Commission review.
Cyberbullying	s360 of the Sentencing Act 2020 Malicious Communications Act 1988 Communications Act 2003 s 38 of the Criminal Justice and Licensing (Scotland) Act 2010 Defamation Act 2013	The Defamation Act 2013 does not create a criminal offence but is a way of seeking redress against certain conduct

Discrimination due to Age, sex, gender, sexual orientation, marital status, disability, race including colour, nationality, ethnic or national origin. religion	Discrimination - The Equality Act 2010	The Equality Act 2010 does not create a relevant free-standing criminal offence but is a way of seeking redress against certain conduct
Restraining orders on conviction or on acquittal	Protection from Harassment Act 1997 – Sections 5 and 5A	Section 5A inserted in Domestic Violence Crime and Victims Act 2004 and both sections give court wide discretion to restrain defendant from contact with victim.
Stalking, involving fear of violence or serious alarm or distress	Protection from Harassment Act 1997 – Section 4A	Inserted by Protection of Freedom Act 2012, also requiring conduct “on at least two occasions”.
Harassment which puts people in fear of violence	Protection from Harassment Act 1997 – Section 4	Requirement that the conduct has taken place “on at least two occasions”.
Offence of stalking	Protection from Harassment Act 1997 – Sections 1 and 2	Inserted by Protection of Freedom Act 2012 and examples are detailed in 1997 Act
Prohibition of harassment	Protection from Harassment Act 1997 – Section 1	Applies when one or more people are subjected to harassment
Intimidation arising from investigation into	Criminal Justice and Public order Act 1994 – Section 51	Applies if intimidation is reported to police and

Conduct	Legislation	Comment
or given evidence about an offence		prosecution takes place
Unauthorised access to computer material	Computer Misuse Act 1990 – Section 1	Hacking into computer
Common assault and battery	Criminal Justice Act – Section 39	Common law offence which includes fear of, rather than actual, violence
Sending letters or other communications with intent to cause distress or anxiety	Malicious Communications Act 1988 – Section 1	Electronic communications and networks included in Criminal Justice and Police Act 2001 and Communications Act 2003
Using threatening, abusive words or behaviour which may cause unlawful violence or harassment and alarm	Public Order Act 1986 – Section 4 and Section 4A	Applies for displaying any written material such as banners or posters
Threats to destroy or damage property	Criminal Damage Act 1971 – Section 2	“Without lawful excuse” or which could endanger life
Destroying or damaging property	Criminal Damage Act 1971 – Section 1	“Without lawful excuse” or being reckless as to action. Arson could, also, amount to threat to kill
Threats to kill	Offences Against the Person Act 1861 – Section 16	Threat “without lawful excuse”
Spread of rumours, slandering or vicious personal verbal attack on a person to destroy or damage that person's reputation or confidence	Defamation Act 2013 Section 1 of the Malicious Communications Act 1988	The Defamation Act 2013 does not create a criminal offence but is a way of seeking redress against certain conduct.

		Section 1 of the Malicious Communications Act 1988 criminalises the sending of a communication where the content is false and known or believed to be false by the sender and one of the purposes of sending is to cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated
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Possible future legislation		
Offence	Legislation	Comment
Intimidating parliamentary candidates or party campaigns	Government consultation following Committee on Standards in Public Life 2017 report	The LGA is lobbying that this should apply to local elections and candidates
Action to regulate the removal of illegal and unacceptable online content	Government consulting on its Online Harms White Paper	Likely to be subject to resistance from the tech companies

Balancing freedom of speech and its limitations

The right to freedom of expression is a fundamental human right of the greatest importance and a lynchpin of any democracy. However, it is not an absolute right as indicated in the three articles numbered 9, 10 and 14 of the European Convention on Human Rights. The key elements appear in article 10, which sets out that the freedom includes the right to hold opinions and to receive and impart information and ideas without interference from a public council.

The elements that have a bearing on councils are:

- Interests of public safety
- Prevention of disorder or crime
- Protection of health or morals
- Protection of the reputation or rights of others
- Preventing the disclosure of information received in confidence

All the above have been incorporated within our legislation and thus restrict the extent to which freedom of speech is permitted.

Severity of intimidation

If you are feeling intimidated, then that experience is legitimate and should be your own test as to whether you want to report the situation. In determining whether an act is classed as intimidation in law, the police and the courts will apply their own tests based on the existing legislation and 'reasonableness'. However, legislation, guidance and case law evolve and this should not put you off reporting a situation and seeking a resolution should you feel you have been intimidated.

