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To: Members of the Standards Committee

Date: 27 February 2020

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Dear Councillor

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 6 MARCH 2020** in **COUNCIL CHAMBER, RUSSELL HOUSE, RHYL, DENBIGHSHIRE, LL18 3DP**.

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 5 - 8)

To receive the minutes of the Standards Committee meeting held on 13 September 2019 (copy enclosed).

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK (Pages 9 - 24)

To consider a report by the Monitoring Officer (copy enclosed) informing members of the most recent edition of the Ombudsman's Code of Conduct Casebook.

6 CIVILITY IN PUBLIC LIFE (Pages 25 - 68)

To consider a report by the Monitoring Officer (Copy enclosed) and seek views about the UK wide Civility in Public Life campaign.

7 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 69 - 70)

To consider the Standards Committee Forward Work Programme (copy attached).

9 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 5 June 2020 in Meeting Room 4, County Hall, Ruthin.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraph "[Insert Number]" of Part 4 of Schedule 12A of the Act would be disclosed.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 71 - 84)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Ian Trigger (Chair)
Julia Hughes
Anne Mellor
Councillor Paul Penlington

Councillor Andrew Thomas
Peter Lamb
Gordon Hughes

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Wynnstay Road, Ruthin LL15 1YN on Friday, 13 September 2019 at 10.00 am.

PRESENT

Independent Members: Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb

Town / Community Council Member: Gordon Hughes

Councillor Andrew Thomas

ALSO PRESENT

Monitoring Officer (GW) and Democratic Services Manager (SP)

1 APOLOGIES

An apology for absence was submitted by Councillor Paul Penlington.

2 DECLARATION OF INTERESTS

Independent member Julia Hughes reminded the committee that she had a social association with the solicitor who represented Councillor Peter Duffy at the committee's hearing (in respect of the minutes of the hearing by the committee held on 24 June 2019 under item 4 of the agenda).

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 MINUTES

The draft minutes of the committee's meetings held on the 12 April and the 24 July 2019 (previously circulated) were submitted.

Matters arising

The Chair passed on his thanks to the committee officers and Business Support Unit staff who had prepared the committee's documentation for the hearing on the 24 July 2019. He also thanked the Monitoring Officer for his work in clarifying which facts were not disputed and areas that the committee needed to focus on during the hearing.

For formal code of conduct hearings similar to the July hearing Members suggested:

- Drawing up a document with the key actions and information a standards committee and supporting staff would need to know about to arrange and conduct a hearing.
- Recommending the use of a 'board room' layout for hearings as this relatively informal layout had worked well.
- The Monitoring Officer bring a report to a future meeting on the lessons learnt from the hearing.

The Monitoring Officer advised that Councillor Duffy had not appealed against the committee's decision.

RESOLVED that the minutes of the Standards Committee's meetings held on the 12 April 2019 and the 24 July 2019 be confirmed as correct records.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) introduced a report on the Public Services Ombudsman for Wales – Code of Conduct Casebook (previously circulated). The MO informed the Committee that the Casebook was intended to help members and others in considering whether circumstances that they were experiencing amounted to a breach of the Code. It also provided information about the way the Ombudsman and other standards committees in Wales dealt with cases.

The Chair queried how the casebook summaries were collated and thought that the lack of detail in places made them less useful than they could be. The MO confirmed that the Public Services Ombudsman for Wales produced the casebooks and the lack of detail was not likely to be due to data protection as the issues were probably well known locally. Cases that were not pursued would not have additional information.

RESOLVED that the Committee notes the information contained within the Code of Conduct Casebook.

6 ATTENDANCE AT MEETINGS

Independent member Anne Mellor reported on her attendance at the North Wales Standards Committees Forum in Mold on the 24 June 2019. She advised the committee that the Public Services Ombudsman for Wales, Nick Bennett, attended and delivered a presentation.

Mr Bennett's presentation included:

- The Ombudsman's new legislative powers relating to:
 - Acting on his own initiative without receiving a complaint
 - Powers to consider oral complaints
 - Considering private health complaints
 - The elderly, care homes and vulnerable people.
- The difference between friendly banter and bullying with guidance on this to be distributed later in the year.
- The importance of good leadership and mediation.

- The Ombudsman's opinion that the Standards regime was improving.

The Forum discussed the possibility of a joint Standards Committee, seeing this as a possibility but that further details would be required.

The Forum itself was to be renamed the Standards Forum for North and Mid Wales.

In respect of joint standards committees, the Monitoring Officer (MO) advised that merging two standards committees could be a viable option but merging more than two would probably require changes to the membership regulations to make them acceptable. He thought that there could be merit in joint working between standards committees even if there was no formal merger of committees. For example, the referral of a case to another standards committee that was better situated to take the case.

