



Standards Committee

Date Monday 5 December 2022
Time 9.30 am
Venue Committee Room 1A , County Hall, Durham

Business

Part A

Items which are open to the Press and Public

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 2 September 2022 (Pages 3 - 4)
4. Parish Council Co-opted Member of the Standards Committee (Pages 5 - 10)
5. Local Government Association "Debate Not Hate" Campaign (Pages 11 - 52)
6. National Picture (Pages 53 - 60)
7. Code of Conduct Update (Pages 61 - 78)
8. Such other business as in the opinion of the Chair of the Meeting is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
25 November 2022

To: The Members of the Standards Committee

Councillor J Nicholson (Chair)
Councillor L Maddison (Vice-Chair)

Councillors M Abley, J Atkinson, L Mavin, A Savory, G Smith, T Smith,
T Stubbs, F Tinsley and C Varty

Town and Parish Council Co-opted Representative:
Councillor R Harrison

Contact: Jill Errington

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DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A , County Hall, Durham on **Friday 2 September 2022 at 9.30 am**

Present:

Councillor J Nicholson (Chair)

Members of the Committee:

Councillors G Smith, T Smith, T Stubbs and C Varty

Co-opted Members:

Parish Councillor R Harrison

1 Apologies for Absence

Apologies for absence were received from Councillors J Atkinson, L Maddison, A Savory, F Tinsley and Town Councillor T Batson.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 10 June 2022 were agreed as a correct record and signed by the Chair.

4 Annual Report of the Standards Committee 2021/2022

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an overview of the work of the Standards Committee during 2021/22 and to set out the future direction that the Committee intended to take during 2022/23 (for copy of report, see file of minutes).

The Governance Lawyer was in attendance to present the report.

Resolved: (i) That the report be noted.

(ii) That the report be presented to Council on 21 September 2022.

5 National Picture

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the national picture on standard issues affecting Local Government (for copy, see file of minutes).

The Governance Lawyer was in attendance to present the report and advised Members that it was the Localism Act 2011 and not 2017 as stated in the report.

In response to a question, the Governance Lawyer explained that Max Caller CBE who led the independent governance review at Northumbria County Council was a senior leader with extensive experience in local government.

Resolved: That the report be noted, and Officers monitor the progress of the matters referred to and keep the Committee updated.

6 Code of Conduct Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an update on the activity since the last meeting in respect of complaints received by Durham County Council against Councillors (for copy of report, see file of minutes).

The Governance Lawyer was in attendance to present the report and advised Members that the training delivered in conjunction with CDALC on 27 July 2022 was poorly attended and further training would be arranged to be held in October 2022.

Resolved: That the contents of the report be noted.

Standards Committee

5 December 2022

Parish Council Co-opted Member of the Standards Committee



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform the Standards Committee of a vacancy arising for a Parish Council co-opted Member and to revise the arrangements for appointing such representatives.

Executive summary

- 2 In 2012, the membership and composition of the Standards Committee was agreed as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 3 At its meeting on 11 March 2022, the Committee formalised the arrangements for the appointment of Parish Co-opted Members to reflect the process, which the County Durham Association of Local Councils (CDALC) have followed since 2012.
- 4 In November 2022, the Monitoring Officer received the sad news that one of the co-opted Members, Councillor Terry Batson, died on 23 October 2022.
- 5 This report proposes a revision to the arrangements for appointing Parish Council co-opted Members prior to seeking expressions of interest from Parish Councillors to undertake the role.

Recommendation

6 The Standards Committee is recommended to:

- i) Acknowledge Town Councillor Terry Batson's service to the Committee and express its condolences.
- ii) Agree to amend the procedure for appointing co-opted Parish Councillors as set out at paragraph 11 to the report.
- iii) Request that the Head of Legal and Democratic Services invites County Durham Association of Local Councils ('CDALC') to seek expressions of interest for the vacancy for co-opted Parish Council member.

Background

- 7 There is a general power under section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not members of the Council. The Council relied on this provision when determining the membership and composition of the Standards Committee as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 8 Section 13 of the Local Government and Housing Act 1989 provides that co-opted Members shall for all purposes need to be treated as non-voting Members. Neither the Committee nor the Council has the power to override the statutory position and grant co-opted Members a formal vote.
- 9 At its meeting on 12 March 2022, the Committee agreed to formalise the arrangements for the nomination and appointment of co-opted Parish Council members. The agreed arrangements reflect the process followed by CDALC historically but had never been formally documented. The arrangements were formalised to ensure openness, transparency and fairness.
- 10 Upon a vacancy arising or following a local election, the following process was agreed:
 - a) CDALC are invited to seek expressions of interest from its entire membership to be a co-opted member of the Standards Committee for a term of office of four years.
 - b) Where there are a greater number of expressions of interest than vacancies, CDALC will ballot its membership on the nomination
 - c) CDALC will formally notify the County Council of its nomination(s) as soon as practicable and in an election year, in advance of its annual meeting
 - d) The Parish Council representative(s) will be nominated for appointment at the County Council's annual meeting or in the case of a mid-term vacancy at the next convenient meeting of the County Council.
- 11 CDALC have since advised the Council that, where there are more expressions of interest than vacancies, it is the CDALC Executive Committee that has historically determined who is nominated rather than the whole membership. They have advised that it is not feasible to ballot the whole membership, particularly following an election when nominations must be confirmed in advance of the annual meeting of Council.

- 12 With over 100 parish councils and over 1100 parish councillors, it is disproportionate to initiate an election process which is incongruous with CDALC's other arrangements for choosing its representatives. A ballot is likely to take up to three months and at least two meetings of the Executive Committee to determine the number of expressions of interest and to decide who to vote for.
- 13 They have therefore requested that the arrangements are amended to reflect that it is the CDALC Executive that determine the nomination(s) in the event there are more expressions of interest than vacancies.
- 14 Councillor Terry Batson, Tow Law Town Council was a well-known and long serving co-opted member of the Committee. He was first appointed in September 2012 and recently re-appointed at the annual meeting of Council in May 2022. The Committee may wish to note his contribution to the work of the Committee during his tenure.
- 15 The Committee is now recommended to request that CDALC invite expressions of interest for the vacancy for co-opted Parish Council member and commence the process agreed in March 2022, subject to the amendment set out at paragraph 11.
- 16 Once the nomination is confirmed, a report will be presented to the next convenient meeting of Council to agree the appointment to the Committee.

Conclusion

- 17 This report informs the Standards Committee of the sad death of one of their co-opted members, Councillor Terry Batson. It also deals with the arrangements for appointing a Parish Council co-opted Member to the Standards Committee and recommends an amendment to the existing procedure, namely that, where more than one expression of interest is received, the Executive Committee of CDALC determine who is nominated rather than balloting the membership.

Background papers

None

Authors:

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Appendix 1: Implications

Legal Implications

The legislative framework applicable to the appointment of co-opted members of the Standards Committee is set out in the report.

Finance

There are no financial implications arising out of the report.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

The formalisation of the arrangements for nominating Parish Council co-opted members ensures that there is equality of opportunity across all Parish Councillors to express an interest in becoming a co-opted Member of the Standards Committee.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

None.

Crime and Disorder

There are no Crime and Disorder implications arising out of the report.

Staffing

There are no staffing implications arising out of this report.

Accommodation

There are no accommodation implications.

Risk

None

Procurement

There are no procurement implications.

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Standards Committee

Local Government Association “Debate Not Hate” Campaign

5 December 2022



Report of Legal and Democratic Services

Helen Lynch, Head of Legal and Democratic Services, Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform the Committee of the Local Government Association’s “Debate Not Hate: The Impact of Abuse on Local Democracy” report. (“the Report”)

Executive summary

- 2 The LGA’s Debate Not Hate campaign aims to raise public awareness of the role of councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation.
- 3 In October 2021, the LGA launched a “Call for Evidence on Abuse and Intimidation of Councillors”. The key findings from the call for evidence were used to produce the “Debate Not Hate: The Impact of Abuse on Local Democracy” Report.
- 4 In conjunction with the report, the LGA have also produced a “Debate Not Hate” Public Statement which supports their campaign. The LGA are calling for Councillors, MPs, and Organisations to sign the Public Statement to show support for the Debate Not Hate Campaign.
- 5 The LGA will be publishing further information in relation to their campaign at the end of November 2022. This report summarises the findings of the call for evidence and the support provided to Durham County Councillors. It also makes recommendations on how the Council might respond to the campaign.

Recommendation(s)

6 Standards Committee is asked to:

- (a) Note that the report.
- (b) Agree that the Debate Not Hate Campaign should be added to the Committee's work programme so that it is kept up to date with progress and developments.
- (c) Request that the report is presented to a meeting of full Council with a recommendation that Durham County Council signs the Debate Not Hate Public Statement.

Background

- 7 In October 2021, the LGA launched a Survey entitled 'The LGA's Call for Evidence on Abuse and Intimidation of Councillors.' The Survey aimed to gather data of participants' experiences and concerns regarding public abuse and intimidation.
- 8 The Survey was open to all councillors in the UK both past and serving, to current and previous candidates from previous elections, those who assist or have assisted councillors, or those who have personally witnessed abuse towards councillors.
- 9 The LGA received 419 responses within the first six months of the call for evidence, which were used to inform the Report.

Key findings from The Survey

- 10 The Report was published in June 2022, a copy is attached at Appendix 2. The key findings from the survey are set out below:
 - i. 88% respondents have experienced abuse directed at them with 98% of these councillors having experienced it on multiple occasions.
 - ii. 73% report experiencing abuse via social media with it being the most common way abuse is received.
 - iii. 64% have experienced in person abuse.
 - iv. 59% believe abuse was triggered by a particular event, with 68% of these believing it was a particular decision which triggered the abuse.
 - v. 50% reported that the abuse they receive is ongoing.
 - vi. It was reported that those experiencing abuse viewed the political parties providing the least effective support to help councillors deal with abuse.
 - vii. 72% of respondents take proactive steps to avoid intimidation and abuse.

Themes identified in The Report

11 The report also identifies the following themes:

- i. **Variability** - Support from Councils, Political Parties and the Police varied throughout the country.
- ii. **Targeted Abuse** - Councillors and candidates with protected characteristics more at risk of abuse with misogyny, racism and homophobia highlighted within the responses.
- iii. **Personal and Democratic impacts** - Abuse and intimidation can have an impact on councillors and their families. Many respondents highlighted the impact of such incidents on their mental health. Respondents have reported that such incidents also have an impact on their willingness to stand for re-election.
- iv. **Vulnerability of councillors** – Councillors are vulnerable to physical abuse and intimidation due to them being visible and accessible in the local community. Similarly, factors such as their home addresses being available online increases their risk of receiving abuse.
- v. **Normalisation** – The attitude that abuse, particularly online abuse should be something that Councillors should be expected to deal with is becoming more common.