In summary:

Threats to kill, rape, serious violence or actual common assault, damage to property (such as arson) should be reported to the police. Councillors may wish to review their own personal safety precautions and possibly those of their family.

Harassment and stalking would also require police involvement, particularly if there were several occurrences.

Action following intimidation arising from both face-to-face and online contact will depend upon the circumstances such as the number of communications or contacts, extent of obscene or violent language and whether the activity continued for some time including whether the abuser resorted to more than one method of abuse.

Councillors are encouraged to record all instances that cause concern and in reporting to the police consider the requirement for detailed evidence to prove the case "beyond all reasonable doubt".

There have been a number of cases arising from the provisions of the 1997 Protection from Harassment Act where judges have provided guidance as to when the intimidation complained about should require the involvement of the civil or criminal law. The judge in the case of *Dowson and Others v Chief Constable of Northumbria* [2010] EWHC 26 set out six steps under the 1997 Act:

1. there must be conduct which occurs on at least two occasions
2. which is targeted at the individual
3. which is calculated in an objective sense to cause alarm or distress, and
4. which is objectively judged to be oppressive and unacceptable
5. what is oppressive and unacceptable may depend on the social or working context in which the conduct occurs

6. a line is to be drawn between conduct which is unattractive and unreasonable, and conduct which has been described in various ways such as “torment” of the victim, “or an order which would sustain criminal liability”.

Although the courts look at the conduct from an objective point of view, the victim’s reaction to the intimidation will be subjective and it will be for that individual to decide upon the action which is taken. The courts will also take a view on whether the perpetrator knows or ought to know that his conduct amounts to harassment.

Advice for supporting councillors

This section puts forward some suggested ways that council officers can support their members. The LGA will be expanding this guidance.

Key points:

- It is helpful for councils to have an officer to support councillors experiencing public intimidation, and to provide a liaison point with the police
- Political groups on the council could consider nominating someone to provide a support role on these issues
- Councils can develop their policies, procedures and regular briefings to assist councillors experiencing intimidation. A Model Local Resolution Protocol developed by One Voice Wales is available [here](#)
- It is advisable to encourage councillors to use the model rules of engagement developed by the LGA on their personal websites and social media. All LGA guidance on digital citizenship can be found via www.local.gov.uk/civility-public-life

How councils can support their councillors

Councils can support their councillors by:

- Appointing an officer to undertake a role as a sounding board for any councillor or officer who wishes to make contact in confidence if he or she has received intimidatory contact or communication from an external or internal source. This officer can provide support and advice rather than a solution to such abuse, and could also provide practical advice on personal safety. Any serious allegation of criminal activity may have to be taken further.
- All councils are now required to have a local councillor code of conduct to help councillors model and balance their behaviour, understand the expectations of their role, and to indicate the type of conduct that could lead to action being taken against them. The Local Government Association (LGA) has [developed this Model Councillor Code of Conduct](#), in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of

local government to continue to aspire to high standards of leadership and performance.

- In Wales, Local Resolution Protocols have proven a useful tool to deal with low level complains and solve internal disputes. English councils are advised to develop their own resolution protocols.
- Encouraging each political group within the council to likewise appoint either the leader of the group and/or one of their number to perform a similar role for their elected members.
- Establishing a council policy setting out procedures and protocols, should a councillor feel they are being publicly harassed, intimidated or abused. Regular briefings for all councillors, including those who have been newly elected, to share experiences and concerns can both help identify persistent offenders and look at council-led solutions.
- Working with the local police, establishing a named officer responsible for handling serious threats to councillors and to advise on personal safety and security.
- Ensuring that council insurance arrangements cover injuries or loss suffered by elected members arising from their role as councillors in respect of any intimidation.
- Considering what steps should be taken by the council to mitigate the risk to councillors in the event of severe intimidation and threats. In some of the cases that have been researched in the production of this guidance, councillors who have been subjected to death threats have been supplied with personal alarms by the police and, occasionally, by their council. All councils could consider what steps they can take to address any risks or threats.
- Controlled online meetings have helped to minimise abuse from the public. Some strategies include asking participants to pre-register, to monitor or disable the chat function and read opening statements indicating that abuse of any kind will not be tolerated.

Working with the police

The research undertaken in the development of this guide found that the police response to councillor intimidation varied across the country.

We are aware that some police forces are reviewing their responses to such threats, and that the issue is being looked at by Government. The LGA highlighted this issue in its [response](#) to the consultation on '[protecting the debate: consultation on intimidation, influence and information](#)'.

