

FRAMEWORK FOR
RESPONDING TO SPEAKERS
PROMOTING MESSAGES OF
HATE AND INTOLERANCE IN
VENUES IN HARINGEY

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Introduction

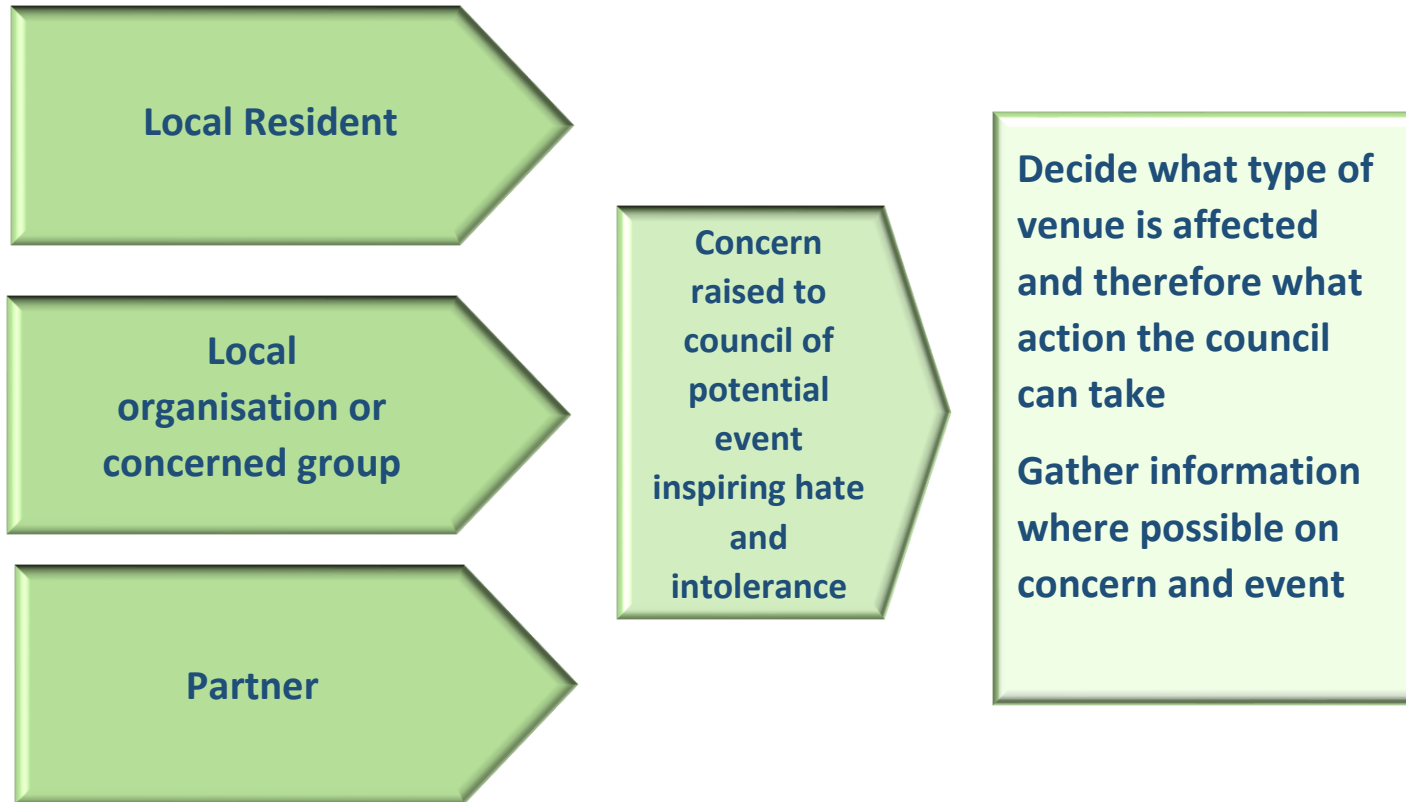
This framework will be used to guide our local decision making on venues and events where concerns have been raised due to alleged hate speech. The London borough of Haringey applies a consistent approach to responding to all forms of extremism, including but not limited to Islamist inspired, far right nationalist, Northern Irish republican, animal rights and environmentalist. As ever, the London borough of Haringey remains committed to building cohesive and resilient communities. In developing this framework, the local authority seeks to strike the right balance between addressing legitimate concerns caused by the promotion of extremist views with the rights of individuals to have freedom of speech. We will always emphasise that we do not welcome messages of hate and intolerance in the borough.

