



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Philippa Gibbs  
*philippa.gibbs@bromley.gov.uk*

DIRECT LINE: 020 8461 7638

FAX: 020 8290 0608

DATE: 3 December 2021

To: Members of the  
**STANDARDS COMMITTEE**

Councillor Nicholas Bennett MA J.P. (Chairman)

Councillor Vanessa Allen (Vice-Chairman)

Dr Simon Davey, Councillor Melanie Stevens, Councillor Michael Tickner and  
Councillor Stephen Wells

A meeting of the Standards Committee will be held at Bromley Civic Centre on  
**MONDAY 13 DECEMBER 2021 AT 7.00 PM**

**PLEASE NOTE:** This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting: you can ask questions submitted in advance (see item 4 on the agenda) or just observe the meeting. There will be limited space for members of the public to attend the meeting – if you wish to attend please contact us, before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.

TASNIM SHAWKAT

Director of Corporate Services & Governance

## **A G E N D A**

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

**3 MINUTES OF THE MEETING HELD ON 15 JULY 2021 (Pages 1 - 8)**

**4 QUESTIONS \***

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically on reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by **5pm on Tuesday 7<sup>th</sup> December 2021.**

**5 MONITORING OFFICER'S GENERAL REPORT (Pages 9 - 58)**

**6 PROBITY IN PLANNING (Pages 59 - 66)**

## STANDARDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 15 July 2021

### Present:

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillor Vanessa Allen (Vice-Chairman)  
Dr Simon Davey, Councillor Melanie Stevens and  
Councillor Michael Tickner

### 1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Vanessa Allen proposed that Councillor Nicolas Bennett be appointed Chairman. The motion was seconded by Councillor Stevens and Councillor Bennett was duly elected Chairman.

Councillor Bennett proposed that Councillor Vanessa Allen be appointed Vice-Chairman. The motion was seconded by Councillor Tickner and Councillor Allen was duly elected Vice-Chairman.

**RESOLVED: That Councillor Nicholas Bennett be appointed Chairman and Councillor Vanessa Allen be appointed Vice-Chairman.**

### 2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stephen Wells and Mr Ken Palmer.

### 3 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

### 4 MINUTES OF THE MEETING HELD ON 2 MARCH 2021

The minutes of the meeting held on 2 March 2020, were agreed and signed as a correct record.

### 5 QUESTIONS

No questions were received.

**6 DISCUSSION WITH THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND THE ASSISTANT DIRECTOR FOR PLANNING**  
**Report CSD21068**

At the last meeting it was recognised that a large proportion of Code of Conduct Complaints related to planning matters. It was therefore agreed that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the next meeting of the Standards Committee on 15 July 2021. It was further agreed that the discussion should centre around the report of the Planning Advisory Service and the Council's existing Planning Protocol.

The Chairman welcomed Councillor Alexa Michael (Chairman of the Development Control Committee) and Mr Tim Horsman (Assistant Director for Planning) to the meeting.

The Chairman of the Development Control Committee confirmed that practically all of the initial recommendations from the Planning Advisory Service (PAS) had been accepted and a Local Planning Protocol had been developed, endorsed by Full Council and now formed part of the Council's Constitution. The Chairman of the Development Control Committee addressed each of the recommendations made by the PAS and provided an update on the progress that had been made.

The Chairman of the Development Control Committee was pleased with the revised format of committee agendas and the improved quality of committee reports. Progress had also been made in reducing the number of applications being referred to Committee.

The principle of Officer presentations had been accepted but had not been advanced as much as it could have been. The PAS had confirmed that they considered that this would be of benefit and was therefore something to be developed.

The Committee noted that planning training for Members was provided but this stopped short of being mandatory. The Chairman of the Development Control Committee stated that in her opinion when Members chose to sit on a planning committee they should take all the available training.

The Assistant Director for Planning highlighted that Appendix 9 of the report (Page 85) provided a useful up-to-date summary of the current position with respect to the recommendations from the PAS. It was also noted that the PAS were currently undertaking a further review.

A Member noted that Planning Committees were a difficult "grey" area for Members to navigate as decisions were often subjective and it was not possible to please all those party to a planning application. There was a need for the Standards Committee to focus on the issues of Member integrity and the public perception of Member integrity. It was noted that there had been a

number of challenging applications and there was a need to improve the public perception of the planning system in Bromley.

A Member noted that the PAS report contained some very strong recommendations yet there appeared to be very little reference to these recommendations in the Local Planning Protocol. The Chairman of the Development Control Committee responded that the intention had been for the Local Planning Protocol to address the recommendations in the PAS report. It was noted that the Protocol could be revised where Members felt that there were areas that could be strengthened. The Chairman of the Development Control Committee explained that the Local Planning Protocol was primarily about the way in which the committees were run and how members should behave rather than the decisions that were taken as these were often based on planning policies and principles. The development of a Local Planning Protocol was one of the recommendations made by the PAS. The Independent Person suggested that the Local Planning Protocol should cover all areas of governance and it was therefore a significant omission if the protocol did not guide on decision making. It was suggested that it may be helpful to strengthen the Protocol to include more information to support Members to take effective decisions. In response, the Chairman of the Development Control Committee clarified that the Planning Protocol did set out the procedure for decision making whilst highlighting that it was the responsibility of individual members to be as fully informed as possible. It was the personal view of the Chairman of the Development Control Committee that it would be helpful for Officers to make more open recommendations for the more contentious applications. This would then highlight when applications were more finely balanced as planning was a question of judgement.