Recommendations made by The Report

12 The LGA have made the following seven recommendations:

Recommendation 1 Councils and relevant partners should take more responsibility to ensure the safety and wellbeing of councillors. Proactive steps should be taken to prevent abuse and intimidation towards councillors and take similar steps to handling cases. Councils should work with agencies to support councillors' mental health and address risks and threats directed at councillors.

Recommendation 2 LGA should continue to consider what measures can be put in place to prevent abuse and intimidation through the civility in public life programme.

Recommendation 3 Police forces should be more consistent in their response to abuse and threats towards councillors. Risk based approaches should be taken in a similar way which they are for MPs. Similar procedures should be implemented nationally.

Recommendation 4 Legislation should be passed to entitle councillors can withhold their home address.

Recommendation 5 LGA should work with parties, election and democratic officers and organisations responsible for guidance to promote practice of withholding home addresses.

Recommendation 6 Social media companies should provide better methods to deal with abuse reported by councillors.

Recommendation 7 In partnership with LGA a working group should be formed by the relevant Government department to address issues around abuse and intimidation of councillors.

Local Picture

- 13 The Report does not attribute responses to individual Councillors, authorities or regions. However, in the last five years the Head of Legal & Democratic Services has noticed an increase in requests for disclosable pecuniary interests to be treated as sensitive and advice in relation to abuse and intimidation experienced by Councillors online and in person.
- 14 In September 2019, an individual was found guilty of harassing a Councillor who had objected to a planning application. A restraining order was imposed and the defendant was ordered to pay a fine.
- 15 More recently, an individual was convicted of harassment towards a Councillor in their private capacity. They will be sentenced on 24 November 2022. The Council was not involved in these proceedings. However, the individual has made Member Code of Conduct complaints in relation to the Councillor connected to the dispute. No further action has been taken in respect of those complaints as the Councillor was not acting in an official capacity.
- 16 The Council takes all incidents of abuse and intimidation towards Councillors very seriously. It has provided all Councillors with advice in relation to personal security. It has developed the Social Media Toolkit, which advises Councillors on how to stay safe online and what to do if they are subject to abuse and intimidation.
- 17 Councillors are advised to report all incidents of abuse and intimidation to Members Support and the Police so that a record can be kept. Even if the conduct complained of does not reach a threshold for immediate action, it may become part of a pattern of behaviour.
- 18 Legal and Democratic Services work closely with the Health & Safety team to conduct risk assessments and provide specific advice and guidance where appropriate and take steps to mitigate any potential risks to Councillors. Where appropriate, the Council will consider taking legal action to protect Councillors.

- 19 Councillors are reminded that they are able to access the health and well-being support available under the Council's Employee Assistance Scheme.
- 20 The Council also has a very good relationship with Durham Constabulary who are responsive when concerns are raised with them.
- 21 The above support provided to Councillors is generally well-received. However, in light of the LGA's first recommendation it is appropriate for the Council to consider what else it could do to tackle abuse and intimidation and support Councillors.

The Debate Not Hate public statement

- 22 In relation to recommendation seven, the LGA are asking all Councillors and MPs across the country to sign a public statement to support their work and act as a call for action for the relevant government department to form a working group to bring together relevant agencies and partners to produce an action plan.
- 23 To date, over 400 Councillors have signed up to the public statement in June 2022.

The Debate Not Hate Campaign

- 24 The LGA will be launching the Debate Not Hate Campaign. It is understood that as part of this the LGA will publish a toolkit to assist Councils in supporting their members in relation to abuse and intimidation. The LGA will also be seeking further information regarding the challenges, solutions and examples of good practice.
- 25 It is proposed that following the launch of the Campaign, a report is prepared for Council, which provides details of the support available for Members, details of the Debate Not Hate Campaign, the toolkit and recommends that the Council signs the Debate Not Hate Public Statement.
- 26 Details of the campaign and the proposed recommendation to Council will also be reported to the Standards Committee on 5 December 2022. The Committee will be asked to consider adding the Debate Not Hate Campaign to their work programme so that it can monitor progress, promote the campaign within the Council and identify opportunities for the Council to participate in the campaign.
- 27 Once further details of the campaign and the toolkit have been published, the Standards Committee will be asked to consider any further action that the Council can take to support the campaign and its members.

Conclusion

- 28 Given the LGA's findings in relation to abuse and intimidation and the increase in issues locally, it is important to raise awareness of the support available to Members and to support and promote the Debate not Hate Campaign

Background papers

- The LGA's Call for evidence quantitative data
<https://www.local.gov.uk/publications/lgas-call-evidence-quantitative-data>

Other useful documents

- LGA Debate Not Hate Public Statement
<https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-sign-our-public-statement>

Author(s)

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Appendix 1: Implications

Legal Implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct.

Finance

There are no financial implications.

Consultation

Constitution Working Group considered the report at its meeting on 24 November 2022 and were supportive of the proposals.

Equality and Diversity / Public Sector Equality Duty

No Implications

Climate Change

No Implications

Human Rights

There are no direct Human Rights implications arising out of the report. However, when considering allegations of abuse and intimidation, it is necessary to consider a balance between protecting Councillors from harassment and complying with Article 10 – Freedom of Expression of the European Convention of Human Rights.

Crime and Disorder

Incidents of abuse and intimidation may amount to criminal behaviour. The Debate Not Hate Campaign is intended to reduce incidents of abuse and intimidation and therefore have a positive impact on crime and disorder.

Staffing

No Implications

Accommodation

No Implications

Risk

No Implications

Procurement
No Implications

Appendix 2: Appendix A - Debate Not Hate The impact of abuse on local democracy.pdf (coventry.gov.uk)



[Home](#) > [Publications](#)

Debate Not Hate: The impact of abuse on local democracy



Our call for evidence of abuse and intimidation of councillors was launched in October 2021. This report sets out the findings and recommendations for the future of local democracy.

[Communities](#)

28 Jun 2022

Executive summary and background

Councillors are at the centre of local democracy. Elected from amongst their local community and forming a vital link between councils and residents, it is a privilege and responsibility to be elected to public office. However, increasing levels of abuse and intimidation in political and public discourse are negatively impacting politicians and democracy at local and national levels.

Rights to object and constructive challenge are both key components of democracy, but abuse and intimidation cross the line into unacceptable behaviour and serve to silence democratic voices and deter people from engaging with politics.

There is a considerable volume of evidence of the impact of abuse, intimidation, and aggression at a national level, including extreme incidents such as the murder of Jo Cox MP and Sir David Amess MP.

To understand the impacts on local government and councillors, the LGA launched a call for evidence of abuse and intimidation of councillors in October 2021. This report summarises the findings from the first six months of the call for evidence. It sets out what more could be done to improve support and responses to abuse and intimidation of councillors and reverse national trends around abuse and intimidation that are harmful to democracy.

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Key findings

Respondents to the call for evidence were asked to share their personal experiences of abuse and intimidation as councillors or candidates or abuse of councillors they had witnessed. This included **quantitative questions**

[\[https://www.local.gov.uk/publications/lgas-call-evidence-quantitative-data\]](https://www.local.gov.uk/publications/lgas-call-evidence-quantitative-data)

looking at frequency, location and circumstances of abuse. In addition, respondents were asking for details about triggers of abuse, impacts of abuse personally and more widely, and reflections on support and responses from relevant agencies.

The following themes were identified in the responses to the call for evidence:

- **Variability of support** – The support offered by councils, political parties, and the police varied across the country. In particular, respondents identified a lack of proactive support from some councils and responses from some police forces to threats made against councillors and their families.
- **Targeted abuse** – Evidence from the qualitative responses indicated that councillors and candidates with protected characteristics were more likely to receive personalised abuse. Misogyny, racism and homophobia were particularly highlighted in the responses.
- **Personal and democratic impacts** – Abuse and intimidation can significantly impact councillors and their families, and the wider community. Several respondents described the negative impacts of ongoing abuse on their mental health and wellbeing. In addition, respondents supported the idea that abuse can impact councillors' willingness to stand for re-election or deter others from considering standing for public office.
- **Vulnerability of councillors** – Many respondents highlighted the visibility and accessibility of councillors in their local community, particularly when councillors' home addresses are available online. Councillors are therefore vulnerable to physical abuse, particularly compared to national politicians who may have greater protections and access to specialist police support.
- **Normalisation** – There is a growing feeling that abuse and intimidation, particularly online, are becoming normalised. Attitudes around councillors expecting abuse and being expected to manage abuse with little support were prevalent in the responses.

Recommendations

In considering these findings, it is possible to set out some initial recommendations to improve the environment for current and prospective councillors. These recommendations range from relatively simple legislative changes to protect

councillors' privacy to creating a longer-term culture change which seeks to de-normalisation of abuse of politicians and other high-profile individuals.

Recommendation 1: Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors' mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors' safety, and that of their families, are taken seriously.

Recommendation 2: The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.

Recommendation 3: Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.

Recommendation 4: The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.

Recommendation 5: The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.

Recommendation 6: Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.

Recommendation 7: The relevant **Government department should convene a working group** [<https://www.local.gov.uk/debate-not-hate-sign-our-public-statement>], in partnership with the LGA, to bring together

relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

Introduction

Councillors are at the centre of local democracy. Elected by residents in their neighbourhood and tasked with making decisions that affect the whole community, they are as much a part of the community as those they represent and form a vital and direct link between the council and residents.

It is a key democratic principle which all councillors champion, that local government should be open and transparent and that decisions made by elected councillors should be open to scrutiny and challenge. Residents who are unhappy with decisions made by the council or services that the council provides have every right to object and have their voices heard. This is a civil liberty that must be maintained and protected.

However, the growing levels of abuse, intimidation and harassment against elected politicians are a real threat to representative democracy. Comments and actions that cross the line from honest and respectful debate to abuse and intimidation are designed to silence democratic expression, constructive challenge, and free speech.