At all times, the Council seeks to maintain our existing high levels of local community cohesion, promote equalities and maintain public order. The local authority operates under a duty to foster good relations between protected equalities groups. An equalities and public safety approach is considered and proposed as an appropriate framework for the local authority to assess decision making with regards to speakers promoting messages of hate and intolerance in venues in the borough.

In all decision making with regards to potential messages of hate and intolerance, information gathered must be assessed and a final decision must balance equalities, cohesion, public order and human rights considerations.

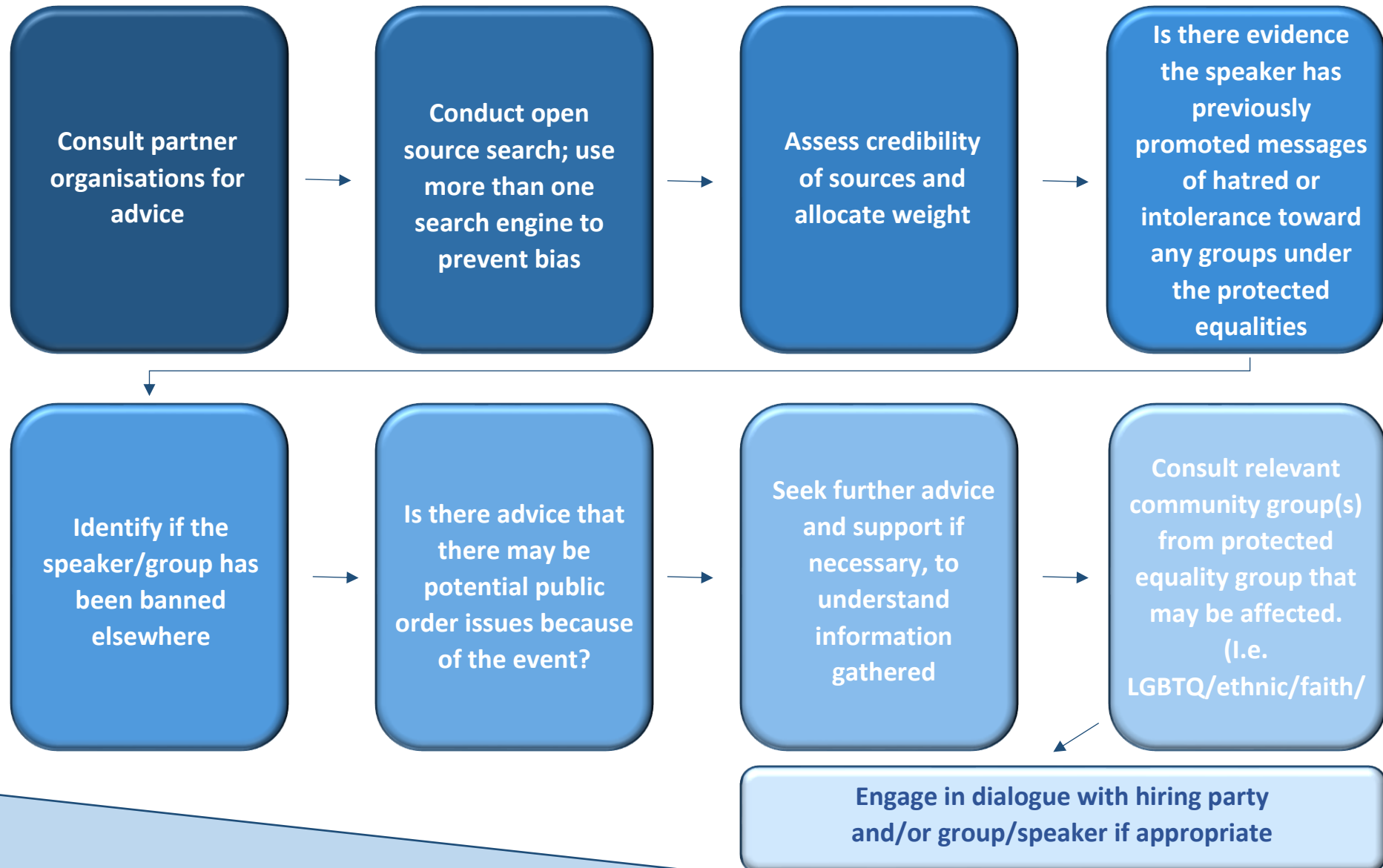
This policy seeks to provide information on relevant considerations for decision making including advice and guidance to other venues in Haringey, information collected to assess for decision making about Haringey Council owned and run venues, considerations for open source information gathering, local cohesion statement, legal considerations and considerations for collecting equality information and assessing the impact.