A Member highlighted that the *Probity in Planning* document underpinned both the PAS report and the Local Planning Protocol. The Member reported that she had been interviewed both as part of the initial PAS review and for the follow-up review. In the second interview the Member had the impression that the PAS had been surprised by the lack of implementation of the recommendations and the Member could only assume that there had not been a will amongst other Members to implement the recommendations.

It was highlighted that the issues of call-in to committee and local views were important. It was felt that there needed to be a greater awareness of the impact of decisions that were taken and the costs of any subsequent appeal. The Committee recognised that there should be a more strategic approach to planning decisions with greater account taken of the impact on the Borough as a whole

The Chairman of the Standards Committee stressed that the central issue was that of the integrity of members. It was undeniable that often when residents were not happy with the outcome of planning applications there were unsubstantiated allegations of corruption. It was therefore important that the Council and its Members were transparent. The importance of training

was highlighted as this would ensure that Members had the basic information they required to take planning decisions.

The Chairman of the Standards Committee welcomed the improved information presented to the Development Control Committee in respect of planning appeals, although it was felt that this could go further. The Chairman also suggested that where a pre-application meeting was held, the committee report should make clear when the applicant had followed all the advice.

In terms of the accountability of the Development Control Committee, it was noted that the Chairman of that Committee was accountable to Full Council. In addition, any decision taken by the Committee was subject to judicial review and the appeals system. Ultimately, there was accountability through public scrutiny and the ballot box.

In relation to competence, the Independent Person highlighted the need to provide regular training and refresher training in order to demonstrate that Members had the relevant competence to take decisions at meetings. As such it was the view of the Independent Person that training in planning matters should be compulsory for all Members of the Council (as there was not a specific pool of substitutes for planning meetings). It was also noted that the individual political parties had a role to play in selecting candidates who were competent to fulfil the role and had integrity.

In drawing the discussion to a close, the Chairman of the Standards Committee noted that recently there had been discussions on some further changes. Matters considered were:

1. When more than 50% of a planning committee declared that they knew a planning applicant the matter would automatically be referred to the Development Control Committee. The Chairman of the Development Control Committee would regularly liaise with officers and when applications were submitted by local developers whom many Members may know the application would automatically be referred to the Development Control Committee.
2. Members to be made aware that a "Cab Rank" principle operated for the allocation of planning applications and they should therefore not request that an application be referred to a specific committee.
3. Councillors who have called an application to committee should not move or second the motion.

The Committee welcomed the proposals and noted the importance of not only ensuring that there was open and transparent decision making but that the Council was seen to be open and transparent in its decision making. It was anticipated that any changes would be considered by Full Council in October 2021.

Councillor Allen proposed that:

It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.

The motion was seconded by Councillor Stevens, was put to the vote and was CARRIED (Councillor Tickner dissented).

The Chairman thanked the Chairman of the Development Control Committee and the Assistant Director of Planning for attending the meeting.

**RESOLVED: That**

- 1. The issues of probity of planning be further considered by the Standards Committee at its next meeting in December 2021; and**
- 2. It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.**

**7 MONITORING OFFICER'S GENERAL REPORT  
Report CSD21069**

The report updated the Committee on a number of standards issues.

The Monitoring Officer reported that both the Committee for Standards in Public Life and the LGA were beginning to focus on online behaviour, particularly online bullying of Councillors. It was suggested that this may be something the Standards Committee would wish to consider further at its next meeting with a view to establishing a policy in time for May 2022.

Appointment of an Independent Person

The Committee noted that Mr Ken Palmer had recently resigned. Members extended their thanks to Mr Palmer for the support he had provided to improving ethical standards across the Council. The Committee were keen to ensure lessons were learnt from Mr Palmer's resignation and it was agreed that it may be helpful to hold some form of exit interview.

Turning to the recruitment of a new Independent Person, it was agreed that it would be helpful for a small group from the Committee (to include Cllrs Allen and Stevens and Dr. Davey) to see the recruitment plan for the role and review the Job Description. It was suggested that it would be helpful to promote the role through Community Links Bromley and the Federation of Businesses as well as the Mayor's Web Pages and the Facebook page.