It is recommended that councils are proactive with their local police force and police crime commissioner in establishing protocols for how councillors should report intimidation and threats that are made to them in their role as a councillor. The police

can also provide upfront and more detailed advice on how to respond and the factors that will determine their response to any threats, abuse or intimidation.

Wellbeing of councillors

Experiencing abuse, threats and/or intimidation can have an impact on wellbeing. Your council may have a [Mental Health Champion](#) who can offer support to fellow councillors, or you may have an at work support scheme that councillors could also benefit from. If a councillor reports any incidents, it is recommended that they are asked if they also require support with their wellbeing.

Further resources

COUNCILLOR GUIDANCE – WEBSITE LINKS

Personal safety guide for councillors, Northampton Borough Council

<https://www.northampton.gov.uk/downloads/file/9457/safety-guide-for-councillors>

Personal safety for members, Essex County Council

<https://members.essex.gov.uk/media/1364/social-media-january-2019.pdf>

<https://members.essex.gov.uk/guidance-resources-and-key-documents/social-media-protocol-for-members/>

Personal safety and lone working guidance for councillors, Plymouth Council

https://www.plymouth.gov.uk/sites/default/files/personal_safety_and_lone_working_guidelines_for_councillors.pdf

Social Media: a guide for councillors and handling online abuse, WLGA

<https://www.wlga.wales/social-media-and-online-abuse>

Social Media Policy for Councillors, Ashfield District Council

<https://www.ashfield.gov.uk/media/8d8483f10a00eab/social-media-policy-for-councillors-agm-may-2018.pdf>

Ward Work- guidance for councillors, Medway Council

https://www.medway.gov.uk/downloads/file/660/ward_work_guidance_for_councillors

SUPPORT

The Suzy Lamplugh Trust has a website with useful and practical guidance on issues such as transport safety, dealing with aggression, internet safety, personal alarms, running safety and safety at home. Find them on:

<https://www.suzylamplugh.org/>

The National Stalking Helpline: Practical advice and information to anyone who is currently or previously has been affected by harassment or stalking.

www.stalkinghelpline.org

Paladin: Strategic advocacy to high-risk victims of stalking and establish a network of victims who have endured stalking, providing mutual support and empowerment

paladinservice.co.uk

Protection Against Stalking works jointly with relevant agencies to increase awareness of stalking and harassment to ensure victims receive protection and help to rebuild their lives and live free of fear.

www.protectionagainststalking.org

LINKS TO KEY SOCIAL MEDIA:

Facebook policies and guidelines

<https://en-gb.facebook.com/communitystandards/> - what is or isn't against Facebooks rules

<https://newsroom.fb.com/news/2018/08/enforcing-our-community-standards/> - what action Facebook takes to respond to abuse

<https://en-gb.facebook.com/safety/tools> - the methods of protection on Facebook

<https://en-gb.facebook.com/help/122006714548814> – a guide to how users ought to respond to safety issues

<https://www.facebook.com/help/325807937506242> - overview of privacy settings

Instagram policies and guidelines

<https://help.instagram.com/477434105621119/> - overview of the user standards, and also articles about how individuals should respond to abuse

[https://help.instagram.com/196883487377501/?helpref=hc_fnav&bc\[0\]=368390626577968&bc\[1\]=1757120787856285](https://help.instagram.com/196883487377501/?helpref=hc_fnav&bc[0]=368390626577968&bc[1]=1757120787856285) – overview of privacy settings

Twitter policies and guidelines

<https://help.twitter.com/en/rules-and-policies#twitter-rules> &

<https://help.twitter.com/en/safety-and-security#hacked-account> – Twitter's policies on abuse

<https://help.twitter.com/en/safety-and-security#ads-and-data-privacy> – overview of privacy settings

Digital citizenship

<https://www.virtuallibrary.info/digital-citizenship.html#>

www.getsafeonline.org

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Report for: Standards Committee, 5 October 2021

Title: **Recent Development on Ethical Standards**

Report authorised by: Fiona Alderman – Head of Legal and Governance and Monitoring Officer

Lead Officer: **Stephen Lawrence-Orumwense – Head of Legal (Social Care and Contracts) and Deputy Monitoring Officer.**

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

This report highlights recent developments in the ethical standards of elected official that might be of interest to members of the Standards Committee in its role of promoting and maintaining high standard of conduct.