The 2019 report by the Committee on Standards in Public Life which reviewed local government ethical standards in England was raised, in respect of Flintshire's use of the report to improve standards there. The MO agreed to look at Flintshire's work for examples that could be useful in Denbighshire.

Committee members Anne Mellor and Julia Hughes had attended a meeting of Llanellidan Community Council held on the 2 May 2019 and provided the committee with a detailed verbal report on the proceedings.

The MO referred to information on dispensations previously circulated to city, town and community council clerks which he would re-circulate to them.

The Chair reported on a visit he undertook to Llandegla Community Council on the 4 February 2019.

Members discussed the important role of the clerk and the Welsh Government's hint clerks could be employed by the principal councils. The Chair suggested that some city, town and community councils seemed to be struggling as a result of overly-forceful opposition from local individuals to one-off issues.

The committee had previously decided to try and visit each city, town and community council in Denbighshire once every 3 or 4 years and members identified the next councils they intended to visit.

The MO agreed to enquire (when circulating the advice on dispensations) about the language choice used at meetings to assist committee members in their choice of visits.

The MO reported that Denbighshire County Council was holding an annual meeting with the city, town and community councils shortly and he could give a brief presentation on key standards. He also agreed that the committee's main observations following a visit could be sent to the relevant clerk and that he would enquire about the availability of any training opportunities provided by Denbighshire for city, town and community councils.

RESOLVED that the above-mentioned points be noted.

7 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer reported on the committee's forward work programme (previously circulated).

RESOLVED that the forward work programme be noted.

8 DATE OF NEXT MEETING

The next meeting of the Standards Committee was scheduled for the 6 December 2019 in conference room 1a, County Hall, Ruthin.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item of business because it was likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented a report (previously circulated) providing an overview of complaints lodged with the Public Services Ombudsman for Wales.

The MO reported on complaints submitted involving councils in Denbighshire, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales.

The MO confirmed that social-media related complaints were now the predominant source of complaints to the Ombudsman.

RESOLVED that the Standards Committee notes the contents of the report.

Report to	Standards Committee
Date of meeting	06 March 2020
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Public Services Ombudsman for Wales – Code of Conduct Casebook

1. What is the report about?

- 1.1. The report is about the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (the Ombudsman).

2. What is the reason for making this report?

- 2.1. To inform the Committee of the most recent editions of the Ombudsman's Code of Conduct Casebook.

3. What are the Recommendations?

- 3.1. That members of the Committee note the information contained within the Code of Conduct Casebook.

4. Report details

- 4.1. The Ombudsman has since 2013 produced a Code of Conduct Casebook (the Casebook). The Ombudsman had for some time previously produced a casebook relating to the complaints he investigated in respect of alleged maladministration by public bodies. Following calls for a similar approach to be taken with regard to code of conduct complaints, the Ombudsman began publishing the Casebook in 2013.
- 4.2. The Casebook was originally published twice a year, however the Ombudsman decided to produce the casebook on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the Ombudsman has completed an investigation during the relevant period.
- 4.3. The production of a Casebook is intended to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This is an extension of the publication of real life examples in the Ombudsman's Guidance on the Code.

- 4.4. The casebook also assists local authority Standards Committees by giving them access to information about the way in which other Standards Committees in Wales are imposing sanctions and disposing of cases and helps to explain why in some cases the Ombudsman may decline to investigate alleged breaches on the basis that previous similar allegations have not resulted in a sanction.
- 4.5. Appendix 1 to this report contains Issue 21 of the Casebook published in September 2019 covering the period April 2019 to June 2019. Members will note that there are five case summaries in this edition of the casebook, three of which resulted in a finding that there was no evidence of a breach, one that no action was necessary, and one which was referred to a Standards Committee. None of these cases relate to Councillors in Denbighshire.
- 4.6. Appendix 2 to this report contains Issue 22 of the Casebook published in October 2019 covering the period July 2019 to September 2019. There are twelve case summaries in this edition of the Casebook, five of which resulted in a finding that there was no evidence of a breach of the Code of Conduct and four that no action was necessary. There were two cases referred to a Standards Committee and one that was referred to the Adjudication Panel for Wales.
- 4.7. Of the cases in which no evidence of a breach was found, one related to a Denbighshire County Councillor and one to a member of Prestatyn Town Council. Both cases related to allegations regarding equalities and a failure to show respect and consideration.
- 4.8. One of the cases referred to a Standards Committee related to a member of Prestatyn Town Council who was found to have failed to show respect and consideration and to have brought the Council into disrepute. Members of the Committee will recall the hearing in held in respect of this matter and the sanction imposed of a four months suspension. Members will note that the other case referred to a Standards Committee during this same period involving a member of Neath Town Council also involved allegations of failing to show respect and consideration and resulted in the same sanction as that imposed by this Committee.
- 4.9. The one case that was referred to the Adjudication Panel for Wales involved a Councillor from Mathern Community Council. The Councillor had previously been before the Adjudication Panel for Wales in respect of comments made about homosexuality. The Adjudication Panel found the Councillor to have been in breach of the Code of Conduct and imposed a suspension upon him. At that hearing and in subsequent correspondence in response to the finding of the Panel, the Councillor repeated comments similar to those for which he had been suspended. The Ombudsman sought to make a further referral to the Panel in respect of these comments. The Panel dismissed the case on the basis that the Ombudsman could only investigate matters complained of by a third party, or matters which arose during an investigation. Since the second referral was not based on a third party complaint, and the comments had been made after the previous investigation had been concluded, the Panel determined that there was no basis in law for the second referral and dismissed the case.