There is evidence that increasing levels of toxicity of debate and abuse against public figures are having an impact on our country's democratic processes at a national and local level. In 2017, the Committee for Standards in Public Life published a report on **Intimidation in public life**

[\[https://epjdatascience.springeropen.com/articles/10.1140/epjds/s13688-020-00236-9\]](https://epjdatascience.springeropen.com/articles/10.1140/epjds/s13688-020-00236-9) in which the Committee suggested that “the scale and intensity of intimidation is now shaping public life”. Since then, research into abuse toward parliamentary candidates has supported anecdotal concerns that levels of abuse are increasing and that women, ethnic minority and LGBTQIA+ politicians receive more discriminatory abuse related to their personal characteristics [1].^[#_ftn1]. During the general election in 2019, concerns were raised over a number of female MPs who retired from politics and cited abuse they faced as a key factor in their decision-making [2].^[#_ftn2].

Beyond abuse that may dissuade prospective politicians from standing for election, there are significant concerns about the risks to politicians' personal safety. Although rare, serious incidents do occur as shown by the murder of Jo Cox MP in 2016 and Sir David Amess MP in 2021.

The ability to debate and disagree well, as set out in the Committee for Standards in Public Life 2017 report, is all the more important when there is significant division in viewpoints and politicians grapple with difficult decisions about how to manage complex local issues.

Councillors represent and serve their local communities and the majority do so without being negatively impacted by abuse and intimidation. Recent councillor census data shows that a large majority of councillors (79 per cent) would recommend being a councillor to others and 65 per cent intended to stand for re-election; almost a third said they had never experienced abuse or intimidation linked to their councillor role and 72 per cent said they had never felt at risk in their role.

Nevertheless, some councillors do experience significant abuse and intimidation and the intensification of these harmful behaviours are unacceptable and represent a real risk to democracy at all levels.

Work of the LGA Civility in public life programme

Following the publication of the Committee for Standards in Public Life reports into Intimidation in public life and Local government ethical standards, the LGA established the Civility in public life programme. The purpose of the programme is to address intimidation, standards of public and political discourse and behaviour in public office and provide support and advice to councils and councillors.

Since 2019, the LGA has developed a Model Councillors Code of Conduct and supportive guidance such as Digital citizenship guidance, Guidance for handling intimidation and abuse for councillors and case-studies on council support for councillors dealing with abuse and personal safety issues and run a series of evidence on councillor safety (grant-funded by the UK Government). The LGA launched this Call for evidence of abuse and intimidation of councillors to formally record the experiences of councillors impacted by abuse and intimidation and develop a greater understanding of what could be done to improve civility in public life.

Work of the UK Government

In response to the Committee for Standards in Public Life's reports and national events, the Government established the Defending Democracy programme, a cross-Whitehall initiative focusing on four priorities including strengthening the integrity of,

UK elections, protecting democratic processes and institutions, empowering British citizens and respecting open debate, and tackling disinformation. Under this programme, the Government has passed legislation to address intimidation of electoral candidates and campaigners and introduced legislation to create new offences related to threatening and harmful online communication and false information online.

We welcome progress in these areas, however, evidence gathered by the LGA indicates that greater attention needs to be paid to prevention to stop abuse and intimidation of elected politicians happening in the first place and reverse the impacts of an increasingly toxic political environment on current and prospective politicians.

About this report

In October 2021, the LGA launched an open call for evidence of abuse and intimidation of councillors by the public. The aim of the survey was to capture elected and prospective councillors' experiences and concerns about public abuse and intimidation and what the impacts of abuse are on them, those around them and democracy more generally. The survey was open to councillors, candidates and individuals who support candidates and councillors and might have witnessed relevant abuse. The Call for evidence remains open for submissions to capture experience of newly elected councillors.

In the first six months of the Call for evidence, 419 responses were received in relation to principal councils [3] [fn3] and these responses formed the basis of this analysis and recommendations. This report uses the lived experience of councillors to fill a data gap around the abuse that councillors receive while fulfilling their elected role, the impacts of abuse on people in public life and local government, and what more needs to be done to improve the state of public discourse.

[1] [fnref1] Gorrell et al., **Online abuse toward candidates during General Election 2019: Working Paper** [<https://arxiv.org/pdf/2001.08686.pdf>], Jan 2020

[2] [fnref2] Gorrell et al., **Which politicians receive abuse? Four factors illuminated in the UK general election 2019** [<https://epjdatascience.springeropen.com/articles/10.1140/epjds/s13688-020-00236-9>], July 2020

[3] [fnref3] A principal council is a local government authority as defined under the Local Government Act, section 270. Here it is used to mean any council across the UK which is not a parish and town council or combined authority, i.e. district, county,

unitary, London borough, metropolitan etc.

Key facts and figures

The **call for evidence of abuse and intimidation**

[\[https://www.local.gov.uk/publications/lgas-call-evidence-quantitative-data\]](https://www.local.gov.uk/publications/lgas-call-evidence-quantitative-data) was an open survey targeted at candidates, councillors and officers who have witnessed abuse of councillors. Four hundred and nineteen respondents from principal councils responded to the Call for evidence in the first six months. A summary of the key statistics from the survey is set out below:

- 88 per cent of respondents said they had experienced abuse and/or intimidation, directed at them personally in relation to their role as a councillor or because they were a political candidate
- 98 per cent of respondents who said they had experienced abuse and/or intimidation said they had experienced such incidents on multiple occasions
- Most abuse was received via social media, with 73 per cent of respondents with multiple experiences said they received abuse by social media
- 64 per cent of respondents had been abused and/or intimidated in person
- 50 per cent of respondents said the abuse was ongoing
- 72 per cent of respondents said they had taken actions themselves to avoid intimidation and/or abuse, or to protect themselves
- 60 per cent of respondents said they were aware of others being unwilling to stand or re-stand for election, or take on leadership roles, due to anticipated abuse.
- 42 per cent of respondents said they would be standing for re-election at the next election.
- 27 per cent of respondents said they would not stand for the next election and 31 per cent were undecided, of those respondents 68 per cent said abuse and intimidation had influenced their position on whether to stand again.

The **2022 LGA Councillor census**

[\[https://www.local.gov.uk/publications/national-census-local-authority-councillors-2022\]](https://www.local.gov.uk/publications/national-census-local-authority-councillors-2022) was a time-limited survey directed at all councillors in England

which took place between January and February 2022. The survey covered a range of areas including representation, councillor views and councillors' work. 5055 respondents responded to the survey which is response rate of 30 per cent. A summary of the key statistics relating to the experiences and impacts of abuse and intimidation of councillors from the survey is set out below:

- 70 per cent of respondents thought that the council had effective arrangements for dealing with inappropriate behaviour by council officers, 57 per cent by councillors and 55 per cent by members of the public
- 28 per cent of respondents had either frequently or occasionally felt at risk personally in their role as a councillor, 45 per cent felt at risk rarely and only 26 per cent never felt at risk
- 65 per cent of respondents thought that council arrangements for protecting councillors personally were either very or fairly effective
- 7 in 10 respondents experienced abuse or intimidation in last twelve months; 10 per cent experienced it frequently, 29 per cent occasionally, 33 per cent rarely. Only 27 per cent had never had any such experiences
- 63 per cent of respondents felt that the arrangements in place for protecting councillors personally were effective
- 79 per cent of respondents would recommend the role of councillor to others
- 65 per cent of respondents intended to stand for re-election

Detailed examination of the responses to the call to evidence

According to the recent LGA Councillor census ^[1] [\[#_ftn1\]](#), which gathers key demographic data and perceptions from serving councillors 10 per cent of councillors have experienced abuse and intimidation frequently, with a further 29 per cent experiencing it occasionally. Only 27 per cent said they have never had any such experiences. To get a clearer understanding of how abuse against councillors usually presents, what kinds of abuse councillors experience and why people abuse councillors, councillors and those around them were asked to share their experiences of abuse and intimidation of councillors by the public.

Experiences of abuse

Respondents were from across the political spectrum, from different council types, and geographical areas, including submissions from England, Wales, Scotland and Northern Ireland. 88 per cent of respondents had experienced abuse and/or intimidation directed against them personally due to their role, with the majority receiving both; 76 per cent had witnessed abuse and/or intimidation of this nature. Respondents to the survey were from a range of demographic groups in terms of age, sex and other protected characteristics; although it was not possible to do further statistical analysis to look for particularly at prevalent groups in the data due to the sample size. Together this could suggest that all councillors may be at risk of experiencing abuse and intimidation during their political career and that some councillors both experience and witness abuse. However, there is evidence from the qualitative responses to the survey that councillors with protected characteristics are more likely to experience personal attacks and abuse. Later in the report we will consider in more depth whether some councillors are targeted with different kinds of abuse.

The abuse described by respondents was multi-faceted and took place in both the online and in-person spaces. Death threats, abusive and discriminatory language, character assassination and intimidatory behaviour, such as encroaching on personal spaces, were common forms of abuse. Destruction of property, physical assault and serious ongoing harassment like stalking or sexual harassment were reported, but these forms of abuse were rarer and more likely to result in some form of police involvement.

Overall, when the reports of abuse were grouped as either offline abuse (in-person or via telephone or post) or online abuse (social media, virtual meetings, or other online communication) they were equal, showing that online abuse happens just as much as offline abuse. However, 73 per cent of respondents said that multiple incidents of abuse they experienced took place on social media, making it the most common place for abuse to occur. Respondents were much more likely to report that abuse had occurred on multiple occasions and involved multiple perpetrators, than multiple incidents by one person or a single incident. This was particularly the case with online communication and on social media, referred to as “the Wild West” by one respondent.

Respondents felt that the increased use of unregulated social media platforms had increased the likelihood of abuse and hurtful comments. Respondents mentioned ‘pile-on’ abuse which is when a number of different individuals sending harassing communication to one victim in a public (social media platform) or semi-public space (messaging service like WhatsApp). Significant amounts of abuse can accumulate very quickly in this way through individual posts, which can be difficult to remove from

the platform but nevertheless have a cumulative harmful effect. The immediacy and 24-hour nature of social media and the reach into personal spaces was also cited as an area of concern, with councillors feeling targeted within their own homes and unable to disengage from abuse being directed at them online. Respondents also suggested that the anonymity of social media emboldened perpetrators to be more extreme on social media and allowed them to set up multiple accounts for the purpose of abusing or 'Trolling' others with impunity.

Whilst the Government's Online Safety Bill may help to address some forms of serious harmful online communication by introducing new communication offences and by introducing a duty to protect adults from harmful content, most online abuse would probably not meet the threshold for criminal prosecution or might fall below the scope of what content should be removed under this duty. We therefore have concerns that these provisions will not have the intended impact and more is needed to address non-criminal but nonetheless harmful online abuse and misinformation.