Dispensations Granted

It was noted that the following dispensation was granted to Councillor Fawthrop:

*That an unconditional dispensation be granted to Cllr Simon Fawthrop to be allowed to attend Plans Sub-Committee No. 1 on 10<sup>th</sup> June 2021 as a member of the public for his planning application for 3 Monarch Close, West Wickham, BR4 9DQ. The dispensation applies to any subsequent meetings on the same or similar application until the end of the municipal year.*

### Register of Interests

The Committee noted that in relation to the record of Members' addresses on the register of interest, the statute was clear, and a general policy to remove addresses would be unlawful. There were limited circumstances, where there was a known risk, where the address could be redacted and there was an ongoing requirement to regularly review any redaction.

In terms of reviewing declarations of interest, the Committee noted that the Statute required interests to be declared within 28 days of election and then within 28 days of an interest arising.

The Chairman highlighted the need to ensure that Members were aware of how to complete the declaration of interest and the information that needed to be provided including payment of election expenses by political parties. It was noted that a helpful principle for completing declarations of interest was "declare everything".

The Independent Person suggested that it may be helpful to provide annual reminders to Co-opted Members to review and update their registers of interest.

**RESOLVED: That the report be noted.**

### **8 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED**

**RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.**

**The following summaries  
refer to matters involving exempt information**

### **9 EXEMPT MINUTES OF THE MEETING HELD ON 2 MARCH 2021**

The exempt minutes of the meeting held on 2 March 2021, were agreed and signed as a correct record.

**10 MONITORING OFFICER'S GENERAL REPORT - PART 2  
APPENDIX**

The Committee noted the Part 2 appendix.

It was agreed that the Independent Person would continue to be involved in the Initial Filtering process for complaints.

**DIRECTOR OF CORPORATE SERVICES**

The Chairman highlighted that the Director of Corporate Services would be retiring at the end of the week and this was therefore the last meeting that he would attend, the Committee extended its thanks to Mr Mark Bowen and wished him a very happy retirement.

The Meeting ended at 8.53 pm

Chairman

This page is left intentionally blank

Report No.  
CSD21128

London Borough of Bromley

PART ONE - PUBLIC

---

**Decision Maker:**       **STANDARDS COMMITTEE**

**Date:**                   **Monday 13 December 2021**

**Decision Type:**       Non-Urgent                   Non-Executive                   Non-Key

**Title:**                   **MONITORING OFFICER'S GENERAL REPORT**

**Contact Officer:**     Philippa Gibbs, Deputy Democratic Services Manager  
Tel: 020 8461 7638   E-mail: Philippa.Gibbs@bromley.gov.uk

**Chief Officer:**        Director of Corporate Services and Governance

**Ward:**                   All Wards

---

1.    Reason for report

1.1 To update the Committee on a number of standards issues -

- Dispensations granted
- Gifts and Hospitality declarations
- Register of Interests
- Work Programme and Matters Outstanding
- Feedback from Independent Person
- Recruitment of additional Independent Persons
- Publishing the Procedure for Handling Code of Conduct (Standards) Complaints online
- Consideration of Appeals Process for Members subject to complaints (committee to discuss)
- LGA Guide for Councillors on Handling Intimidation (including online intimidation)
- Social Media Guidance for Councillors
- Complaints

---

2.    **RECOMMENDATION(S)**

**That the Committee notes and comments on the Monitoring Officer's report.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
- 

## Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £359k
  5. Source of funding: Revenue budget
- 

## Personnel

1. Number of staff (current and additional): 6.67fte (although Standards Complaints are filtered by either the Democratic Services Manager or Deputy Democratic Services Manager in consultation with the Monitoring Officer)
  2. If from existing staff resources, number of staff hours: The number of staff hours requires fluctuates depending on the volume of complaints received at any given time.
- 

## Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000 and subsequent legislation.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

## Procurement

1. Summary of Procurement Implications: Not Applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system affects all Members of the Council, and potentially any member of the public who considers that a member may have breached the Code of Conduct.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### **3. COMMENTARY**

#### **Dispensations Granted**

- 3.1 The Council has delegated to the Monitoring Officer, in consultation with members of the Urgency Committee, the authority to grant dispensations to Councillors to attend and speak at meetings of the authority in circumstances where, under the Code of Conduct, they have a disclosable pecuniary interest (Scheme of Delegation to Officer, Part 2A, 3 (xxv)). Where these dispensations have been sought, they are typically about town planning issues, where the Code of Conduct means that councillors have less opportunity to assert their interests than other residents, or about employment, where technically there is a disclosable pecuniary interest, but in practice that interest is not significant.
- 3.2 No dispensations have been granted since the last meeting.

#### **Gifts and Hospitality Register**

- 3.3 Under the Code of Conduct, Councillors are required to declare gifts and hospitality received due to their role as Councillors over the value of £25. These are published on the Council website, with a link from each Member's page. A schedule of the gifts and hospitality declarations made in 2019 so far, and since the Committee's last meeting, is attached as Appendix 1. Only two declarations have been registered in this period.

#### **Register of Interests**

- 3.4 Under the Localism Act 2011, the Register of Interests is required to be published on the Council's website, and a link to each Councillor's declaration is provided on their page. Members of the Standards Committee are asked to review the Register of Interest prior to the meeting. The online Register of Interest will also be available at the meeting.