- 5. How does the decision contribute to the Corporate Priorities?**
 - 5.1. The report has no direct impact on the corporate priorities.
- 6. What will it cost and how will it affect other services?**
 - 6.1. There are no costs directly associated with the report.
- 7. What are the main conclusions of the Well-being Impact Assessment?**
 - 7.1. This report does not require an impact assessment.
- 8. What consultations have been carried out with Scrutiny and others?**
 - 8.1. This matter has not been reported or consulted upon elsewhere.
- 9. Chief Finance Officer Statement**
 - 9.1. There are no direct financial consequences as a result of this report.
- 10. What risks are there and is there anything we can do to reduce them?**
 - 10.1. There are no risks directly associated with this report.
- 11. Power to make the decision**
 - 11.1. There is no decision required.

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The Code of Conduct Casebook

Issue 21 September 2019

Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers April to June 2019.

The Code of Conduct Casebook

Issue 21 September 2019

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Case summaries

No evidence of breach

Sully and Lavernock Community Council - Disclosure and registration of interests

Case number: 201802547 - Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct. It was alleged that, despite being aware that a grievance had been submitted to the Council about his behaviour, the Member had failed to declare an interest when those matters were discussed in Council meetings.

In addition to the evidence provided by the complainant, information was also sought from the Council, the County Council and the Member. Having reviewed the information available, the Ombudsman found that there was no evidence of a breach of the Code of Conduct.

Amlwch Town Council – Promotion of equality and respect

Case Number: 201802863 – Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Amlwch Town Council ("the Council") had breached parts of the Code of Conduct in his conduct towards the Council's Clerk at a meeting.

The Ombudsman investigated whether the Member had breached parts of the Code in relation to showing respect and consideration, not use bullying behavior or harass any person, and not conduct yourself in a manner which could reasonably be regarded as bringing their authority into disrepute.

The Ombudsman investigated a selection of those present at the meeting, including members of the Council and members of the public. The evidence did not support the complaint.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman Concluded that there was no evidence to suggest that the Member had failed to comply with the Code of Conduct

Powys County Council – Promotion of equality and respect

Case Number: 201803813 & 201803815 – Report issued in May 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had continuously made comments to the press about the complainant's business, which caused the complainant to feel bullied and harassed.

During the course of the investigation, information was provided by relevant parties including the complainant and the Monitoring Officer.

The Ombudsman found that there was no evidence of a breach of the Code of Conduct. The matters referred to by the complainant were accurate and in the public domain. There was no evidence which was suggestive that matters had been leaked to the press by the Member.

No action necessary

Magor with Undy Community Council – Integrity

Case Number: 201807788 – Report issued in May 2019

The Ombudsman received a complaint that a Member (“the Member”) of Magor with Undy Community Council (“the Council”) had breached the Code of Conduct when he organised the transfer of Council data to an external, electronic storage application. It was alleged that the Member acted improperly to persuade Council staff to grant access to the Council’s files, and inappropriately accessed the information which was available during the file transfer process.

Having been informed, during the course of the investigation, that the Member had resigned from the Council, the Ombudsman concluded that the complaint no longer satisfied the public interest requirements of the two-stage test and the investigation was discontinued.

Referred to Standards Committee

Cwmllynfell Community Council– Promotion of equality and respect

Case Number: 201704948 – Report issued in May 2019

The Ombudsman received a complaint that a Member (“the Member”) of the Cwmllynfell Community Council (“the Councillor”) displayed disrespectful and bullying behaviour towards the Clerk (at the time) at two meetings.

The Ombudsman found that there was evidence to suggest that the Member had failed to show respect and consideration to the former Clerk when raising matters of a personal nature, which did not relate to the performance of the Clerk’s duties, during the second meeting which was open to the public. The Member’s actions were considered to be contrary to one of the Council’s Standing Orders. The Ombudsman found also that there was evidence to suggest that the Member had displayed bullying behaviour towards the Clerk at this meeting.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council’s Standards Committee.