Councillors have many in-person interactions with residents. Respondents report that single incidents were more likely to happen in person than online and even single incidents had a significant impact on victims. Respondents repeatedly highlighted how visible and locally accessible councillors are to the public, particularly compared to national politicians. In their formal role, councillors attend clearly advertised council events like council meetings and make decisions about highly emotive local issues like planning, licensing and service provision that affect a lot of residents. Council meetings are rightly open to the public, but there is generally little or no security or police presence to handle incidents when they occur. This is often down to the level of resource available, and some respondents indicated that even when the police accepted there were heightened risks at certain council meetings, they often could not guarantee police support due to resourcing issues. As a consequence, some reported council meetings being adjourned or postponed due to safety concerns.

By comparison members of parliament conduct their official parliamentary role in the highly secure Houses of Parliament and often have formal offices and staff to support their local role and surgeries in their constituency. Members of parliament have a high local and national profile, representing thousands of constituents and are at significant risk of abuse and serious threats. It is therefore right that they have the appropriate facilities and protection to keep them safe as they fulfil their elected role. However, councillors, particularly those with special responsibilities, make decisions affecting hundreds of thousands of people and may experience similar levels of abuse and threats as MPs. Councillors should therefore receive support appropriate to the level of risk associated with their role and their particular situation, just as MPs do.

Councillors also engage less formally with their local community by holding ward surgeries, door-knocking and visiting residents in their homes. Advice from political parties and the LGA is that these activities are not carried out alone, but responses from the survey indicated that many had done so before an incident occurred, and many rely on volunteers to support these activities. Respondents highlighted that in-person abuse takes place in both formal and informal settings and includes verbal abuse such as threats and discriminatory language and other physical abuse amounting to criminal incidents. Spitting was a common and upsetting form of physical abuse, but respondents also reported more serious physical assaults.

Threats were a consistent theme throughout the responses and ranged from threats to smear a councillor's reputation to threats to the physical person, family or property of the councillor. These threats were seen to be more serious due to the public availability of councillors' personal information, such as home addresses on council websites, making councillors more vulnerable to serious incidents and high-profile incidents over the past few years.

“I have been abused on the street and threatened by being told, I know where you live...and I've been told to watch my back.” *Anonymous respondent*

In addition, some felt this accessibility of information increased the risks of threats being made online translating into real violence. One respondent gave an example of a death threat being made online where multiple individuals suggested councillors should be shot, one social media user posted that they would be willing to 'pull the trigger, just tell me where they live', while another signposted to councillors' home addresses on the council website. In another case, threats were implied by leaving a live bullet on the doorstep of a councillor's house. This is a rare example, however, many respondents had less extreme examples of online communications leading to real world threats, such as multiple 'poison pen' letters being delivered to councillors homes and orchestrated demonstrations outside a councillors home.

Normalisation

Respondents who said they had experienced multiple incidents were asked to describe how often they received abuse from more than once a day through to less than once a month. The responses indicated that a high frequency of abuse was common. For example, one in ten respondents said they experienced abuse due to their role once a day or more than once a day and 36 per cent of those who experienced multiple incidents of abuse, said they experienced abuse once a week or more frequently. Almost half the respondents who experienced multiple incidents said the abuse was ongoing and many described it as constant. A third said the abuse was not ongoing and some said described abuse not as regular but as directly linked to

specific engagement activities, such as posting online. Nevertheless, there was a clear theme that a certain level of abuse and intimidation is a feature of political life which is both expected and accepted by councillors and those around them.

Normalisation of abusive behaviour towards councillors was also evident in the qualitative responses councillors gave to the call for evidence. Some respondents said that although they were initially shocked by the prevalence and level of abuse when they were elected, the accepting attitude of their councillor colleagues, council staff and political officers quickly led to a shift in their expectations and norms. Consequently, respondents expressed a perception that councillors ought to be able to manage the majority of abuse themselves and that when they struggled to cope, they were concerned people would judge them or say they were not cut out for politics. This might partly explain why 37 per cent of respondent did not seek support in relation to their experiences. A few challenged this perception, recognising that councillors should not have to suffer personal attacks to represent their communities.

“ All organisations could take it more seriously; being robust enough to handle personal attacks should not be a pre-requisite for public office. *Anonymous respondent* ”

In relation to council staff or political officers, responses showed this normalisation playing out in two distinct and opposing ways. One approach accepted that abuse of councillors by the public is expected and normalised such that very little individual support was offered; abuse is so every day and constant that trying to address it would be a huge and never-ending effort without much benefit. The second approach to increased abuse by the public was for councils to put in place varying levels of support for councillors including specific training, guidance, support, and policies to deal with abuse from the public and bespoke risk assessments of councillors' personal safety. There is a similar divergence of experience in relation to police response to abuse and intimidation of councillors. In some cases, normalisation of abuse of elected members has led to some poor practices where genuinely criminal or threatening behaviour has not been investigated or addressed because of the victim's role as a councillor.

“I think there is an element of not being believed, that you are exaggerating, that you have to put up with it, and that if you do not like it, you can change your role and give to someone else.” *Anonymous respondent* ”

Normalisation of abuse by councillors themselves may also have led to some councillors not reporting serious abuse or threats when they occurred. Some respondents were clearly self-categorising abuse as tolerable or serious enough to report to the police, with little in between. In addition, some councillors said that their more experienced councillor colleagues seemed more resilient to abuse and described being told they would get used to abuse after a while. In some cases, this high tolerance had led to councillors not reporting serious incidents, which the police later advised were criminal, should have been reported, and may have put the councillor at risk of harm.

The idea that councillors and other people in high profile public roles should expect and grow used to abuse, that they learn to cope with threats and intimidation, and that there is little to be done to curb abuse is a pervasive narrative at local and national levels. In the aftermath of the murder of Sir David Amess MP, the Government rightly reviewed arrangements for MP's security to assess the provision available and bring consistency across different areas of the country. The LGA welcomed this prioritisation of elected members security, however, the Government chose not to widen the scope of the review to include councillors and other local politicians, despite repeated calls from them to do so. In addition, all police forces were instructed to make direct contact with MPs in their area to discuss their safety and provide advice and support. By comparison councils coordinated support for councillors locally; police input relied on existing relationships rather than a national directive and therefore varied across different areas.

Finally, councillors are leaders of their local community and often act as role models for future leaders; most are striving in good faith to exemplify high levels of discourse and respect debate. However, some respondents commented that rising level of general abuse and disrespectful debate at the national level was coarsening debate in the council chamber. Others said they felt abuse from fellow councillors and political party members was on the rise, despite there being common and well understood standards of behaviour and conduct based on the Nolan principles and principles of respect.

Large scale reviews of standards in local government, such as the Committee for Standards in Public Life 2019 report, have found little evidence of a widespread standards problem. However, there was evidence of misconduct by some councillors related to bullying and harassment. The LGA is committed to maintaining high standards of conduct and creating a consistency of approach by councils when dealing with councillor standards and behaviour. In 2020, the LGA developed a Model

Councillor Code of Conduct in consultation with the sector to set out a common standard of behaviour and support councillors to role model positive behaviours, and respectful conduct.

The normalisation of abuse and intimidation of people in public life has had a negative impact for many, including councillors. If this normalisation of abuse is symptomatic of a wider toxification of society and public discourse, further consideration will need to be given to solutions that will address this within the sphere of local government and in wider society.

Targeted abuse towards councillors with protected characteristics

Targeted abuse towards councillors with protected characteristics was a recurring theme in the responses to the call for evidence, whether through first-hand experience or as a witness. The qualitative evidence from the survey indicated that councillors with protected characteristics may experience more personal attacks, compared to others who experience more general abuse.

Some respondents suggested that councillors with protected characteristics were more likely to experience more extreme and a higher volume of abuse; due to the number of responses and style of the survey it has not been possible to confirm this claim through statistical analysis of these results. However, this would follow trends seen at national levels. For example, in a 2020 study looking at ‘Which politicians receive abuse?’ in the run up to the 2019 UK general election, Gorrell et al. found that women received more sexist abuse, whereas men received more general and political abuse.

Misogyny, racism and homophobia were all mentioned by respondents, although misogyny and reference to women’s personal characteristics or making threats designed to specifically impact women were particularly common.

“Initially when I became a councillor, I was told by a colleague that I should never hold a surgery alone as I was at risk... I was told that with me being disabled, I would be the target of negative treatment by people.” *Anonymous female respondent*

Many councils, political parties and organisations, like the LGA, are working hard to increase the diversity of representation in local government and this requires a greater variety of candidates to stand at local election. So, it’s important to note here that many respondents directly linked abuse associated with personal characteristics with

reluctance to stand for election or re-election; some described women choosing to take on back-office roles in the local party rather than run for office because of concerns about what abuse they would face.

Some argue that this kind of targeted abuse is symptomatic of wider inequality and discrimination in society and the solution in the long run is to tackle the root cause. Personal and discriminatory abuse of candidates and councillors with protected characteristics undoubtedly hampers efforts to improve local representation and if it continues may have a negative impact on the limited diversity we currently have in local government. So, in the meantime, actions to address those symptoms and reduce the excessive amount and severity of abuse women and other people with protected characteristics receive could help reverse the trend of underrepresentation of these groups in local and national politics.

Triggers of abuse

To better understand the reasons why perpetrators direct abuse at councillors, respondents were asked to comment on whether they felt there were triggers that acted as catalysts of abuse and what those triggers might be. This covered specific to non-specific events and processes and picked up where abuse was not triggered but appeared to be generalised.

59 per cent of respondents believed the abuse was triggered by specific events. Others were not sure or felt there was not a specific trigger event except being in public life. These triggers can broadly be categorised into abuse related to decisions of the council, abuse linked to political party or individual political stances, abuse aggravated by other factors, like perceived poor performance of the council or a misunderstanding of the role of councils and councillors, and abuse linked to the councillor's role in public life. Abuse, triggered by a specific event or otherwise, could also be aggravated by certain myths and perceptions about councillors.

The most common and easy to identify trigger was contentious council decisions; respondents highlighted abuse related to unsuccessful planning and licensing applications and objections to general planning and parking decisions as common triggers. Planning and licensing are an integral part of council business and can be very emotive issues as these decisions can have an impact on individuals and the whole community. Councillors appointed to committees dealing with these issues will generally receive training on the technicalities of planning and licensing and making these decisions before they take up the role. However, there is no strengthened level of support for councillors sitting on these committees, or training for planning staff who support councillors, to help them deal with abuse linked to the types of decisions they make.