#### **Work Programme and Matters Outstanding from Previous Meetings**

- 3.5 Full Council at its meeting on 8<sup>th</sup> April 2019 decided that all Council Committees and Sub-Committees should include provision at scheduled meetings to consider matters outstanding from previous meetings. These matters will often form part of the future work programme. A summary of matters outstanding from previous meetings is attached at Appendix 2.
- 3.6 The Council's 2021/22 programme of meetings includes three scheduled meetings of this Committee. The Committee's next meeting is scheduled to take place on Tuesday 8<sup>th</sup> March 2022. Members of the Committee are requested to consider what issues they wish to consider at future meetings.

#### **Feedback from Independent Person**

- 3.7 On 10<sup>th</sup> August 2021, the Chairman, Vice-Chairman and Member from the Council's Independent Group met with Mr Palmer who had decided to step down from his role as Independent Person.
- 3.8 The key points arising from the discussion were:
- The Monitoring Officer should be encouraged to give "words of advice" to councillors in appropriate cases where there is no formal breach of the Code of Conduct.

- Complaints that are obviously vexatious should be closed down at an early stage.
- Anonymous complaints should not be accepted (although in some cases it may be appropriate to withhold the complainant's details from the councillor they are complaining about.)
- All complaints should be submitted via a complaints form (currently complaints are accepted via the form, letter or email).
- There should be a rota for Independent Persons to look at complaints.
- Where there is a disagreement between the Monitoring Officer and an Independent Person about a complaint, another Independent Person, the Chairman and a Minority Group Member should be asked to look at the complaint.
- All decision letters should be copied to the Chairman and a Minority Group Councillor.
- There should be an induction process for new Independent Persons.
- There should be compulsory induction (as with Planning and Licensing) for all Members on standards, probity and the complaints procedure.
- Advertisements for the Independent Person role should be targeted at a wider range of potential candidates, and up to three Independent Persons should be appointed if there are suitable candidates.

3.9 Following the meeting Mr Palmer rescinded his resignation.

### **Recruitment of Additional Independent Persons**

3.10 Interviews for additional Independent Persons took place on Friday 12<sup>th</sup> November. Four applicants were interviewed and at the conclusion of the interviews the post of Independent Person was offered to two of the applicants, Ms Kath Nicholson and Mr Jonathan Farrell. The Standards Committee agreed that a four-year term of office should be imposed – to the end of the next Council in May 2026.

3.11 Council had previously resolved, on 24<sup>th</sup> February 2020, to appoint Mr Ken Palmer and Dr Simon Davey as Independent Persons to the end of the current Council in May 2022. The revised recommendation to Council was that Mr Palmer's term of office be extended to May 2023.

### **Publishing the Procedure for Handling Code of Conduct Complaints on the Website**

3.12 The Procedure for Handling Code of Conduct (Standards) Complaints has been updated following the comments made by the Committee at its meeting on 2<sup>nd</sup> March 2021, and has been published on the Council's Website.

### **Consideration of Appeals Process for Members subject to complaints**

3.13 The Chairman of the Standards Committee has requested that consideration be given to introducing an appeals process for Members subject to complaints. The Monitoring Officer has agreed to give this further detailed consideration and report back to the Standards Committee on 8<sup>th</sup> March 2022.

### **LGA Guide for Councillors on Handling Intimidation**

3.14 The LGA have produced a guide for councillors in recognition of the growing need among councillors for support related to intimidation. The guide also covers online bullying of councillors and this is an area that has received attention from both the Committee for Standards in Public Life and the LGA. At the Committee's meeting on 15 July 2021, it was suggested that this may be something the Standards Committee would wish to consider further

at this meeting with a view to establishing a policy from May 2022. The LGA Guide is included in this report at [Appendix 3](#).

### **Social Media Guidance for Councillors**

- 3.15 An increasing number of Code of Conduct (Standards) complaints that are received relate to councillor's activities on social media. In response to this a short guide for councillors has been developed for consideration by the Standards Committee. The draft guidance is included in the report at [Appendix 4](#).

### **Complaints**

- 3.16 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at [Appendix 5](#).
- 3.17 There are no formal standards investigations at present.

This page is left intentionally blank

**Gifts and Hospitality Declarations (July 2021)**

<b>Councillor</b>	<b>Date</b>	<b>Provider</b>	<b>Gift or hospitality</b>
<b>Vanessa Allen</b>	10/09/21 30/09/21	Open House 2021 Churchill Theatre	Reception at the Argentine Ambassador's Residence Reduced priced tickets and free drinks.
<b>Graham Arthur</b>	09/07/21	Liberata/Outsourcing Inc.	Polo event at Windsor Great Park.
<b>Kathy Bance</b>	September 2021 06/10/21	Bruce Walker Not disclosed	Celebration of Biggin Hill Museum Thank you card with a box of chocolates and £60 to donate to a charity - this was passed to Melvin Hall for their shower improvement works.
<b>Russell Mellor</b>	21/10/21	Not disclosed	Art book in Polish and English presented during a Care Home visit
<b>Keith Onslow</b>	September 2021	Baillie Gifford	Baillie Gifford Investment Forum in Scotland covering a series of local government pension fund issues and training. Accommodation and subsistence paid for by the sponsors of the event
<b>Diane Smith</b>	29/08/21	Abbots Way Allotments	Gift of bottle of brandy (value unknown) for judging exhibits at the Abbots Way Allotments Annual Site Show
<b>Melanie Stevens</b>	20/09/21 30/10/21	Bruce Walker Not disclosed	Biggin Hill Museum Trust Thank You party 3 rose bushes given by a grateful resident