Process for advice and decision making for Haringey Council



Type of venue

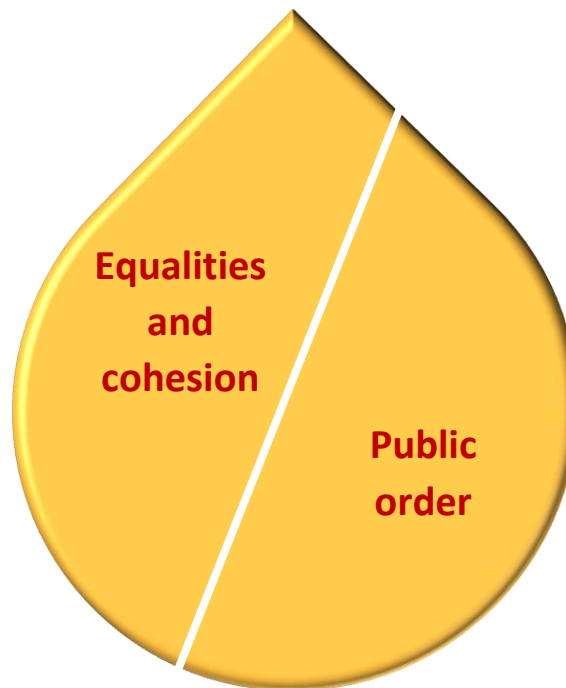


Information Gathering Process

Decision making process



Consult and gather information for decision making

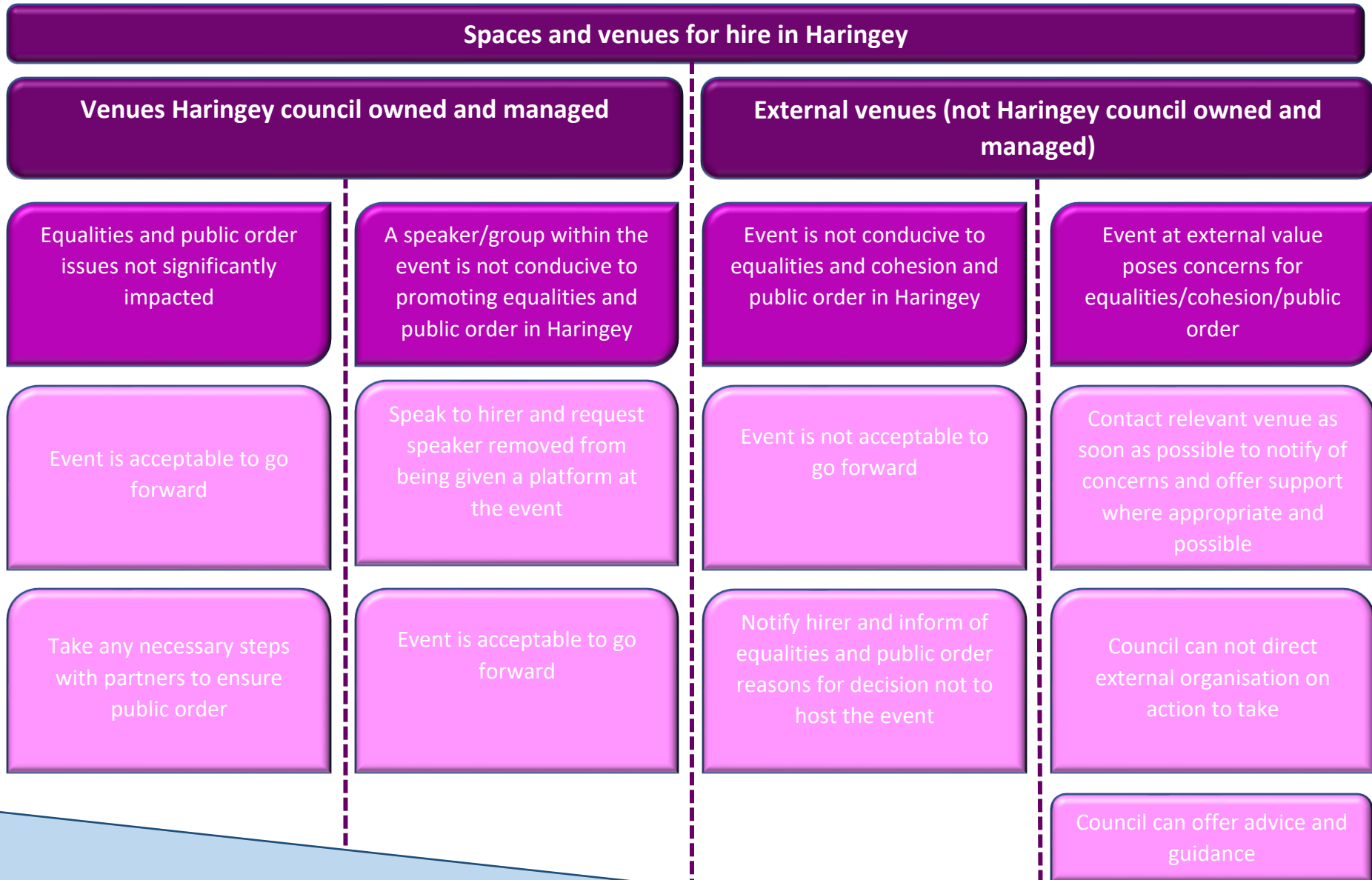


Balance and assess impact



Decision making

Potential decisions and actions



Relevant considerations

A consistent approach to respond to all forms of extremism, or any event that may challenge our existing high levels of local community cohesion in Haringey and our commitment to equalities principles is necessary. The London borough of Haringey will always emphasise that we do not welcome messages of hate and intolerance in the borough.

Advice and guidance for other venues in Haringey

Haringey Council also owns a number of properties within the borough that are leased to local community organisations to run and manage for the purposes and enjoyment of the local community. Some of these spaces are available for hire by the local community. A number of local voluntary and community organisations within the borough that are funded by Haringey Council also manage spaces that are often available for hire as a venue space. These are often located within local community centres and venue hire is a relied upon and core revenue source for voluntary and community organisations. Local community centres provide both services to local residents and also provide spaces for communities to come together. Finally, as a thriving and vibrant London borough with a highly sought-after London geographical location, there are also a number of private hire venues. This includes a large number of pubs, hotels and external private venues that hire their venue space for a number of diverse events. When an event of concern with potential messages of hate and intolerance, is brought to the attention of the Council, and where that event is to take place within a venue managed by an external organisation, the managing organisation must make the decision on the event. The Council cannot direct an external organisation on whether to allow a venue hire and event to go ahead. The Council does though have an obligation to pass on notification of concern if it views the event to be in some way detrimental to equalities, local community cohesion and local public order.