Another trigger for abuse was wider council policy on topical issues and in some cases, these were associated with certain types of councils, for example **Low Traffic Neighbourhood issues** [<https://www.local.gov.uk/publications/stakeholder-engagement-emergency-lessons-low-traffic-neighbourhoods>] were clearly associated with urban rather than rural councils. However, there were many triggers, like Covid-19 vaccinations and climate change, that traversed geography across all types of councils.

Here it is useful to examine the different kinds of behaviours respondents said residents displayed and clarify the distinction between appropriate objections to council decisions and policy or complaint about council services. Respondents reported a range of behaviours from continuous and repeated complaints and objections to personalised verbal abuse and intimidatory comments and physical aggression intended to inappropriately influence individual councillors and local decision-making. Residents have a right to object to policies they are unhappy with; these civil liberties are a vital democratic principle and must be maintained. Further to this, the LGA actively encourages residents to engage with their local council and the decisions that affect their communities. However, actions that amount to harassment and devolve into personal attacks or are intended to intimidate a councillor into changing their position or actions are not acceptable and this is happening far too often.

Campaigning and canvassing in the community were also highlighted as high-risk activities by respondents. One respondent labelled door-knocking as “particularly harrowing”, with some councillors saying they had concerns about their own safety and wellbeing, as well as their volunteers while campaigning. Many respondents stated that this abuse was connected to the policy positions of their political party or their own views on particularly divisive issues, such as leaving the European Union. Respondents described how disagreement and opposing views were then reflected in the form of aggression, threats, and personal abuse. Some commented that this has become steadily worse in recent years and that personalised abuse between national and local politicians had set a precedent that has filtered down into conversations with members of the public.

Responses to the questionnaire indicate that it is sometimes possible to anticipate what events or activities might trigger abuse and aggression towards councillors. Consequently, it may be possible to put in place measures to prevent abuse from taking place or mitigate the impacts of abuse. Council officers often work with their councillors ahead of contentious or high-profile decisions to ensure that they are handled sensitively and that councillors know how to respond to online abuse. For example, councils can remove the option for comments on social media posts for a

set period of time and advise councillors to do the same. Allowing time before opening up for comments can reduce ‘knee-jerk’ reactions and allow time for consideration, while still allowing people to have their say at a later point.

Aggravating factors

There was a clear theme running through the qualitative responses about factors that served to aggravate and intensify abuse. These were chiefly based on preconceptions about the role and powers of the councillors, levels of council performance and the public’s right to abuse people in public office.

Respondents commented that it was common for abuse to be rooted in a misunderstanding of the role of the council and councillors, particularly where councils are required to implement government policy. Confusion about responsibility and functions of different levels of government was compounded by residents’ incorrect assumption that councillors have the power to immediately influence national policy and change local policy independently of the rest of the council. Respondents also commented that councillors are more accessible and available to residents than members of parliament and therefore were often the first port of call for disgruntled residents.

“Council is always seen as the bearer of bad news whilst MP’s who are often responsible for setting the policy are deemed as a hero.” *Anonymous respondent*

Change, reduction or closing of local discretionary services was a common theme in responses, this was linked to these services being vulnerable to reduction in central funding from Government and often being highly visible physical infrastructure in the community, such as library services. Respondents commented that it was sometimes difficult to control the narratives around service changes and even positive changes, such as transferring library services to local community groups, was sometimes seen as an abdication of responsibility.

21 per cent of respondents felt that the abuse they experienced was not triggered by a specific event. Many of those felt that abuse was related solely to being a figure in public life and that abusing politicians was seen as fair game.

“ “ The problem is that abuse often starts as low level... This creates a sense that local councillors are easy game for abuse. *Anonymous respondent*

They particularly highlighted running for election, being elected and taking on additional responsibilities as points where abuse started or intensified. This is supported by the fact that 72 per cent of respondents said they had additional responsibilities as a councillor. A further 19 per cent of respondents were not sure whether abuse was related to specific events or not and some said it was a combination of ongoing abuse and events that exacerbated abuse, such as engaging with resident online or at ward surgeries.

Councils and political parties have a role in supporting candidates and councillors representing them. The evidence suggests abuse is becoming more common, consistent and normalised in the eyes of the public, councillors and public organisations; one in five respondents to the survey said the abuse or intimidation was ongoing. To ensure this trend does not continue, organisations that support councillors should be proactive in handling serious abuse and referring incidents to the police where necessary, as well as actively supporting councillors to handle abuse that falls below the criminal level.

Personal impacts of abuse and intimidation of councillors

A critical part of the call for evidence asked respondents to share what the impacts of abuse and intimidation had been on them and other councillors. Evidence from these responses shows that abuse and intimidation of councillors has a significant impact on individual councillors and those around them.

Three broad categories of impacts emerged; impacts on the individual, impacts on the individual's family and friends, and impacts on local democracy and the community. These categories were influenced by how public the abuse was, who the councillor shared their experiences with and how the abuse influenced the councillors' choices.

Many respondents described how their experiences of abuse had negatively impacted their mental health and their ability to function in their councillor or other professional and personal roles. Depression and anxiety were commonly reported and some even reported being suicidal due to the levels of abuse. Some had to seek medical advice to deal with the physiological impacts of stress, and in extreme cases respondents described being so scared of verbal and physical abuse that they stopped going out or would only leave the house if accompanied by someone else.

Due to the public or threatening nature of the abuse, many respondents were concerned for their loved ones. These concerns ranged from family members being distressed by the amount of public abuse directed towards the councillor to fears for their safety or the safety of the family home.

“[Threats have] made me more aware of both mine and others safety and [the] importance of protecting myself and my family home...we all have to be careful.” *Anonymous respondent*

Respondents commented that in small communities it is very easy to identify a councillor’s family members and friends and sometimes they encounter abuse because of this association. These included grandchildren being bullied by other children at school, family members being ostracised from community spaces, and family businesses losing custom. Family members also worried about the councillor’s safety and asked them not to stand for election again.

“ My stress affects my family and I fear that they will be tainted too by the accusations levelled at me. *Anonymous respondent*

Democratic impacts of abuse and intimidation of councillors

To understand the full implications of abuse and intimidation of councillors, it is important consider impacts beyond the immediate and personal to the knock-on impacts on democracy and local representation.

Respondents were asked to indicate whether they would stand for election again and 42 per cent said they would stand again and 27 per cent were not decided. 43 per cent of respondents went on to answer a question about whether the possibility of abuse and intimidation had influenced their position on whether to stand again and over two-thirds said it had.

Many respondents added their comments saying that the impact of abuse and intimidation on them personally and their family had directly influenced their decision on whether to stand at the next local election. Some described the lack of structural support for councillors or way to challenge poor behaviour as a contributing factor.

“I could not run in another election ...I would not want to put my family through the stress and anxiety...”

“ Unfortunately in politics it is perceived by some that councillor are ‘fair game’ and should have a thick skin. Even a thick skin can be penetrated. *Anonymous respondent*

Further to this, respondents said that some councillors were resigning before their term had finished and potential candidates were being discouraged from running for election by the levels of abuse. 60 per cent of respondents said they knew others who were unwilling to run for election or take on leadership roles due to anticipated abuse. Elections are naturally highly stressful, but some respondents said that the line between political competition and personal attacks had been crossed.

On the other hand, a few respondents said they found that abuse had spurred them on to “fight harder”, particularly when the abuse related to personal characteristics rather than objections to their policies or decisions. In general, these cases should be taken as the exception not the rule and certainly not an expectation of the majority of councillors. It is therefore still vital that abuse against councillors it treated seriously, and that councils and police challenge the normalisation of this kind of abuse.

Support from relevant agencies and self-protection

As part of the call for evidence respondents described whether and how they sought support for abuse and how relevant agencies, such as the police, council officers and political parties, responded when they ask for help or reported an incident. This helped clarify the range of opinions, approaches and responses that councillors experience when they seek support to handle abuse and intimidation and in particular brought out the variety of provision at different councils.

63 per cent of respondents sought support in relation to the abuse they experienced, and many received support from multiple sources. However, out of those who sought support almost a third sought informal support from councillor peers, friends and family and by employing a barrister or solicitor to give legal advice. Respondents were most likely to seek support from their peers but many went to multiple agencies, such as their own political party, council officers or the police over the abuse they experienced. Some looked for support from other sources, including national organisations like the LGA, the Suzy Lamplugh Trust, the Local Government Ombudsman, and social media companies. Some also described handling these issues alone and managing their own personal safety.

When asked how helpful different types of support were, respondents said that support from friends and family was by far the most helpful, followed by peer support. This is particularly challenging finding as friends and family are likely to be the least well equipped to provide effective solutions to public abuse, apart from compassion and empathy. The police and the council were similarly ranked but respondents said they were not as helpful as family and peers. Support from political parties was ranked lowest out of all the options.

There were significant inconsistencies in the level and efficacy of responses to abuse of councillors from relevant agencies. Councillors themselves take a mixture of different approaches to dealing with these issues and responses from relevant agencies were equally mixed. In some cases, respondents reported an excellent experience, with prompt and effective action for those involved.

“Officer and member colleagues were very helpful and supportive. The police were fantastic – took a statement, gave me advice and helped me enhance security at my home, put me on an emergency call list.” *Anonymous respondent*

However, this was not universally the case and a common theme from respondents was a lack of coordination and partnership working between the council and political parties. Some councillors felt they were falling through the gaps between different agencies, with no one taking responsibility for councillor safety and wellbeing.

“Both officers listened and offered me moral support. However, neither have been able to stop the residents’ abuse. The council would not take legal action on my behalf against the worst abuser and advised me against taking a personal case against the individual. The police have seemed powerless to help me. My party haven’t really been of any help... Some members of my family have given me lots of moral support.” *Anonymous respondent*

In general, councillors sought support from their council in relation to misinformation online, abusive communications and physical safety or to request that their personal information, such as home addresses, be removed from the public domain. The response from councils was variable with no one set way of doing things. Some councils focused on equipping councillors to handle abuse and intimidation themselves with training and guidance, while others took a more involved approach, treating councillors similarly to employees and offering lone worker equipment and 24/7 support. Some councils had developed a successful collaborative approach working with political parties and the police to offer support and triage risk to councillors and offering bespoke risk assessments for ward surgery venues and private homes.