This page is left intentionally blank

**Work Programme and Matters Outstanding from Previous Meetings**

**Matters Outstanding from Previous Meetings:**

<b>Minute No.</b>	<b>Issue</b>	<b>Update</b>
3. (27.10.20)	That training attended by Members be reviewed at a future meeting.	It is suggested that this issue is reviewed at the meeting on 8 <sup>th</sup> March when the Committee will consider the May 2022 Councillor Induction Programme. Comments from the Standards Committee will be sought as requested by the Committee particularly in relation to training on Code of Conduct, Planning and Licensing .
5. (27.10.20)	That consideration be given to developing a Code of Practice for Members around the use of social media and the need to maintain high ethical standards.	A draft guide/code of practice is included in the Monitoring Officer's General Report.
7. (15.07.21)	Both the Committee for Standards in Public Life and the LGA were beginning to focus on online behaviour, particularly online bullying of Councillors. It was suggested that this may be something the Standards Committee would wish to consider further at its next meeting with a view to establishing a policy in time for May 2022.	This issue has been included in the Monitoring Officer's General Report.

**Work Programme:**

The next meeting is due to be held on 8<sup>th</sup> March 2022. Dates for the 2022/23 Municipal Year have not yet been confirmed.

This page is left intentionally blank



## 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](http://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

<b>Offence</b>	<b>Legislation</b>	<b>Comment</b>
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”
<b>Possible future legislation</b>		
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](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](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](http://www.securedbydesign.com)

NaTSCO

[www.getsafeonline.org](http://www.getsafeonline.org)

helping young people stay safe online - [www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)



**Guidance on use of Social Media for Elected Members**

**Quick Guide for Councillors**

As a general rule, it is not advisable to post any message on social media that would be inappropriate to say in a public meeting.

**Dos and Don'ts**

*Do:*

- ✓ Be responsible and respectful at all times.
- ✓ Share other people's helpful content and links and credit other people's work.
- ✓ Use social media in the spirit in which it was intended - to engage, openly and honestly.
- ✓ Seek feedback from your residents (but make sure you share the results with them).
- ✓ Listen - social media is designed to be a two-way channel, just like any good conversation.
- ✓ Set and check you have the appropriate privacy settings for your blog or networking site.
- ✓ Do keep an eye out for defamatory or obscene posts on your sites and remove them as soon as possible to avoid the perception that you condone such views.
- ✓ Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- ✓ Do talk to the Communications Team if you need advice - they can consult relevant colleagues if needed.

*Don't:*

- ✗ Don't post social media content in haste, particularly in circumstances where your judgment might be impaired; for example, if you are angered by a comment or tired.
- ✗ Don't post comments that you would not be prepared to make on paper or face to face, or content which will embarrass the Council or yourself.
- ✗ Don't request or accept a Council employee or contractors providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).

- \* Don't use social media in any way to attack, insult abuse, defame or otherwise make negative, offensive or discriminatory comments about Council staff, service users, their family or friends, colleagues, other professionals, other organisations or the Council.
- \* Don't publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, council staff as well as council related information.
- \* Don't represent your personal views, or those of a political party or interest group you belong to, as being those of the Council.
- \* Don't try to cover up mistakes, be honest and you'll get more respect for it in the long run.
- \* Don't assume that social media will look after itself - you will need to invest time, enthusiasm, and energy to make it work. Social media is 24/7 - just because you leave at 5.00 pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile.
- \* Don't ignore legal advice, it's there to help you.

## **Further detailed guidance**

1. Bromley Council has its own social media accounts which act as the Council's official channels across Facebook, Twitter and YouTube.
2. You are personally responsible for what you publish on your own social media accounts - whether you do that yourself or someone does it on your behalf. It is important that you think before you publish, as words once published on social media cannot easily be retracted.
3. Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.

## **Member's Code of Conduct**

4. When acting in the capacity of a Councillor, the Member's Code of Conduct applies to your online activity in the same way it does to other written or verbal communication. You should comply with the general principles of the Code in what you publish and what you allow others to publish.
5. You will need to be particularly aware of the following sections of the Code and their practical application:
  - (i) Treating others with respect - avoid personal attacks and any disrespectful, rude or offensive comments.
  - (ii) Refraining from publishing anything you have received in confidence - avoid breaching the Code by disclosing confidential information.
  - (iii) Ensure all content that relates to the Council or Council business is accurate, balanced, not misleading and complies with any relevant Council policy.
  - (iv) Ensure you do not bring the Council or your Councillor role into disrepute, as paragraph 1.8 of the Code requires every Member to "promote and support high standards of conduct ... by leadership and example".