Cabinet Member Introduction

N/A

2. Recommendations

2.1. The Committee is asked to note the report.

3. Reasons for decision

3.1 The function of the Committee includes promoting and maintain high standards of conduct by elected and co-opted members, assisting to observe the Members' Code of Conduct and advising the Council on the revision of the Code of Conduct. This report on recent developments helps to better inform the Committee in undertaking these functions.

4. Alternative options considered

4.1. There are no alternative options to considered.

5. Background information

5.1 The report reviews:

- the High Court Judgement (July 21) R (Clive Robinson) v Buckinghamshire Council quashing the decision of the Deputy Monitoring Officer that a parish councillor breached the member code of conduct <https://www.bailii.org/ew/cases/EWHC/Admin/2021/2014.html>;
- the Adjudication Panel for Wales decision (July 21) to suspend the former leader of Caerphilly County Borough Council after code of conduct breach <https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2021-06/APW-003-2020-021-CT-cllr-poole-decision-report.pdf>;
- the Committee on Standards in Public Life (CSPL) Standards Matter 2 Findings (June 2021) at <https://www.gov.uk/government/publications/standards-matter-2-the-committees-findings>; and
- Local Government Association (LGA) Model Code of Conduct (May 2021) at <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) and guidance at <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>.

Buckinghamshire Case – Deputy Monitoring Officer finding of breach of Code quashed <https://www.bailii.org/ew/cases/EWHC/Admin/2021/2014.html>

5.2 A parish councillor won a High Court challenge over a decision by a Deputy Monitoring Officer (DMO) to uphold a complaint that he had breached its Code of Conduct for Members (PC Code). Farnham Royal Parish Council complained about the claimant, Cllr Clive Robinson, to South Bucks Council (now Buckinghamshire Council). The parish council accused the claimant of breaching paragraph 3.1 of their Code (not behaving in a respectful way and acting in a way that could bring the council into disrepute).

5.3 The complaints arose out of a public meeting of the parish council. The parish has a large area of Green Belt land within its boundaries. The complaint against Cllr Robinson, who had addressed the meeting from the floor, was that he had made misrepresentations about the motivation and intentions of other councillors, namely that they were minded to allow development of the Green Belt. It was also said that he had met with residents and repeated those misrepresentations, he

had refused to apologise or retract those misrepresentations and had added further claims against the clerk.

- 5.4 In the complaint the clerk to the parish council said it had decided that Cllr Robinson' actions were in breach of the PC Code by bringing the council into disrepute and failing to show respect to other councillors. The complaint also noted that as a result of a public backlash whereby the integrity of the chairman and the clerk at the meeting had been questioned. The chairman had already asked for himself to be referred to the Monitoring Officer for a determination as to whether he had been in breach of the Code of Conduct. Subsequent efforts to resolve the issue with Cllr Robinson were unsuccessful. South Bucks' Monitoring Officer wrote to the claimant in July 2018 inviting his comments. He responded by denying the allegations made against him.
- 5.5 An external solicitor was asked to assess the complaint on the papers and made recommendations in a report dated 18 February 2019. The Deputy Monitoring Officer agreed with the assessor's conclusion that Cllr Robinson had breached the Code of Conduct against five councillors and Cllr Clapp. She also agreed that there was no evidence to justify Cllr Robinson's accusations that these councillors were secretly supporting development on the Green Belt. The DMO added: "Having considered all the evidence, it appears Cllr Robinson's objective was to prove to the public that the Council and/or other councillors were not being truthful about their position regarding the green belt. I find this to be damaging to the Council especially as the Council had formally adopted a policy on the Green belt, one which Cllr Robinson had been privy to through all the stages before adoption. "Further I also find that his allegations that the Parish Council's Policy statement on the Green Belt was being used to allow development to be disrespectful and was sufficient to damage the reputation of the office of the Councillors and/or the Council." She also noted that the allegations were made in an open forum where members of the public were present. The DMO concluded that the claimant was in breach of the PC Code, but also that the complaint did not warrant a referral for investigation.
- 5.6 Cllr Robinson brought a claim for judicial review over the DMO's decision. The principal basis of the challenge (amongst others) was that the decision was in breach of section 6 of the Human Rights Act 1998 as it violated Cllr Robinson's right to freedom of expression under Article 10 of the European Convention. In the High Court Mrs Justice Lang concluded that the claim should succeed. Mrs Justice Lang found that the DMO's interpretation and/or application of Article 10 was flawed, and she failed to give effect to the claimant's enhanced right of political expression.