“This [incident] happened over a weekend, the chief executive rang me, in fact my phone never stopped ringing, messages of support from the police and senior officers... I felt truly supported by county staff and councillor colleagues.” *Anonymous respondent*

Support for councillors needs to be flexible to the specific situation and context, therefore it is expected that this offer will look different in different places. However, respondents also shared examples where they received little or no support at all and in particular, highlighted the lack of pastoral care available to councillors. It is becoming more common for political parties to actively record and deal with abuse against their members and some councils now allow their councillor to access staff wellbeing and counselling offers. However, many respondents said that council officers told them to ignore abuse and were apathetic towards addressing these incidents, particularly when they took place online.

There was a similar theme around the police classifying abuse against councillors as political or free speech and refusing to get involved as they would with other citizens. Threats against councillors' safety was generally, although not consistently, treated seriously by the police with some form of action being taken. However, this did not always result in a cessation of the threats and abuse or a warning or prosecution and so perpetrators continue with impunity.

A consistent theme from respondent's experiences was that the police often do not consider online abuse as their responsibility and believe that councillors who willingly stand for office should “expect to receive more abuse than a member of the public”. Due to this perception, respondents described not being taken seriously by the police, struggling to get their complaint investigated and consequently no action being taken against the perpetrators. Councillors do expect more abuse than members of the general public and often have very high tolerances for abuse, however, this does not mean abuse should be treated as acceptable or that councillors should not expect police to investigate crimes committed against them. In time, new offences in the Online Safety Bill may improve the police and prosecution response. The bar for criminal sanction has rightly been set very high to ensure legitimate free speech is protected, nevertheless the new offences may act as a deterrent to perpetrators and encourage police to investigate reports of online harm or misinformation more thoroughly.

37 per cent of respondents did not seek support for the abuse they experienced. Some respondents said this was due to the abuse being a “one-off” event or the abuse being at a tolerable level, such that seeking formal support felt

disproportionate. This description adds to the argument that abuse against politicians has become normalised; while abuse may be tolerated, it is still not acceptable.

However, there were some more extreme examples of abuse, intimidation and threats where respondents still did not seek formal support. This was mainly due to a perception that the onus was on them as the victim to protect themselves from abuse and poor behaviour and that there are few or no structural mechanisms in place to protect them from abuse. This feeling was summarised well by a response who said that councillors are “very much left to provide their own security.”

Further to this, some said they had little faith that the council could help them deal with the abuse affecting them. This is borne out to an extent by the 2022 councillor census data, where 45 per cent of councillors did not feel that their council had effective arrangements in place to deal with inappropriate behaviour by the public or didn't know what those arrangements were and 37 per cent did not feel that the arrangements their council had in place to protect them personally were effective.

Finally, some councillors commented that some perpetrators were known to have mental health problems and were known to council services and the police. Respondents mentioned that social care teams could be helpful in risk assessing and facilitating interactions between councillors and residents with additional needs to ensure those residents are able to access their elected representative. However, respondents also expressed frustrations that action was often not taken against some perpetrators because of their mental health problems. While a person's mental state may influence their behaviour, this does not lessen the impact abuse has on the victim or threats made by people with mental health problems should be taken as seriously as any other threat.

Councillor safety

Abuse and intimidation form part of a spectrum of abuse which can include very serious assaults and evidence suggests abuse is to be shifting towards the more extreme end of this spectrum. In the recent councillor census less than a third of respondents said that they had never felt at personal risk when fulfilling their role as councillor. Respondents to the call for evidence commented that it felt like abuse was getting worse and risks of running for office were increasing.



Local politics is a far more dangerous place now that it ever was in the past. *Anonymous respondent*

72 per cent of respondents to the survey had taken some action to avoid intimidation and abuse. These actions were usually around moderating or managing planned and unplanned engagement with the public, specifically using the options on social media to block abusive accounts, holding wards surgeries in public buildings, never working alone, and installing home security equipment. Some respondents commented that their approach had been to disengage from social media entirely and move to holding appointment only surgeries or “walking surgeries” held outside.

Over the last few years, high profile incidents like the murder of Jo Cox MP and Sir David Amess MP outside their respective ward surgeries have highlighted the vulnerability of elected politicians to serious assaults. This has rightly reignited concerns about the safety of councillors, mayors and police and crime commissioner and some historic practices that could put them at additional risk, such as the publication of politicians’ home addresses.

As mentioned earlier, there was a centrally coordinated programme of support for MPs following the death of Sir David Amess MP. This was a high-risk period for MPs and there were real concerns for their safety; a direct police response was a reasonable expectation from MPs. However, there was no expectation from central government that police would contact councillors in the same way. Instead, councils worked with their local police forces to reinforce their approaches to councillor safety. This was light touch in some cases, updating and reissuing councillor safety guidance or rerunning training designed to help councillors keep themselves safe. However, others recognised that councillors cannot control everything around them and that other agencies have a clear role in enhancing personal safety councillors are as safe as possible while going about their day-to-day council business.

Leeds City Council, for example, took the step of risk assessing all venues that councillors use as ward surgeries whether or not they were council-owned and worked with the councillors and venue providers to mitigate any risks identified. Many councils now provide personal alarms or systems for councillors to use when they are out in the community, in a person’s home and at their ward surgeries. These alarms vary in functionality, but usually they can provide a way to alert council officers to an incident taking place. Officers can then respond appropriately, starting with a welfare check and escalating to calling the police to attend the councillor’s location if necessary. Some alarm systems can also audio-record what is going on for evidence or have a mechanism to allow the councillor to silently alert the police that they need help.

In the past councils have routinely displayed councillor home addresses on their websites and until March 2019 councillors were required to publicly declare their home address on the ballot paper when they ran for election. Election practice has changed in line with recommendations made by the Committee for Standards in Public Life 2017 and 2019 reports into **Intimidation in public life** [<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>] and **Local government ethical standards** [<https://www.gov.uk/government/publications/local-government-ethical-standards-report>] that making councillors' home addresses public was unnecessary and put them at risk of incidents in their home. Evidence from respondents suggests that just the idea of having to publish a home address can also put people off standing for election and this is out of step with the way we treat personal data in every other sphere of life.

The practice of putting councillor addresses on council websites has reduced as councillors' attitudes have changed. However, councillors may still be required to publicise their home addresses as part of declaring their pecuniary interests on the public register of interests. Councillors may apply for a dispensation from their monitoring officer if they feel disclosing their address would put them or a member of their household at risk of violence. However, the monitoring officer has the discretion to decide whether this test has been met and this has led to inconsistent approaches in different councils. Some monitoring officers have taken the proactive view that all councillors are at risk of violence due to their public role and allow all councillors a dispensation, while others require a specific reason or incident to occur before they will remove an address. Effectively this means that someone could run for election without declaring their address and within 21 days of being elected be required to put it on a public document. Clarity that dispensation may be applied without a specific incident taking place would help create consistency of approach across different councils and reassure prospective councillors that they will have this protection if they are elected. In the view of the LGA, legislative change is required to put this beyond doubt.

Changes to allow councillors to withhold their home addresses from the public register of interests would be in line with changes rules on publishing home addresses for candidates running in elections. Prior to 2018, candidates in local elections were required to declare their home address on the ballot paper; now candidates may choose to opt out of sharing their address. Some councillors still choose to declare their home address. However, feedback from members and safety experts is increasingly moving towards the idea that candidates and councillors' personal information should be protected and that they should have to opt-in to sharing information like homes addresses as is the case with private citizens.  **Print**  **Page Top**

In recognition of the concerns in the sector and the real risk to councillors, the LGA ran three 'Personal safety for councillors' events for over 500 attendees between December 2021 and March 2022, updated the Councillor guide to handling intimidation, and produced case studies outlining how councils can support councillors with their safety and wellbeing.

Beyond the role of councils, political parties and individual councillors to manage councillor safety, there is a wider issue about how violence and threats against councillors are dealt with by the police. Earlier we mentioned some examples of councillors having excellent experiences where the council and the police worked together to mitigate risks to councillor safety. However, the overwhelming feedback was that concerns raised by councillors were not taken seriously enough or were outright dismissed by police as part and parcel of political life.

Councillors have the same legal rights and protections as any other member of the public and some would argue councillors have an enhanced risk profile when it comes to physical abuse which should be considered when they report abuse, threat and intimidation. Despite this, some believe that the bar for police to investigate and act when a crime is reported appears to have been set higher for councillors.

This should be considered in relation to other elected politicians, such as members of parliament. Members of parliament have a dedicated team based in the Metropolitan Police called the Parliamentary Liaison and Investigations Team to handle crime on the parliamentary estate in Westminster and liaise with Single Points of Contact (SPoC) in local constabularies to deal with crime and security of members of parliament in their home constituencies. This can include doing specialist risk assessments of MPs homes and offices and handling improved security measures like the installation of better locks and lighting and digital doorbells or CCTV.

By comparison there is no single team or functionality in police forces that are equipped with the specialist knowledge required to triage and handle crimes committed against local politicians because of their role as an elected official. In addition, although informal relationships may exist between councils and police in relation to councillor safety this does not always translate into a coordinated approach to addressing crimes against councillors. For example, some police forces will not accept a report of a crime from the council on the councillor's behalf but insist on a report from the councillor as a citizen. This risks taking the complaint out of context and can lead to an incorrect assessment of the associated risks to the complainant. On the other hand, some councils have proactively established partnerships and collaborative forums to ensure there are strong links between local emergency services in case of incidents or emergencies. One council, for example, holds regular

collaborative meetings with the Neighbourhood Safety Team, local police, local fire and rescue service and Police Community Support Team where they share latest intelligence and resources and complete a joint risk assessment for an individual councillor's activities. This can help prevent incidents taking place, but can also support councillors if an incident does occur.

Councils and police services have a duty to work together to formulate and implement strategies to tackle local crime and disorder under the Crime and Disorder Act 1998. This is usually facilitated through a Community Safety Partnership. So, relationships should already exist that could help to manage crime against councillors. However, this does not always seem to be working. One respondent shared that the only reason their complaint was dealt with was because they mentioned it in passing to the police and crime commissioner and chief constable of the local police force.

Actions to abuse or intimidate councillors stifle democracy and the voice of elected leaders and threats to councillors' personal safety is a crime. We recognise that there is significant pressure on the police and the Crown Prosecution Service and that it is not always appropriate to pursue prosecution for all crime. However, as with MPs, councillors should expect to have their complaints are taken seriously, and for police to use all available and appropriate tools at their disposal against perpetrators.