## **Personal use of social media**

6. The key to whether your online activity is subject to the Code of Conduct for Members is whether you are giving the impression that you are acting as a councillor, and that is the case whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.
7. One way to separate your personal/private business from your activities as a councillor is to have two separate accounts - one for personal/private business and the other for councillor activities. However, even then, you still need to be

careful to ensure that what you say on your personal/private business account does not compromise your position as a councillor.

8. If in respect of any personal use of social media you can be identified as associated with the Council by title, profile or content then the following guidance should be complied with.

You should:

- (i) Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and not those of the Council.
- (ii) Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- (iii) Ensure all content that relates to the Council or Council business is accurate, balanced, not misleading and complies with any relevant Council policy.
- (iv) Comply with the terms and conditions of the social media site being used.

You must not

- (v) Make any comment or post material to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute.
- (vi) Present political or personal opinion as fact or as representative of the Council.
- (vii) Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council.
- (viii) Publish content that promotes personal/ family interests, personal financial interests or any personal commercial ventures.

### **Legal considerations**

9. In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member's website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.

- (i) *Libel* - If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website or social media channels if you know about it and

don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

- (ii) *Copyright* - Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or alternatively seek advice in advance. Breach of copyright may result in an award of damages against you.
- (iii) *Data Protection* - Avoid publishing the personal data of individuals unless you have their express written permission.
- (iv) *Bias and pre-determination* - If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.
- (v) *Obscene material* - It goes without saying that you should avoid publishing anything in your blog that people would consider obscene as it is a criminal offence.
- (vi) *Bullying and discriminatory comments* - Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

10. While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to the Monitoring Officer.

This page is left intentionally blank

**Standards Complaints against Councillors**

<b>Complainant</b>	<b>Councillor</b>	<b>Date of complaint</b>	<b>Issue</b>	<b>Independent Person</b>	<b>Date of Reply</b>	<b>Summary of Response</b>	<b>Follow Up</b>
<b>2021/22</b>							
<b>Complainant A</b>	<b>Subject Member A</b>	06.10.21	Tone of emails sent to complainant	Mr Palmer	11.11.21	The criteria for a substantial breach of the Code of conduct not met and as such it is not in the public interest for the matter to be referred for investigation. Informal advice would be provided to the Subject Member.	The complainant sought advice regarding how he could obtain the information initially sought.
<b>Complainant B</b>	<b>Subject Member B</b>	12.11.21	Alleged failing to declare an interest (that the Cllr was a Member of a Residents' Association) at a Planning Meeting	Dr Davey	23.11.21	The Subject Member was not a Member of the Residents' Association as such the criteria for a substantial breach of the code of conduct is not met and as such it is not in the public interest for the matter to be referred for investigation.	The complainant sent further communications to which the Monitoring Officer responded.

Updated 29/11/21

This page is left intentionally blank

# Agenda Item 6

Report No.  
CSD21133

London Borough of Bromley

PART ONE - PUBLIC

---

**Decision Maker:**       **STANDARDS COMMITTEE**

**Date:**                   **Monday 13 December 2021**

**Decision Type:**       Non-Urgent                               Non-Executive                               Non-Key

**Title:**                   **PROBITY IN PLANNING**

**Contact Officer:**     Tim Horsman, Assistant Director (Planning)  
Tel: 020 8313 4956   E-mail: Tim.Horsman@bromley.gov.uk

**Chief Officer:**        Director of Corporate Services and Governance

**Ward:**                   All Wards

---

1. Reason for report

At its last meeting on 15 July 2021, the Standards Committee discussed the review undertaken by the Planning Advisory Service and the Council's recently implemented Planning Protocol with the Chairman of the Development Control Committee. At the conclusion of the discussion the Committee resolved that issues of probity of planning be further considered by the Standards Committee at its next meeting in December 2021.

---

2. **RECOMMENDATION(S)**

**The committee consider the matters raised in the report**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
- 

### Corporate Policy

1. Policy Status: Existing Policy – Local Planning Protocol, Code of Conduct
  2. BBB Priority: Excellent Council:
- 

### Financial

1. Cost of proposal: Not applicable at this point
  2. Ongoing costs: Recurring costs of potential training
  3. Budget head/performance centre: Planning Department
  4. Total current budget for this head: £1.65m
  5. Source of funding: Existing budget
- 

### Personnel

1. Number of staff (current and additional): 66.8 FTE
  2. If from existing staff resources, number of staff hours: Not possible to determine at this point
- 

### Legal

1. Legal Requirement: Localism Act
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: None at this point
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

