

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	17 November 2020
<b>REPORT OF:</b>	Sandra Stewart – Executive Director Governance & Resources (Monitoring Officer)
<b>SUBJECT MATTER:</b>	<b>CIVILITY IN PUBLIC LIFE</b>
<b>REPORT SUMMARY:</b>	<p>Increasing intimidation of politicians and increasing toxicity of public debate is having an impact on the democracy of our country. 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. In response, the LGA is working closely with WLGA, COSLA and NILGA to coordinate a programme of work entitled '<i>Civility in public life</i>', primarily aimed at</p> <ul style="list-style-type: none"> <li>• articulating good standards for anyone engaging in public and political discourse</li> <li>• understand the scale and impact of intimidation and abusive behaviour on our membership organisations, and develop recommendations for achieving positive debate and public decision-making on a local level</li> <li>• to support elected members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities</li> </ul> <p>The LGA has published some <u>practical steps</u> that councillors and councils can take to protect themselves as a person in a public position in a <b>Councillors' guide to handling intimidation (Appendix A)</b>.</p> <p>In addition the Lawyers in Local Government published their <b>social media toolkit</b> on the 26 of August, a copy of which is at <b>Appendix B</b>. The toolkit is a comprehensive guide that covers all aspects of issues that may arise from the use of social media.</p>
<b>RECOMMENDATION(S)</b>	That the LGA Councillors' guide to handling intimidation (Appendix A) and the Lawyers in Local Government published their social media toolkit (Appendix B) be shared with all elected councillors to support them in their roles.
<b>FINANCIAL IMPLICATIONS:</b> (Authorised by Borough Treasurer)	There are no significant financial issues arising from this Report.
<b>LEGAL IMPLICATIONS:</b> (Authorised by Borough Solicitor)	The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.
<b>RISK MANAGEMENT:</b>	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.

**LINKS TO COMMUNITY  
PLAN:**

Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.

**ACCESS TO INFORMATION**

**NON-CONFIDENTIAL**

**This report does not contain information which warrants its consideration in the absence of the Press or members of the public**

**REFERENCE DOCUMENTS:**

The background papers relating to this report can be inspected by contacting the report writer, Sandra Stewart, the Council's Borough Solicitor and statutory Monitoring Officer by:



Telephone: 0161 342 3028



e-mail: [Sandra.Stewart@tameside.gov.uk](mailto:Sandra.Stewart@tameside.gov.uk)

## **1. COUNCILLORS' GUIDE TO HANDLING INTIMIDATION**

- 1.1 The LGA recognise the growing need among councillors for support related to intimidation, and have jointly developed a 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.
- 1.2 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.
- 1.3 Becoming and serving as a councillor is a responsibility, a privilege and a hugely rewarding undertaking. We are all 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.
- 1.4 We are also aware that the growth in public intimidation is putting people off standing as local councillors. This is of concern to the LGA, an organisation representing local government, as it should be to everyone.
- 1.5 The LGA want to encourage more people to stand as councillors as part of their *Be a Councillor* campaign. We all recognise 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.
- 1.6 The guide produced by the LGA is not designed to alarm, but to suggest some steps to Councillors and the Council to support Councillors to ensure that individuals and the council can undertake to protect a person in a public position, and how to respond should an incident occur.
- 1.7 In the guide the LGA 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*”.
- 1.8 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.
- 1.9 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.

## **2. SOCIAL MEDIA TOOLKIT**

- 2.1 The Lawyers in Local Government recognise that the growing use of social media places additional pressure on Monitoring Officers to advise officers, councillors, and their authority on a range of legal implications based on wide-ranging posts, tweets and commentary published in the public domain.

- 2.2 Whilst the world under lockdown becomes increasingly virtual, social media has become centre stage in both personal and private lives leading to often complex and wide-ranging legal advice. How do we best manage social media from a governance and operational perspective? How do we work out what presents risk and how can that risk be mitigated?
- 2.3 There are all too many examples of social media causing embarrassment or loss of reputation. However, there is also a darker side to social media which has increased over recent years. Malicious abuse, threats of violence and harassment are unfortunately, all too prevalent across virtual platforms.
- 2.4 The Committee on Standards in Public Life's review on 'Intimidation in Public Life' (2017) stated:

*"The vitality of our political culture depends upon free and vigorous expression of opinion, and it is crucial that this freedom is preserved. The increasing prevalence of intimidation of Parliamentary candidates, and others in public life, should concern everyone who cares about our democracy. This is not about defending elites from justified criticism or preventing the public from scrutinising those who represent them: it is about defending the fundamental structures of political freedom".*

This is a position that LLG takes seriously, and one that we should all agree with.

- 2.5 The Lawyers in Local Government intend that this toolkit will support Monitoring Officers in providing advice to their officers and members covering Defamation, abuse, standards, employment law, data protection, indemnities and guidance for councillors, it provides a comprehensive useful guide to an increasingly complex area.

### **3. RECOMMENDATION**

- 3.1 As set out at the front of the report.