[1].[\[#_ftnref1\]](#) LGA 2022 Councillor census data

[\[https://www.local.gov.uk/publications/national-census-local-authority-councillors-2022\]](https://www.local.gov.uk/publications/national-census-local-authority-councillors-2022)

Summary and recommendations

The call for evidence has revealed an ongoing issue with abuse and intimidation of councillors and concerns about the safety of local politicians that are having an impact on councillors and local democracy more widely. It is important that we address these issues to ensure that they do not have a detrimental impact on councillors, councils and local democracy in the future.

There are clear gaps and inconsistencies in the support and response mechanisms available to councillors to deal with these issues, including council support, support from political parties and preventative support from local police. There is also evidence of a normalisation and acceptance of abuse of councillors that should be challenged. However, there is some evidence of good practice around risk assessing

ward surgery venues and home locations for councillors, building partnerships with local police, wellbeing support and having clear policies for dealing with communications from abusive residents.

Recommendation 1: Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors' mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors' safety, and that of their families, are taken seriously.

Recommendation 2: The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.

There is evidence of inconsistency in the response of the police to incidents of abuse, intimidation and aggression towards councillors and a normalisation of unacceptable conduct against politicians. There is also a perception that in some cases the threshold for intervention has been set higher for councillors than other members of the public. However, there were examples of good practices by police who took a proactive and coordinated approach to councillor harassment and safety. This worked best when police took a risk-based approach, took the public nature of the councillor role into account, and used all the powers at their disposal to disrupt abusive behaviour before it became more serious.

Police could consider replicating successful approaches taken with MPs or candidates during elections and providing a specialist Single Point of Contact for councillors in the local police force. Another approach would be having a Safety Liaison Officer as is provided for journalists across many forces in England; SLOs oversee cases related to crime against journalists and intervene only when necessary.

Recommendation 3: Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that factors in the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.

The availability of councillors' personal information can make them vulnerable in their own homes and the current legislation lacks clarity in relation to when home addresses can be withheld from the public register of interests. There is also an ongoing presumption that councillors should share their home address, and this can put people off from standing for election. Instead, it may be better for the sector to move towards a presumption that councillors do not share their home addresses publicly and councillors should have to actively 'opt-in' to having this information shared as with private individuals and their personal information.

Recommendation 4: The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.

Recommendation 5: The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.

It is clear in the responses from the call for evidence that councillors experience a lot of abuse online and that social media can be a fertile ground for abuse and intimidation. There were significant concerns about the availability of personal information online and how easily online abuse can translate into physical harm. Common concerns were about the cumulative impact of 'pile-on' abuse and how online abuse can transcend traditional boundaries into personal spaces 24 hours a day. The Online Safety Bill currently going through Parliament will aim to better

regulate online spaces through protecting users from illegal and harmful content. The LGA welcome the Bill and will work to ensure it can protect users from harmful abuse and misinformation that might otherwise fall below the criminal level as currently written.

Recommendation 6: Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.

There is currently no clear offer of support or leadership from the Government in relation to the safety of local councillors, despite serious incidents taking place in the last year and concerns about the vulnerability of councillors and the impact of abuse on local democracy. This is in contrast to the centrally coordinated support provided to MPs in relation to abuse, harassment and personal safety.

Recommendation 7: The relevant Government department should convene a working group, in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

More publications about Communities

[Debate Not Hate: The impact of abuse on local democracy](#) [\[publications/debate-not-hate-impact-abuse-local-democracy\]](#)

[National census of local authority councillors 2022](#) [\[publications/national-census-local-authority-councillors-2022\]](#)

[Polling on resident satisfaction with councils: Round 32 - June 2022](#) [\[publications/polling-resident-satisfaction-councils-round-32-june-2022\]](#)

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Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

1. To inform Members of the national picture on standards issues affecting Local Government.

Executive summary

2. This report is for information to update the Committee on national developments and cases which relate to the work of the Committee since the last meeting on 2 September 2022.

Recommendation(s)

3. The Standards Committee is recommended to:
 - a. note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
 - b. consider any recommendations it wishes to make arising out of the content of the report.

Background

5. As agreed by the Committee on 10 June 2022, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Lessons from recent Public Interest Reports

6. In September 2022, the auditing firm, Grant Thornton, said in their report, "*Lessons from recent Public Interest Reports*", that a common factor in recent auditor interventions has been weaknesses in council cultures (for example, poor behaviours, a lack of transparency) and weaknesses in governance (for example, a circumvention of governance procedures, poor quality review and decision-making).
7. Amongst other issues, the report highlighted cases where both members and officers had a limited understanding of declarations of interest and of gift and hospitality registers. These were not monitored, were often incorrect and rarely updated, the report suggested.
8. The auditing firm said:

"We have also seen a lack of appreciation of the Nolan principles and the requirements of the Members Code of Conduct,"

"Linked to this there has been a lack of understanding in how complaints against Members should be handled. Complaints were either not validated or considered appropriate for further formal action by the Monitoring Officer."
9. The report makes the following recommendations in relation to culture and governance:
 - Cultivate an open and transparent culture.
 - The views of statutory officers must be given appropriate regard and these statutory officers need to act in accordance with their statutory responsibilities.
 - Ensure staff can raise concerns/whistle blow, ensure this is encouraged and ensure this is independently investigated. Formal channels must be in place for the involvement of both the s151 and Monitoring Officers.
 - Embed an active review of all complaints and a zero-tolerance approach to inappropriate behaviours.
 - Undertake regular training to ensure members and officers are aware of the code of conduct and ensure that members understand their roles.

- Ensure members listen to challenge and take action to tackle long standing issues.
- If not already in place, councils should consider the introduction of regular reviews of key governance policies such as their Constitution, whistleblowing and confidential reporting, fraud prevention and anti-corruption policies.

Guidance for Councils and Councillors on use of Social Media

10. In November 2022, the Civility and Respect Project team established by the National Association of Local Councils, One Voice Wales, the Society of Local Council Clerks and county associations, produced a guide to the use of social media: “Actively addressing the issues of Civility and Respect on Social Media”.
11. The guide is designed to support councils and councillors through the challenges of social media “from handling trolling to legitimate challenge and scrutiny, from smear campaigns to politics”.
12. The guide also provides help on escalating issues, deleting and moderating comments, blocking abusive users, reporting online abuse and legal matters to the police or social media platforms and deciding when it is time to get off of social media.

CIPFA Review: Middlesbrough Council

13. Middlesbrough Council has agreed to address the findings of a review of culture and governance carried out by the Chartered Institute of Public Finance & Accountancy (CIPFA), which uncovered “significant issues” involving divisions between the unitary’s members and officers.
14. The report authors identified a number of issues, including “mistrust and dysfunction between Members and Officers” and reported that they were “struck” by the “adversarial” language used.
15. Issues arose following a change of administration and problems were said to have been compounded by an influx of newly elected members with “very limited” local government experience following the 2019 elections.
16. CIPFA found that, despite training taking place, there remains an issue with member and officer understanding of the scope of their roles and the boundaries between them.

17. According to the report, the discord has led to several personal attacks made by members against other members and some officers, both in the council chamber and on social media. Officers have also reported feeling bullied and intimidated.
18. Issues with communication were also highlighted by CIPFA. The report noted that, "Members and Officers can be quick to become defensive, and interviewees described scenarios where discussions have become confrontational".
19. The external auditor identified the following eight issues of concern:
 - Clash of cultures – "there is a disconnect between the 'administrative' style of the previous administration and the 'entrepreneurial' style of the new administration. Instead of these coming together to form a new culture, positions have become entrenched, leading to mistrust and dysfunction between Members and Officers."
 - Covid – "successive lockdowns have made it harder for positive relationships to be built and have contributed to miscommunication between Members and Members and Members and Officers."
 - Roles and responsibilities – "there is a lack of clarity around the roles and responsibilities of Members and Officers, which leads to blurring of boundaries, and some overreach."
 - Communication – "Language used is often adversarial, causing people to become defensive and more entrenched in their original position."
 - Member training – "all Members are offered training, but the take-up is inconsistent. Some Members complain about the quality of training and whether it meets their needs. Some Members do not demonstrate that they fully understand their role or that they have sufficient grasp of procedural issues."
 - Officer morale – "the issues highlighted in this report are having a negative impact on staff morale. This needs to be addressed as it is beginning to have an impact on staff turnover and recruitment."
 - Resolution of outstanding FOIs and complaints – "a large volume of FOI requests and complaints have been issued by Members. Officers report that this is higher than previously experienced and causes pressure on resource. The length of time taken to resolve these issues, adds to the mistrust between Members and Officers."
 - Focus on the past – "some Members are focused on issues that occurred in the past, sometimes many years ago, which is a blocker to making progress in the future."

CfGS Review: Southampton Council

20. The Centre for Governance and Scrutiny (CfGS) has published its findings and suggested action following their review of governance and decision-making at Southampton Council.

21. The review found no fundamental or systemic flaws in the council's governance framework overall, however, where improvements could be made, in most cases these related to tackling relationships between members and officers:

“In any council effective working is based on positive and constructive working relationships between members and officers. This relationship requires candour, frankness, respect and mutual challenge. It requires that officers have a clear understanding of members' motivations and objectives and that members understand where and how officers can assist them in delivering those objectives – and where the constraints might lie. Positive relationships rest on clarity on roles and responsibilities – a clear understanding between members and officers about who does what, where members lead and where and how officers should provide advice while also following members' directions.”

22. Recommendations included:

- As part of ongoing member induction activity, member development activity should incorporate mandatory training for all councillors on member and officer roles. This should be complemented by parallel workshops, also mandatory, for senior officers on the skills and expertise needed to operate in a political environment. These sessions should complement broader training on political awareness.
- This training should lead into dialogue between senior officers and all political groups to negotiate and agree a revised member-officer protocol that provides clarity on mutual roles and responsibilities, including setting out ways to resolve potential tensions and problems (and a set of scenarios to demonstrate examples of such tensions in practice). The protocol should also include commitments from parties on Group discipline around these issues.