The Standards Committee determined that the Members conduct in respect of the second meeting was in breach of paragraphs 4(b) and 4(c) of the Council’s Code of Conduct. In addition, the Standards Committee found that in behaving in this way during this meeting that the Member had also brought the office of member into disrepute in breach of paragraph 6(1)(a). The Standards Committee issued a censure to the Member for the breaches of the Code found.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding.

The Code of Conduct Casebook

Issue 22 October 2019

Introduction

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Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers July to September 2019.

The Code of Conduct Casebook

Issue 22 October 2019

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Case summaries

No evidence of breach

Caia Park Community Council - Disclosure and registration of interests

Case number: 201805133 - Report issued in July 2019

The Ombudsman received a complaint that a Member ("the Member") of Caia Park Community Council ("the Council") had breached the Code of Conduct for members, in October 2018, when they submitted an application for funding for a community project, in which they had an interest, which was above the Council's agreed limit, against the advice of the Clerk. It was alleged that the Member's behaviour could bring the Council into disrepute.

The investigation established that the Clerk had advised that the Council could consider an application for funding above the agreed limit. The Member declared an interest and there was no evidence that they sought to influence the decision making. Therefore, the Ombudsman found that there was no evidence that the Member had breached the Code of Conduct.

Powys County Council - Accountability and openness

Case Number: 201803272 – Report issued in August 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct ("the Code") in relation to the connection of water supplies to two of his properties and in respect of his actions in relation to his caravan site.

An investigation was commenced to consider whether the Member had breached the part of the Code relating to disrepute. Copies of relevant documents were obtained. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The Ombudsman determined there was no evidence to suggest that the Member had breached the Code.

Denbighshire County Council - Promotion of equality and respect

Case Number: 201900044 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Denbighshire County Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that there was no breach of the Code of Conduct.

Prestatyn Town Council - Promotion of equality and respect

Case Number: 201900045 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Prestatyn Town Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, the Clerk to the Council and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that

there was no breach of the Code of Conduct.

[Sully and Lavernock Community Council - Duty to uphold the law](#)

[Case number: 201900025 - Report issued in September 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct when he allegedly physically attacked someone.

The Ombudsman's investigation was suspended pending the outcome of a criminal prosecution made against the Member in relation to the incident. The case was heard by the Magistrates Court; there was no direct witness evidence to the alleged incident and the Member was found not guilty. Therefore, the Ombudsman did not consider that the evidence suggested that the Member had breached the Code of Conduct in this case. The Ombudsman's finding under s69(4)(a) of the Local Government Act 2000 was therefore that there was no evidence that the Member had failed to comply with the Code.

No action necessary

[Llandrindod Wells Town Council - Promotion of equality and respect](#)

[Case number: 201803394 - Report issued in July 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Llandrindod Wells Town Council ("the Council") had inappropriately accessed the Council's computer, withheld information gathered from it from the Council and failed to declare a personal and prejudicial interest in matters the Council was considering. It also alleged that the Member had engaged in bullying behaviour towards the Clerk at two meetings, in particular.

The investigation considered whether the Member might have breached paragraphs 4(b) and (c), 5(b), 7(a), 11 and 14 of the Code of Conduct. Copies of relevant documents, including the approved minutes of the two meetings, were obtained and telephone interviews were conducted with relevant witnesses. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The investigation found that the evidence did not suggest the Member had acted in a bullying manner, prevented the Council from obtaining access to information to which it was entitled or used his position improperly. The Member was entitled to comment on matters to do with the Council and had legitimate grounds for his actions.

The investigation found evidence that the Member had failed to show due respect and consideration to the Clerk at one meeting, and that he had failed to take appropriate action in respect of a personal and prejudicial interest. However, the Member had been acting in good faith and in the best interests of the Council. In addition, he demonstrated a reasonable level of personal reflection since the time of the events. The Ombudsman found that, therefore, no action needed to be taken in respect of the matters investigated

[Bridgend Town Council - Disclosure and registration of interests](#)

[Case number: 201707582 - Report issued in September 2019](#)

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member failed to show respect and consideration during the meeting and behaved in a bullying manner towards the Clerk to the Council.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.

The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations were also suggestive of a failure to comply with the relevant provisions of the Code. Further, the Ombudsman determined that the evidence was suggestive that the Member failed to show respect and consideration to the Clerk during that meeting.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time, the mitigation provided by the Member and recent evidence confirming a significant improvement in working relationships within the Council. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

[Bridgend Town Council - Disclosure and registration of interests](#) [Case number: 201707583 - Report issued in September 2019](#)

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member had used his position improperly in an attempt to gain an advantage for himself or his close personal associates.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.

The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations are also suggestive of a failure to comply with the relevant provisions of the Code. However, the Ombudsman was not persuaded that the evidence was suggestive that the Member used his position in an attempt to gain an advantage as suggested.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time and the mitigation provided by the Member. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

[Trefeurig Community Council - Disclosure and registration of interests](#) [Case number: 201806748 - Report issued in September 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Trefeurig Community Council ("the Council") had breached the Code of Conduct. It was alleged that, during a discussion about a planning application for a local development, the Member failed to declare an interest in the matter.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Clerk to the Council.