"94. In conclusion, I find that the DMO's interpretation and/or application of Article 10 was flawed, and she failed to give effect to the Claimant's enhanced right of political expression. In re-making the decision under

Article 10(2), I conclude that the interference did not fulfil a pressing social need, and nor was it proportionate to the aim of protecting the reputation of the other councillors. As an elected councillor, taking part in a public meeting called by the PC to discuss the Green Belt, the Claimant was entitled to the enhanced protection afforded to the expression of political opinions on matters of public interest, and the benefits of freedom of expression in a political context outweighed the need to protect the reputation of the other councillors against public criticism, notwithstanding that the criticism was found to be a misrepresentation, untruthful, and offensive. Although no further action was pursued against the Claimant, beyond recommending that he apologise, it was a violation of Article 10 to subject the Claimant to the complaints procedure, and to find him guilty of a breach of the PC Code..”.

Finding that there had been a violation of Article 10, the judge quashed the decision.

Deputy Monitoring Officer comment

5.7 Monitoring Officers and their Deputies and Members of Standards Committee in making determinations on whether there has been a breach of the Code must always be mindful of the protection afforded by Article 10.

Caerphilly County Borough Council – Former council leader suspended after code of conduct breach
<https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2021-06/APW-003-2020-021-CT-cllr-poole-decision-report.pdf>

5.8 The former leader of Caerphilly County Borough Council was suspended for five months for using confidential information to buy shares. Cllr David Poole was found to have breached the councillors’ code of conduct by the Adjudication Panel for Wales (APW). Cllr Poole resigned as leader in September 2019.

5.9 Part of Cllr Poole’s duties was to represent Caerphilly on the board of the Cardiff Capital Region City Deal. In the course of this he became aware that councils in the area wished to support the construction of a semiconductor factory in which a company named IQE would be involved. A confidential report made predictions about IQE’s profitability. The project attracted a £38m grant from the city deal and the Welsh Government to transform a disused building in Newport.

5.10 A few days after the city region board considered the matter Cllr Poole bought shares worth £2,034.55 in IQE. The APW said that in January 2019, Cllr Poole

tried to amend his register of interests entry to include the IQE shares but “following advice from the monitoring officer, no amendment was made. “He was advised that, because of the level of his shareholding and the fact that the business was based outside the council’s area, it was not necessary to make any amendment.”

- 5.11 Cllr Poole in January 2019 reinvested his dividends by buying further IQE shares worth £1111.57, and another £1111.33 that May. He sold the shares in September 2019 and referred himself to the Public Services Ombudsman, noting “..with the benefit of hindsight, by purchasing shares in IQE, I was preventing myself becoming involved in any decisions of CCR around IQE and the hoped for wider compound semiconductor industry growth in the area”.
- 5.12 The APW found in mitigation that Cllr Poole had not previously breached the code and that he did seek to register an interest in IQE in January 2019, “but failed to do so as a result of the monitoring officer’s advice”. It also found that Cllr Poole had not tried to influence decisions concerning IQE at a February 2019 meeting and left later meetings at which it was discussed. There were though a number of aggravating factors. These included his influential position as leader, that he had used confidential, price sensitive information to attempt to secure a personal advantage and had “shown no real insight into his wrongdoing and/or acceptance of guilt” and had in the latter stages of the process failed to engage with the APW.
- 5.13 Cllr Poole was found to be in breach of Paragraphs 6 (1)(a) (“*not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;*”); 7(a) (not “*..use or attempt to use your position improperly to confer on all secure for yourself.. an advantage...*”); 11 (1); (“*Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest is apparent.*”); and 14 (1)(a) (“*...., where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority’s standards committee- (a) withdraw from the room, chamber or place where a meeting considering business is being held..*”). He was suspended as a councillor for five months and for two months.
- 5.14 APW recommended that “That the Monitoring Officer re-emphasises the requirement for members to register interests as/when they arise and that the duty does not arise annually.”

Deputy Monitoring Officer comment

5.15 This case is another reminder of the need for Councillors to always heed and act on the Nolan principle of selflessness (serving public interest and not to improperly confer an advantage) and integrity.