Information collected to assess for decision making

When information is collected for the purpose of sensitive decision making there must be a process that gathers relevant information from as many sources as possible, where available. It may often be necessary to consult appropriate partner organisations for advice and guidance.

When conducting open source internet searches, appropriate weight must be allocated dependent upon the type of source material; primary evidence must be sought where possible. When assessing information gathered from online sources the Council must be wary of allocating too much weight to information contained within blog sites; and also, for example of quotes that may have been taken out of context. A quality 15 control process for information gathered may be useful. A list of considerations for gathering and assessing open source information has been provided on the next page.

Considerations for gathering and assessing open source data found online:

Use more than one internet search engine to minimize search engine bias

Where possible find primary source information (e.g. A group's manifesto on their website; You Tube videos of a person speaking or band's music; an individual's personal writing on their blog)

Is the website stating information as fact ("*depression is the most common mental illness in the UK*"), or is it clearly giving something as the author's opinion? ("*I don't think doctors in the UK get enough training in dealing with depression*")

Is the information detailed enough for what you need?

Does the webpage give sources for the information –does it say where it came from? What other sources can you find to check the information against? (try to find a different type of source, like a report from a well-known body, or published statistics)

If the webpage is clearly giving someone's opinion on an issue, how much weight should you give to their opinion?

Can you easily tell who the person or organisation behind the Web page is? Can I trust the person or organisation behind this Web page? Are they likely to be biased? Are they an authoritative source? Is the author taking a personal stand on a social/political issue or is the author being objective? Bias is not necessarily "bad," but the connections should be clear.

With what organisation or institution is the author associated? Is there a link to the sponsoring organisation, a contact number and/or address or e-mail contact? A link to an association does not necessarily mean that the organisation approved the content.

If you found the page through a link or a web search, and are not sure where it comes from, look for the home page, or an "AboutUs" or similar link. Does the page author give a real-world postal address and phone number?

Given how quickly information on the web can change and how long some websites have been around, always try to check how up-to-date the information is. Does the page say when it was last updated? (If not, try checking the Properties or Page Info options in your Web browser for a date). Is the website generally being maintained –do all the links still work? Can you check against sources you know are up-to-date for comparison? If there are a number of out-of-date links that do not work or old news, what does this say about the credibility of the information?

Equality Act 2010: Public sector equality duty

While only one of a number of legal obligations upon the local authority it is appropriate to highlight the Equality Duty within Section 149 of the Equality Act 2010 which requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment victimisation and any other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding. A 'protected characteristic' as defined in the Act includes age, disability, gender reassignment, pregnancy and maternity, race;(including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation.

Proponents of known extremist narratives and those that promote extremist messages are often explicitly promoting messages of hate and intolerance against groups with protected equalities characteristics. The preventing and challenging extremism work programme seeks to advance and act within the Council's specific role to advance and champion the Public sector equality duty and consistently respond to all forms of extremism.

Ultimately the Council will need to have 'due regard' to the matters set out in relation to equalities when considering and making decisions in respect of any policy/procedure. How detailed this is will depend on the facts and the key issue will be that we have considered the impacts whether via a full assessment or otherwise and can demonstrate and explain our thinking if challenged. Indeed when case by case decisions are made, equality issues will need to be carefully considered on their own individual facts and merits.

One of the many complexities which will need to be addressed however will be that tolerating the views of others is a significant part of respecting and promoting tolerance and hence significant caution and to some extent objective criteria need to be sought when a public body considers it appropriate to seek to limit the activities of groups who may themselves be able to suggest that they are a representative of a protected characteristic.