The Ombudsman found that no action needed to be taken in respect of the matters investigated.

Referred to Standards Committee

[Prestatyn Town Council - Promotion of equality and respect](#) [Case number: 201700947 – Report issued in July 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Prestatyn Town Council

("the Council") may have used threatening and abusive behaviour towards a fellow member of the Council and behaved in an aggressive and confrontational manner at two Council meetings in November 2016 and May 2017.

The Ombudsman obtained relevant information about the matter from the Council and interviewed a number of witnesses. The Member was interviewed and provided his response to the complaint. Having considered the evidence the Ombudsman found that there was evidence to suggest that the Member may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

The Standards Committee determined that the Member failed to show respect and consideration to Police Officers who were in attendance at the meeting in November 2016 and towards his fellow member in the meeting in May 2017. In addition, the Standards Committee found that the Members behaviour at both meetings was capable of bringing the Council into disrepute.

The Standards Committee decided that on the basis of the findings reached that the Member should be suspended from office of member of the Council for a period of four months.

[Neath Town Council - Promotion of equality and respect](#)

[Case number: 201707990 – Report issued in July 2019](#)

On 21 March 2018, I received a complaint that a member of the Council ("the Member") failed to observe the code of conduct for members of Neath Town Council ("the Council"). It was alleged that the Member had commented that a Neath resident had deserved to be murdered.

The investigation found that the Member's unsolicited comments about the victim were both disrespectful and distasteful and, whilst it may have been the member's private opinion, there was no reason for it to have been expressed publicly. In view of the effect of the Member's comments on the citizens of Neath Town Council, many of whom believe that the Member is no longer a suitable representative, and the effect on the reputation of the Town Council itself, the Ombudsman concluded that the Member may have breached paragraph 6(1)(a) of the Code of Conduct.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council's Standards Committee. The Standards Committee found that the Member had breached the Code of Conduct and she was suspended for four months.

Referred to Adjudication Panel for Wales

[Mathern Community Council - Promotion of equality and respect](#)

[Case number: 201802799 – Report issued in July 2019](#)

During a public hearing of the Adjudication Panel For Wales held on 19 July 2018, a member of Mathern Community Council ("the Member") made a statement which he followed up with a letter to the Adjudication Panel. Both the statement and the letter contained language either the same as or similar to language which the Adjudication Panel had advised him would amount to a breach of the Code of Conduct.

The Ombudsman decided to investigate whether the Member's actions amounted to a breach of paragraph 6(1)(a) of the Code of Conduct on the basis that the matter had come to his attention as a result of the investigation which was being heard by the Adjudication Panel for Wales on 19 July.

The Ombudsman considered that a reasonable person would conclude that the Member actions affected the reputation of both the Office of Member and the Authority of which he is a member and that they may amount to a breach of paragraph 6(1)(a) of the Code of Conduct. The Ombudsman also considered that any restriction of the Member's right to freedom of expression under article 10 of the Human Rights Act, would be necessary for the protection of the rights and interests of others.

The Ombudsman referred the matter to the Adjudication Panel for Wales. However, on 17 July 2019 the Adjudication Panel determined that the matter did not come to the Ombudsman's attention as a result of the investigation heard on 19 July 2018 as that investigation concluded on 20 December 2017 (when the matter was referred to the Adjudication Panel for Wales) and determined it would therefore not consider the case. No further action was taken.

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Report to	Standards Committee
Date of meeting	6 March 2020
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Civility in Public Life

1. What is the report about?

- 1.1. The report is about the UK wide Civility in Public Life campaign coordinated by the Local Government Association (LGA), the Welsh Local Government Association (WLGA), the Convention of Scottish Local Authorities (COSLA) and the Northern Ireland Local Government Association (NILGA).

2. What is the reason for making this report?

- 2.1. To inform members of the Committee of the campaign and to seek the Committee's views on the draft programme of activities attached as Appendix 3

3. What are the Recommendations?

- 3.1. That the Committee considers and provides comments upon the draft action plan attached as Appendix 3 to this report

4. Report details

- 4.1. In July 2019 the WLGA Executive Board discussed concerns about the increase in abuse and intimidation of councillors in particular in online news comments sections and social media. The WLGA launched a Councillors Guide to Handling Intimidation later in 2019. A copy of the guide is attached as Appendix 1 to this report.
- 4.2. The four organisations representing local authorities across the United Kingdom referred to in paragraph 1.1 above have subsequently agreed to jointly develop a

Civility in Public Life campaign. The campaign was officially launched in London in December 2019.