### 3. COMMENTARY

- 3.1 At the Standards Committee meeting held on 2 March 2021, it was recognised that a large proportion of Code of Conduct Complaints related to planning matters. It was therefore agreed that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the meeting of the Standards Committee held on 15 July 2021. It was further agreed that the discussion should centre around the report of the Planning Advisory Service and the Council's existing Local Planning Protocol.
- 3.2 The Chairman of the Development Control Committee confirmed to the Standards Committee that practically all of the initial recommendations from the Planning Advisory Service (PAS) had been accepted and a Local Planning Protocol had been developed, endorsed by Full Council and now formed part of the Council's Constitution.
- 3.3 The Standards Committee noted that planning training for Members was provided but this stopped short of being mandatory. The Chairman of the Development Control Committee stated that in her opinion when Members chose to sit on a planning committee, they should take all the available training.
- 3.4 The Assistant Director for Planning reported that at the time the PAS were in the process of undertaking a further review.
- 3.5 The relevant minute from the Standards Committee on 15 July 2021 is attached as Appendix 1 to this report.
- 3.6 The following suggestions (not from the PAS report) were brought at the last Standards Committee:
- a) When more than 50% of a planning committee declared that they knew a planning applicant the matter would automatically be referred to the Development Control Committee. The Chairman of the Development Control Committee would regularly liaise with officers and when applications were submitted by local developers whom many Members may know the application would automatically be referred to the Development Control Committee.
  - b) Members to be made aware that a "Cab Rank" principle operated for the allocation of planning applications and they should therefore not request that an application be referred to a specific committee.
  - c) Councillors who have called an application to committee should not move or second the motion.
- 3.7 A motion was also raised and agreed that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.
- 3.8 The further review by PAS was carried out in Summer 2021 and produced a range of further recommendations as well as picking up on some matters from the previous 2019 report.
- 3.9 Some of the recommendations from the 2021 PAS report are relevant to Standards Committee and these are set out below:
1. Profile of the Local Planning Protocol and Code of Conduct should be raised amongst Officers and Members.
  2. Local Planning Protocol should be reviewed and included in future training for Members and Officers.

3. Substitutions at committee should be impartial and seen to be so.
4. Relevant training for committee Members and substitutes should be compulsory in the following areas:

- Introduction to Planning
- The Development Plan and Decision Making
- Predetermination and Predisposition
- Probity and Disclosure of Interests
- How committees work
- The Local Planning Protocol

3.10 A full report with all the recommendations from the latest PAS report, including the matters raised in paragraphs 3.6 and 3.7 above, an updated Local Planning Protocol and proposed amendments to the Scheme of Delegation for planning matters will be taken to Development Control Committee in January 2022.

#### 4. FINANCIAL IMPLICATIONS

4.1 Poor decision making in planning can result in awards of costs against the Council at appeal.

#### 5. LEGAL IMPLICATIONS

5.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

5.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

5.3 The Council has a Code of Conduct in place as well as arrangements for dealing with complaints. The Council has also appointed Independent Persons, who have an important role in providing a perspective of the public.

5.4 At all times the Council and individual Member of the Council are required to promote and maintain high standards of ethical behaviour as is required by law. Perceptions are important and are often the basis of complaints. Therefore, the Council and individual Members must not only comply with the law but also be seen to be doing so.

<b>Non-Applicable Sections:</b>	Personnel Implications, Procurement Implications, Policy Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Planning Advisory Service Reports 2019 and 2021 Bromley Local Planning Protocol (Council Constitution)

**STANDARDS COMMITTEE**

Minutes of the meeting held at 7.00 pm on 15 July 2021

**Present:**

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillor Vanessa Allen (Vice-Chairman)  
Dr Simon Davey, Councillor Melanie Stevens and  
Councillor Michael Tickner

**6 DISCUSSION WITH THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND THE ASSISTANT DIRECTOR FOR PLANNING**  
**Report CSD21068**

At the last meeting it was recognised that a large proportion of Code of Conduct Complaints related to planning matters. It was therefore agreed that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the next meeting of the Standards Committee on 15 July 2021. It was further agreed that the discussion should centre around the report of the Planning Advisory Service and the Council's existing Planning Protocol.

The Chairman welcomed Councillor Alexa Michael (Chairman of the Development Control Committee) and Mr Tim Horsman (Assistant Director for Planning) to the meeting.

The Chairman of the Development Control Committee confirmed that practically all of the initial recommendations from the Planning Advisory Service (PAS) had been accepted and a Local Planning Protocol had been developed, endorsed by Full Council and now formed part of the Council's Constitution. The Chairman of the Development Control Committee addressed each of the recommendations made by the PAS and provided an update on the progress that had been made.

The Chairman of the Development Control Committee was pleased with the revised format of committee agendas and the improved quality of committee reports. Progress had also been made in reducing the number of applications being referred to Committee.

The principle of Officer presentations had been accepted but had not been advanced as much as it could have been. The PAS had confirmed that they considered that this would be of benefit and was therefore something to be developed.