Committee on Standards in Public Life (CSPL) Standards Matter 2 Findings
<https://www.gov.uk/government/publications/standards-matter-2-the-committees-findings>;

5.16 In September 2020, CSPL launched the *Standards Matter 2* review to evaluate the strengths and weaknesses of the institutions, policies and processes that implement ethical standards in Westminster and beyond. CSPL received evidence from various stakeholders. Although the CSPL final report is yet to be published, it felt that publishing its findings now will help contribute to the current debate about standards in government that is the subject of parliamentary and government inquiries. CSPL have found four areas of standards regulation that require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests, the business appointment rules and the Advisory Committee on Business Appointments (ACOBA), transparency around lobbying, and the regulation of public appointments. The findings on the Ministerial Code provides that:

- “● The Ministerial Code should be issued by the Prime Minister.
- There should be a range of graduated sanctions for breaches of the Ministerial Code, and the issuing of those sanctions should be a matter solely for the Prime Minister.
- The Independent Adviser should be able to initiate investigations, determine findings of breaches, and a summary of their findings should be published in a timely manner.”

5.17 These findings are essentially for the Prime Minister and his Cabinet and Senior Civil Servants. However, there may be some learning for local authorities such as Haringey. As to the ministerial code, there is no guidance issued by the Leader on the standards expected of cabinet members. Do we need one and is the Members Code of Conduct and the Members Officer Protocol sufficient? How would any such guidance sit alongside the Member Code of Conduct and how would any breach be dealt with? For now, there are no pressing concerns that requires a similar code for local authorities' cabinet members. The Member Code is sufficient.

Local Government Association (LGA) Model Code of Conduct (May 2021) at
<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) and guidance at

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>;

- 5.18 The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector. The model Code is a template for councils to adopt in whole and/or with local amendments. It states “The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct...”
- 5.19 The Code is very similar to the Council’s Member Code of Conduct but does contain more explanation of the standard of behaviour expected of councillors. For example, the Council’s Code states that at 3.1 “You must treat others with respect” The LGA Codes states that

“As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police..”

- 5.20 There are certain new obligations such as an obligation to attend training and reference to social media. Similar to the Council’s Code, the LGA Code include provisions relating to registration and disclosure of interest.

- 5.21 In addition to the Code, there is supporting guidance at <https://www.local.gov.uk/publications/guidance-local-government-association->

model-councillor-code-conduct to help with understanding and consistency of approach. The guidance is extensive and will assist elected and nonelected members to have a better grasp of the context and scope of the obligations under the Code and what is generally permissive conduct. It will also be of use to complainants in understanding conduct that is considered acceptable by elected members.

6. Contribution to strategic outcomes

6.1. The update supports the governance of the Council and its decision-making, thereby assisting the Council to meet its strategic outcomes.

7. Statutory Officers comments (Chief Finance Officer (including procurement), Head of Legal and Governance , Equalities)

Finance

7.1. None

Procurement

7.2. None.

Legal

7.3. By virtue of section 27 of the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by members and co-opted members and to adopt a Code of Conduct. The updates above serve to inform the Council in the discharge of its responsibility.

Equality

7.4. None.

8. Use of Appendices

8.1. None

9. Background information Local Government (Access to Information) Act 1985

The High Court Judgement (July 21) R (Clive Robinson) v Buckinghamshire Council <https://www.bailii.org/ew/cases/EWHC/Admin/2021/2014.html>;

The Adjudication Panel for Wales decision (July 21) <https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2021-06/APW-003-2020-021-CT-cllr-poole-decision-report.pdf>

The Committee on Standards in Public Life (CSPL) Standards Matter 2 Findings (June 2021) at <https://www.gov.uk/government/publications/standards-matter-2-the-committees-findings>

The Local Government Association (LGA) Model Code of Conduct (May 2021) <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>) and guidance at <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>.

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Report for: Standards Committee – 5 October 2021

Title: Committee Work Programme

Report authorised by: Fiona Alderman, Head of Legal and Governance (Monitoring Officer)

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non-Key Decision

1. Describe the issue under consideration

- 1.1 Members to note current work programme and put forward any comments on suggested areas of work.

25th of January 2022

1. Independent Members Appointment

The Independent Persons were appointed for 2 years only in 2020 and their appointments are due to expire on the 30th of June 2022. The 2 year appointment was agreed by the Committee following consideration of the report on Standards in Public Life' which recommended that Independent Persons should be appointed for a period of two years, with the option to extend for a further two years. the Committee will need to consider a process for review and extension?

2. Member's Allowances 2022/23

There will likely be an updated report from the Independent Review Panel of the LGA with recommendations on allowances for Councillors. Information is currently being sought from Democratic Services in London.

3. Further update paper on Declarations of Interest and Personal Safety for Councillors

28th February 2022

- 1. Early report on any potential constitutional changes following a review by Legal and Finance and Procurement**
- 2. Annual update on Member Complaints**

3. Final Report on Member's Allowances 2022/23

4. Council Report on Independent Persons appointments.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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