- 4.3. The campaign aims to address the intimidation of councillors and local government officers, standards of public and political discourse, standards of conduct in public office, and to provide support to councillors and officers.
- 4.4. The campaign has three themes, namely, Prevention, Support and Intervention, and Challenge. More detailed information about these themes can be found in a report to the WLGA Executive Board in January 2020, a copy of which is attached to this report as Appendix 2.
- 4.5. The four local government associations referred to in paragraph 1.1 above are now working on action plans within these broad themes. A draft action plan is attached as Appendix 3 to this report. Members are asked to consider the action plan and provide any comments on it which can be fed back to the WLGA.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The report has no direct bearing on the corporate priorities but a reduction in the abuse and intimidation of councillors and officers, and a higher standard of public discourse is conducive to good government.

6. What will it cost and how will it affect other services?

- 6.1. There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. There is no requirement for an assessment.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. There has been no consultation with Scrutiny. The views of the Democratic Services Committee will also be sought.

9. Chief Finance Officer Statement

- 9.1. There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no risks directly associated with this report

11. Power to make the decision

11.1. There is no decision required.

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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 both 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, both face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved and 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. But 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 numerous and diverse local communities, ensuring that local 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 or deter participation in public debate, which could lead to an individual wanting to withdraw from public life”.

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. Regardless of what others may think, if it is having an effect on you, 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
- Contact with unknown or anonymous individuals should be undertaken with care

General advice

Below are a suggested set of actions that you could undertake if you consider 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 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 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. Much of this is common sense, but we hope the reminders will prove useful.

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 Councillors are encouraged to:

- assess the risks to personal 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 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

1.3 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.

1.4 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.

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 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
 - 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 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
 - take a 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 you 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
- 7.5 If you believe you are safe, 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 colour-code 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 www.gov.uk/government/publications/recognising-the-terrorist-threat.
- 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
- Social media is always on, so consider setting personal limits and establishing your own routine
- Councillors are subject to the council's code of conduct when using social media

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.

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 a '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 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 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.

With respect to 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 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 councillors, are unfortunately increasingly the subject of online abuse, bullying and harassment on social media. See our section on handling abuse on social media 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 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 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 or allowing to be published (in the form of a comment) 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 settings 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 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.

1.4 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.

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 diffuse 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 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 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 on Facebook to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow councillors or your local council, and some 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 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 postings 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' but does take action around 'credible threats' and 'hate speech'.

There are 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.

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, 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 the range of offences classed as intimidatory offences. These range from face-to-face encounters to online activity. The guide includes a more detailed explanation of the offences.

Offence	Legislation	Comment
The Act defines anti-social 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

Offence	Legislation	Comment
		indecent, obscene or menacing character.
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.
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 – Section 2A	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

Offence	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”
Possible future legislation		
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

Offence	Legislation	Comment
Action to regulate 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 to 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 or 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 evolves 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 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 a number of 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 a period of 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 own policies, procedures and regular briefings to assist councillors experiencing intimidation

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.

- 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 the 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.

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.

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

Personal safety for elected members, the LGiU

<https://www.lgiu.org.uk/essentialguide/personal-safety-for-councillors/>

Social Media: a guide for councillors, WLGA

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344>

Social Media Policy for Councillors, Ashfield District Council

<https://www.ashfield.gov.uk/media/4412/social-media-policy-for-councillors-agm-may-2018.pdf>

Councillors guide to handling online abuse, March 2018, WLGA

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>

Ward Work- guidance for councillors, Medway Council

https://www.medway.gov.uk/downloads/file/660/ward_work_-_guidance_for_councillors

Advice for elected and prospective councillors, Data Protection Act, ICO

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

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/>

LINKS TO KEY SOCIAL MEDIA:

Facebook policies and guidelines

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

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/managing-your-account/suspended-twitter-accounts> - account suspension on twitter as a punishment

Digital citizenship

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

www.securedbydesign.com

NaTSCO

www.getsafeonline.org

helping young people stay safe online - www.thinkuknow.co.uk

WLGA Executive Board

31st January 2020

CIVILITY IN PUBLIC LIFE CAMPAIGN

Purpose

1. To update members on the UK-wide Civility in Public Life campaign coordinated by the LGA, WLGA, COSLA and NILGA.

Background

2. Across the UK, there are growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on our country's democratic processes.
3. In July 2019, the WLGA Executive Board discussed concerns about the increase in abuse and intimidation for councillors, particularly online and via online news comments sections. Leaders were keen that the WLGA take proactive action and the former WLGA Leader, Baroness Wilcox of Newport, launched a joint WLGA/LGA Councillors Guide to Handling Intimidation at the LGA Annual Conference 2019.
4. Following these discussions and subsequent agreement at the UK Forum hosted by the WLGA in November, the Civility in Public Life campaign has been developed.
5. The Civility in Public Life campaign is a joint initiative, led by the LGA, with the WLGA, COSLA (Convention of Scottish Local Authorities) and NILGA (Northern Ireland LGA) as partners. The programme was officially launched on the 16th December 2019 in London with Cllr Jane Mudd, WLGA Deputy Presiding Officer representing the WLGA.
6. The purpose of the campaign is:
 - to address the intimidation of local government members and officers;
 - to address standards of public discourse;
 - to address standards of political discourse and behaviour in public office; and
 - to provide support and advice to councils and councillors.
7. The campaign has three main themes which will serve as the foundations for future action:
 - 7.1 Prevention** - Support and guidance for authorities and research into the prevalence, impact, good practice and international action on the intimidation of those in public office.