The Committee noted that planning training for Members was provided but this stopped short of being mandatory. The Chairman of the Development Control Committee stated that in her opinion when Members chose to sit on a planning committee they should take all the available training.

The Assistant Director for Planning highlighted that Appendix 9 of the report (Page 85) provided a useful up-to-date summary of the current position with respect to the recommendations from the PAS. It was also noted that the PAS were currently undertaking a further review.

A Member noted that Planning Committees were a difficult "grey" area for Members to navigate as decisions were often subjective and it was not possible to please all those party to a planning application. There was a need for the Standards Committee to focus on the issues of Member integrity and the public perception of Member integrity. It was noted that there had been a number of

challenging applications and there was a need to improve the public perception of the planning system in Bromley.

A Member noted that the PAS report contained some very strong recommendations yet there appeared to be very little reference to these recommendations in the Local Planning Protocol. The Chairman of the Development Control Committee responded that the intention had been for the Local Planning Protocol to address the recommendations in the PAS report. It was noted that the Protocol could be revised where Members felt that there were areas that could be strengthened. The Chairman of the Development Control Committee explained that the Local Planning Protocol was primarily about the way in which the committees were run and how members should behave rather than the decisions that were taken as these were often based on planning policies and principles. The development of a Local Planning Protocol was one of the recommendations made by the PAS. The Independent Person suggested that the Local Planning Protocol should cover all areas of governance and it was therefore a significant omission if the protocol did not guide on decision making. It was suggested that it may be helpful to strengthen the Protocol to include more information to support Members to take effective decisions. In response, the Chairman of the Development Control Committee clarified that the Planning Protocol did set out the procedure for decision making whilst highlighting that it was the responsibility of individual members to be as fully informed as possible. It was the personal view of the Chairman of the Development Control Committee that it would be helpful for Officers to make more open recommendations for the more contentious applications. This would then highlight when applications were more finely balanced as planning was a question of judgement.

A Member highlighted that the *Probity in Planning* document underpinned both the PAS report and the Local Planning Protocol. The Member reported that she had been interviewed both as part of the initial PAS review and for the follow-up review. In the second interview the Member had the impression that the PAS had been surprised by the lack of implementation of the recommendations and the Member could only assume that there had not been a will amongst other Members to implement the recommendations.

It was highlighted that the issues of call-in to committee and local views were important. It was felt that there needed to be a greater awareness of the impact of decisions that were taken and the costs of any subsequent appeal. The Committee recognised that there should be a more strategic approach to planning decisions with greater account taken of the impact on the Borough as a whole

The Chairman of the Standards Committee stressed that the central issue was that of the integrity of members. It was undeniable that often when residents were not happy with the outcome of planning applications there were unsubstantiated allegations of corruption. It was therefore important that the Council and its Members were transparent. The importance of training was highlighted as this would ensure that Members had the basic information they required to take planning decisions.

The Chairman of the Standards Committee welcomed the improved information presented to the Development Control Committee in respect of planning appeals, although it was felt that this could go further. The Chairman also suggested that where a pre-application meeting was held, the committee report should make clear when the applicant had followed all the advice.

In terms of the accountability of the Development Control Committee, it was noted that the Chairman of that Committee was accountable to Full Council. In addition, any decision taken by the Committee was subject to judicial review and the appeals system. Ultimately, there was accountability through public scrutiny and the ballot box.

In relation to competence, the Independent Person highlighted the need to provide regular training and refresher training in order to demonstrate that Members had the relevant competence to take decisions at meetings. As such it was the view of the Independent Person that training in planning

matters should be compulsory for all Members of the Council (as there was not a specific pool of substitutes for planning meetings). It was also noted that the individual political parties had a role to play in selecting candidates who were competent to fulfil the role and had integrity.

In drawing the discussion to a close, the Chairman of the Standards Committee noted that recently there had been discussions on some further changes. Matters considered were:

- d) When more than 50% of a planning committee declared that they knew a planning applicant the matter would automatically be referred to the Development Control Committee. The Chairman of the Development Control Committee would regularly liaise with officers and when applications were submitted by local developers whom many Members may know the application would automatically be referred to the Development Control Committee.
- e) Members to be made aware that a "Cab Rank" principle operated for the allocation of planning applications and they should therefore not request that an application be referred to a specific committee.
- f) Councillors who have called an application to committee should not move or second the motion.

The Committee welcomed the proposals and noted the importance of not only ensuring that there was open and transparent decision making but that the Council was seen to be open and transparent in its decision making. It was anticipated that any changes would be considered by Full Council in October 2021.

Councillor Allen proposed that:

It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.

The motion was seconded by Councillor Stevens, was put to the vote and was CARRIED (Councillor Tickner dissented).

The Chairman thanked the Chairman of the Development Control Committee and the Assistant Director of Planning for attending the meeting.

#### **RESOLVED: That**

- 1. The issues of probity of planning be further considered by the Standards Committee at its next meeting in December 2021; and**
- 2. It be recommended that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.**

This page is left intentionally blank