Equalities Impact assessment considerations

Does take up of activity differ between people from protected groups?

Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?

Are some groups less satisfied than others with the activity as it currently stands?

Is there a greater impact on one protected group? Is this consistent with the aims of the activity?

Does the activity have the potential to advance equality and foster good relations?

Could the activity deliver potential benefits for protected groups?

If you have identified negative impacts include details of who these findings have been discussed with and their views

Could any part of the proposed activity discriminate unlawfully?

Are there any further changes that could be made to deliver improvements or make the activity more responsive?

Crime and Disorder Act 1988 and public order

As a responsible authority under the Crime and Disorder Act 1998 the Council has a statutory duty to work in partnership towards the reduction and prevention of crime and to meet its equalities duties as set out above.

Maintaining public order is a priority for the local authority and police. Where an event may pose a risk to public order, these are grounds to reconsider and review event venue hire and when the property is not under our control provide robust advice to the property owners/occupiers.

Human Rights Act 1998

The Human Rights Act protects the right to have your own thoughts, beliefs and religion. This includes the right to change your religion or beliefs at any time. You also have the right to put your thoughts and beliefs into action. For example, public authorities cannot stop a person practising their religion, publicly or privately, without very good reason (outlined below)

In some limited situations, public authorities may interfere with this right. This is only possible where the authority can show that its action has a proper basis in law, and is necessary and 'proportionate' in order to protect:

- public safety
- public order
- health or morals
- the rights and freedoms of other people.

Article 10: Freedom of expression

People have the right to hold their own opinions and to express themselves freely without government interference. This includes the right to express views aloud or through:

- published articles, books or leaflets
- television or radio broadcasting
- works of art
- communication on the internet

Public authorities may restrict the right to freedom of expression if they can show that their action has a proper basis in law, and is necessary and 'proportionate' in order to:

- protect national security, territorial integrity or public safety
- prevent disorder or crime
- protect health or morals
- protect the rights and reputations of other people
- prevent the disclosure of information received in confidence
- maintain the authority and impartiality of the judiciary.

It may be permissible to restrict a person's freedom of expression if, for example, a person expresses views that encourage racial or religious hatred.

However, the public authority must show that the restriction is 'proportionate', in other words the restriction must be no more than is necessary, appropriate and not excessive in the circumstances.

Article 11: Freedom of assembly and association

People have the right to protest by holding meetings and demonstrations with other people.

Nobody has the right to force anyone else to join a protest, trade union, political party or another association. On occasions, it can be acceptable for a public authority to restrict a person's rights to freedom of assembly and association. This is the case only where the authority can show that its action has a proper basis in law, and is necessary and 'proportionate' in order to:

- protect national security or public safety
- prevent disorder or crime
- protect health or morals
- protect the rights and freedoms of other people.

A 'proportionate' response to a problem is one that is no more than is necessary, is appropriate and not excessive in the circumstances.

Article 14: Prohibition of discrimination

The protection against discrimination in the Human Rights Act is not free-standing. In other words, in order to rely on this right, you need to show that your ability to enjoy one or more of the other rights in the Human Rights Act has been affected by the discriminatory treatment. However, you do not need to prove that this other human right has actually been breached.

The Human Rights Act prohibits discrimination on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Counter Terrorism and Security Act 2015

This Act places a statutory duty on public agencies to prevent extremism and radicalisation. Part 5, Chapter 1, Section 26 of the Act places a statutory duty on 'specified bodies' including local authorities, schools (including academies and independent schools), further and higher education colleges and universities, health, probation and the police to pay due regard to the need to prevent people being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.

Adoption of the International Holocaust Remembrance Alliance Definition of Antisemitism

International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism, which define antisemitism thus:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially
- but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

References

- Equality Act 2010
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Haringey Equalities Policy
- HMG National Prevent strategy, CONTEST, 2011
- Counter Terrorism and Security Act 2015