7.2 Support and Intervention- Development of policy and legislative proposals that address intimidation and standards of public discourse, particularly with a view to gaining a more consistent and robust response from the Police and Crown Prosecution Service. This also includes the proposal for a new criminal offence for intimidating a person in public office, engagement with Police and Crime Commissioners and exploring the potential for an informal council duty of care towards councillors.

7.3 Challenge – A Pan UK commitment to call out and challenge instances of intimidation and abuse of politicians.

8. The WLGA has already produced guidance for members on bullying, harassment and personal safety and is continuing to work with Heads of Democratic Services to encourage more practical support for members. Councils are providing councillors with access to staff counselling services and working with the police locally to ensure support is in place.
9. The WLGA will also seek an all Wales commitment from editors to set out clear standards, moderate comments and adopt a zero-tolerance stance on abuse in the online media.
10. A core priority for the LGA in England is to revise the English Councillors' Code of Conduct through the campaign following a recent Committee on Standards in Public Life report. The English code is inconsistent and less robust than the statutory code applicable in Wales.
11. Welsh councils have also introduced local resolution processes, whereby 'lower level' councillor-on-councillor complaints can be dealt with informally within the council (sometimes via Monitoring Officers, Group Leaders or the Chair) and sanctions include a public apology or training.
12. The Local Government and Elections (Wales) Bill also proposes the introduction of a new duty that leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. The WLGA supports this proposal.

Online Abuse and Intimidation

13. In the Queen's Speech in December, the UK Government committed to introducing Online Harms legislation to protect children and vulnerable adults from digital threats. This will establish a new statutory duty of care to make online companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services, which will be overseen and enforced by an independent regulator.

14. This follows on from the Online Harms White Paper earlier in 2019. In response to the White Paper, the LGA called for proposed action to protect MPs from harassment and abuse to extend to and include protections for local councillors; it is unclear at this stage whether the proposed legislation will include these protections.
15. As part of its ongoing review into 'Intimidation in Public Life', the Committee on Standards in Public Life has received correspondence in December from Google, Facebook and Twitter¹.
16. Although there remain significant concerns about online abuse and intimidation, the correspondence demonstrates some improvements and a commitment from social media companies to deal with concerns. For example, Twitter reports improved responses dealing with concerns, complaints and referrals, the launch in November of the option for users to hide replies to their tweets and a new tool for the UK General Election that enables people to report deliberately misleading information about the voting process.

Next Steps

17. Feedback from the launch event, recent regional Diversity workshops in Wales and the discussions at the WLGA's Diversity in Democracy Working Group has outlined some early suggestions for action, including:
 - Political parties to act within council political groups where standards of conduct are not always adhered to;
 - Woman councillors to be supported due to the prevalence of abuse towards women;
 - Senior councillors to model appropriate behaviour. This was a theme emerging from the LGA launch, but is also relevant in Wales given the proposed new duty on Group Leaders, which is yet to be developed
 - Councils to clearly state that they will not tolerate abuse towards elected members in the same way as they would, for example, for front line staff; and
 - Councils committing to a duty of care for councillors, including support around mental wellbeing and provision personal safety training and equipment for members.
18. The four Associations are now working together to develop action plans within the three themes of Prevention, Support and Intervention and Challenge.

¹ <https://www.gov.uk/search/all?organisations%5B%5D=the-committee-on-standards-in-public-life&order=updated-newest&parent=the-committee-on-standards-in-public-life>

Recommendations

19. Members are recommended to:

- 19.1 Support the UK Forum Civility in Public Life Campaign; and
- 19.2 Consider what actions or priorities should feature in the developing WLGA and/or UK Forum action plans

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DRAFT – FOR VIEWS

Summary proposed next steps Civility in Public Life pan-UK programme

January 2020

Programme

This section sets out proposed joint deliverables that the four Associations (LGA, WLGA, COSLA and NILGA) could collaborate on, with indicative timescales.

Raising the profile of the issue

Deliverable	Details	Timeframe
Shared statement on intimidation of councillors	A statement or joint letter for all Governments to highlight the pan-UK and cross-party concern about intimidation of councillors and its impact on local democracy.	w/c 23 March 2020 (before England local elections pre-election period begins)
Round table event on intimidation/civility in public life	Attended by representatives from each of the Associations and their corresponding government department or spokesperson. Other invitees could include Crown Prosecution Service, Police, organisations such as the Jo Cox Foundation, etc. Purpose would be to raise the profile and gain support for improved interventions to stop public intimidation of public figures.	End May 2020 Proposed location – Manchester (AGMA have been undertaking a special project to develop protocols to better support councillors and officers experiencing intimidation)
Councillor and senior officer survey across the nations	To understand the nature, severity and impact of intimidation, as well as examples of support and good practice. Provides a baseline for measuring the impact of the work.	4 week availability - to close with the England local elections pre-election period. Out 27 February 2020. LGA has working draft.
Social media campaign #debatenothate #grasnidcas (Cymraeg)	To raise the profile of the impact that intimidation and abuse of councillors has and to promote alternative methods of engagement with councillors.	To launch at an Association's annual conference. E.g. LGA annual conference beginning July 2020.

Support and guidance for councils

It is proposed that the LGA engage the organisation "[Fix the Glitch](#)" to help develop resources for councillors and councils to address intimidation and threats online.

Deliverable	Details	Timeframe
Online intimidation and abuse statement (bilingual) for use on councillor social media and council websites	The development of a model 'rules of engagement' that councillors and councils can place on their website that sets out the expected behaviours from those looking to engage with councillors and the council on social media. It aims to indicate to the public what acceptable online engagement is and to empower councillors and councils to protect themselves online.	Launch w/c 23 March 2020
Review of LGA/WLGA guide on handling intimidation	To ensure it is updated with any new developments and is available for councillors and candidates before the next local elections.	W/c 23 March 2020
Development of detailed resources for councillors and councils on handling online intimidation and abuse; including digital citizenship, online safety and security; rights, etc.	Resources that can be held on the Associations websites and also used as part of training programmes.	Launch at LGA annual conference 30 June 2020
Training pack for associations to use with councillors on personal safety and security	To help councillors mitigate the risk of physical assault, violence, stalking, intimidation, threats and unwanted attention, etc	W/c 18 May 2020 – shortly after England local elections
Guidance for councils on developing an informal 'duty of care' ethos towards councillors	To set out information for councils on how they can support their councillors, with the aim of mitigating concerns over political interference, etc.	July 2020
Training pack for Associations to use with councillors on conduct/debate/civility	The LGA are exploring this to complement the work they are doing on the review of the English code of conduct and there could be transferable resources. <i>Any LGA resources would need to be adapted to reflect the Welsh Code of Conduct as well as Local Resolution Processes</i>	September 2020
Guidance on dealing with social media-spread misinformation	To support councils in tackling the loss in public trust when statements that	October 2020

	are untrue are widely circulated on social media	
Wales Specific - Guidance/Support for Group Leaders and the proposed new duty to promote standards	Working with WG to develop guidance to support Group Leaders in promoting high standards, including setting expectations, constructive and positive group culture, challenging poor behaviour and providing support where necessary.	April 2021

Government (s) lobbying

Online harms white paper	This White Paper sets out plans for a new system of accountability and oversight for tech companies. This includes a new regulatory framework for online safety. This will be overseen by an independent regulator. The LGA has responded to consultation highlighting the issue of intimidation of councillors, alongside its position regarding online child sexual exploitation and counter-extremism. This provides an opportunity for lobbying for greater safeguards to protect councillors from online intimidation and abuse.	Determined by UK Government
Cabinet Office 'defending democracy' programme	The Cabinet Office is working on a 'defending democracy' programme, which includes the intimidation and safety of politicians as well as the spread of misinformation. Covers electoral security and protocols.	Determined by UK Government <i>WLGA to approach Welsh Government and National Assembly about adopting/adapting a similar scheme?</i>
Cost to councils and councillors	There will be a cost implication to councillors and councils in terms of the additional security arrangements needed, time spent dealing with intimidation and harassment, installation of panic alarms, additional security, etc. Also in terms of days lost due to impact	Costs can be asked as part of survey work. Deliverability dependent on results of research and survey. The Independent Remuneration Panel in Wales has confirmed that costs for members' personal security measures is legitimate expenditure.

	on mental health and mental health overall..	
New or extended criminal offence for intimidating a person in public office?	To be explored and debated further.	

Summary of key dates

England

- Thursday 7 May – local elections
- Tuesday 30 June – Thursday 2 July – LGA annual conference

Wales

- 26th June - WLGA AGM
- End of September/End of November – WLGA Annual Conference
- 14th-18th October – Democracy Week

STANDARDS COMMITTEE FORWARD WORK PROGRAMME

PLEASE NOTE AGENDA TO BE CIRCULATED 1 WEEK IN ADVANCE OF MEETING

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
05 June 2020	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

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By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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