Background papers

- Lessons from recent Public Interest Reports, Grant Thornton, September 2022: <https://www.grantthornton.co.uk/insights/lessons-from-recent-public-interest-reports/>
- Actively addressing the issues of Civility and Respect on Social Media: A Social Media Civility and Respect Guide and Policy Supplement, Civility and Respect Project: https://docs.google.com/document/d/1iftaoflxjGqrMj4kSiua_G3lh-E_wfR6onmemLR9rL0/edit#
- Middlesbrough Council culture and governance: Report, CIPFA, September 2022: <https://moderngov.middlesbrough.gov.uk/documents/s14452/Middlesbrough%20Council%20culture%20and%20governance%20CIPFA%20report%20-%20September%202022.pdf>
- Review of governance and decision-making at Southampton Council Findings and suggested actions, CfGS, October 2022: <https://www.southampton.gov.uk/modernGov/documents/s58297/Appendix.pdf>

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Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

Finance

Not applicable.

Consultation

Not applicable.

Equality and Diversity / Public Sector Equality Duty

Not applicable.

Climate Change

Not applicable.

Human Rights

Not applicable.

Crime and Disorder

Not applicable.

Staffing

Not applicable.

Accommodation

Not applicable.

Risk

Not applicable.

Procurement

Not applicable.

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Standards Committee

5 December 2022

Code of Conduct Update



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To provide Members of the Standards Committee with an update on complaints received by Durham County Council under the Code of Conduct for Members since the Committee's last meeting on 2 September 2022.

Executive summary

- 2 The report provides an update on the complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the Council's Local Assessment Procedure.

Recommendation

- 3 The Standards Committee is asked to note the contents of the report.

Background

- 4 The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and co-opted members and to adopt a Code of Conduct that is consistent with the Nolan Principles addressing the conduct that is expected of members when they are acting in their official capacity as a councillor and/or representative of the Council.
- 5 The Council must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members by the Council's own members and of members of the town and parish councils for which the Council is the principal authority.
- 6 Expected standards of behaviour should also be embedded through effective member induction and ongoing training.
- 7 Members' failure to comply with the Code can be an issue of concern to local communities and result in a perception of poor governance. This could affect the reputation of the Council. The Council therefore maintains an open and transparent process for making complaints against members. Information and guidance on the process for making such complaints is clearly signposted and accessible on the Council's website.
- 8 These arrangements include provision for the Monitoring Officer to provide local solutions to resolve complaints without formal investigations.
- 9 The responsibility for standards activity, including the monitoring of the operation of the Code, falls within the jurisdiction of the Standards Committee. Regular oversight of complaints received enables the Standards Committee to identify particular trends or issues which might need further consideration by the Committee and/or wider training needs.
- 10 Details of complaints activity during the period between 2 September 2022 and 24 November 2022 is set out in Appendix 2. An analysis of those matters is set out below.

Complaints received since 2 September 2022

How many complaints were received?

- 11 There have been 10 formal complaints received between 2 September 2022 and 24 November 2022, of which:
- 2 were rejected as being outside of the scope of the Code;
 - 6 are the subject of final Decision Notices; and
 - 2 are ongoing matters.

Who were the Complaints from?

- 12 Of the 10 formal complaints received during the last period:
- 4 were from members of the public;
 - 2 were from officers concerning members; and
 - 2 were from a member against another member.

Who were the Complaints about?

- 13 Of the 10 formal complaints received during the last period:
- 5 were about Town or Parish Councillors; and
 - 5 were about County Councillors.

Which provisions of the Members' Code of Conduct were alleged to have been breached?

- 14 Of the 10 formal complaints received during the last period, the principal provisions of the Members' Code of Conduct engaged were:
- Respect: 5
 - Disclosure of Interests: 3
 - Fairness/Impartiality: 1

What were the outcomes?

- 15 Of the 6 formal complaints received during the last period which have been subject of a final Decision Notice:
- No further action was taken in relation to 5 matters; and
 - 1 matter was deemed appropriate for local resolution. Additional training relating to the disclosure of interests was recommended.

- 16 In respect of ongoing complaints, it would not be appropriate to comment on matters that are currently being assessed or investigated but Decision Notices will be available for inspection once the decision has been communicated to the relevant Subject Member and Complainant.

B. Complaints received prior to 2 September 2022

- 17 During the last period, there has also been ongoing activity relating to a further 21 complaints, which were received prior to 2 September 2022 but remained ongoing at that date. Details of these also appear in Appendix 2. An analysis of those matters is set out below.
- 18 Of the 21 complaints which remained active at the date of the last meeting of the Standards Committee on 2 September 2022:
- 16 are now the subject of final Decision Notices; and
 - 5 remain ongoing.

Who were the Complaints from?

- 19 Of the 21 complaints which remained active at the date of the last meeting of the Standards Committee on 2 September 2022:
- 9 were from members of the public;
 - 4 were from officers concerning members; and
 - 8 were from a member against another member.

Who were the Complaints about?

- 20 Of the 21 complaints which remained active at the date of the last meeting of the Standards Committee on 2 September 2022:
- 20 were about Town or Parish Councillors (; and
 - 3 were about County Councillors (2 of whom are also Town/Parish Councillors).

Which provisions of the Members' Code of Conduct were alleged to have been breached?

- 21 The principal provisions of the Members' Code of Conduct engaged were:
- Respect: 18
 - Disclosure of Interests: 1
 - Failure to act in accordance with law (data protection): 1

- 22 Members will note that the large majority of complaints which remained outstanding as of 2 September 2022 concerned allegations of a lack, or perceived lack, of respect shown toward members of the public, officers and, in some cases, other members.

What were the outcomes?

- 23 Of the 16 complaints received prior to 2 September 2022, which have been subject of a final Decision Notice during the last period:
- No further action was taken in relation to 10 matters; and
 - 6 matters were deemed appropriate for local resolution.

Local resolutions included advice, particularly around the tone that members adopt with officers, recommendations for additional training and the introduction of a Member/Officer Protocol.

Why have some complaints taken longer to resolve?

- 24 Some complaints have taken longer to resolve where it has been necessary to refer them for external independent investigation. Some have been due to complexity, for example where there are multiple complaints or complainants, or complaints involving multiple councillors. In a small number of cases, delay has been occasioned by extraneous circumstances such as illness of one of the parties to the complaint.
- 25 Staff vacancies, including the post of Governance Lawyer, have also contributed to delay in a small number of cases. Vacancies within the Governance Team are actively being recruited to and locum cover is in place in the interim.

Conclusion

- 26 This report provides a summary of the Code of Conduct Complaints handled over the last 3 months and is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

Background papers

- Code of Conduct for Councillors.
- Local Assessment Procedure.
- Decision Notices.

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Appendix 1: Implications

Legal Implications

The Council has a duty under s.27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of Conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Code of Conduct for Members by the Council's own members and by members of parish/town councils for which the Council is the principal authority.

Finance

There are no financial implications.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of the report.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

None.

Crime and Disorder

There are no Crime and Disorder implications arising out of the report.

Staffing

There are no staffing implications arising out of this report other than those mentioned in paragraph 26 above.

Accommodation

There are no accommodation implications.

Risk

Risks	Uncontrolled Risk	Controls	Controlled Risk
Poor governance and decision-making outcomes.	High – legal challenges and/or a complaint of maladministration could be made.	Low – Members and key staff are appropriately trained and have a good understanding of the Code	Adherence with the Code, Constitution, and Procedures. Staff and Member training.

Reputational damage.	The Council could be ordered to pay compensation and/or suffer reputational damage.	requirements. This is a continuous requirement.	
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Procurement

There are no procurement implications.

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Appendix 2: Code of Conduct Complaints Activity

20 August 2022 – 20 November 2022

Ref	Council	Received	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
COM 300 and 302	Town	15.06.20	Member of Public Councillor	That the Subject Member posted a comment on Facebook (alleging poor behaviour by some members of the public at a public event) which was motivated by racism and disrespectful of members of the community.	<ul style="list-style-type: none"> • Respect • Honesty and integrity • Disrepute 	10.11.22	No further action. Insufficient evidence to support the allegations. The balance of evidence strongly supports the Subject Member's version of events.
COM 355 and 366	Parish and County	02.06.21 and 16.07.21	Member of Public	That the Subject Member: <ol style="list-style-type: none"> 1. swore at and behaved in an intimidating manner toward the first complainant; 2. blocked the first complainant on social media; 3. does not help former councillors (including the second complainant) with issues. 4. That the Subject Member's wife behaved in a threatening manner toward the second complainant's son. 	<ul style="list-style-type: none"> • Respect • Bullying • Champion the needs of residents • Deal with people fairly 	09.11.22	No further action. <ol style="list-style-type: none"> 1. Given the differing accounts of the complainant, Subject Member and witnesses, it is unlikely that an investigation would determine what happened in relation to an incident alleged to have occurred in June 2021. 2. Members are entitled to manage their social media as they see fit. 3. There is no evidence to support the allegation that the Subject Member fails to help ex-councillors. 4. The Monitoring Officer has no jurisdiction in

							relation to the Subject Member's wife.
COM 395	Parish	03.04.22	Member of Public	That 2 Subject Members (and others) have: 1. Failed to act with transparency in the production and availability of minutes and financial reports. 2. Failed to achieve best value in relation to public funds, including salary awards.	<ul style="list-style-type: none"> Behaving in accordance with legal obligations 		Ongoing.
COM 393 COM 397	Town	05.04.22 19.04.22	Officer	That the Subject Member has, in emails and on social media, been disrespectful towards fellow Councillors and an Officer of the Council.	<ul style="list-style-type: none"> Respect Bullying Failing to follow procedure / policy (member officer protocol) 		Ongoing.
418894813 418876382	Parish	29.04.22	Councillor	That Subject Member 1 did not declare an interest in an item of business they had an interest in. That Subject Member 2 allowed two fellow councillors to be verbally attacked by a member of the public during a meeting they were chairing.	<ul style="list-style-type: none"> Failing to declare an interest Respect 	03.10.22	No further action. Complaint re declaration of interests abandoned. In relation to the complaint regarding the conduct of a meeting, the Governance Lawyer accepted that the Chair had acted with best intentions and tried their best to resolve the issue.

							Immediately after the meeting, the Council reflected on the appropriate way to deal with such issues in the future and has changed its process.
COM 400	Town	23.05.22	Councillor	That the Subject Member sent an email to an officer which contained inflammatory, discriminatory and threatening language directed toward fellow councillors.	<ul style="list-style-type: none"> • Respect • Bullying • Disrepute 	24.08.22	Local Resolution. The Subject Member was asked to consider the tone and content of future emails sent to officers.
424679156 426608825 426993517 425508825	Parish	June 2022	Councillor	Cross-complaints by 2 Members alleging disrespectful and bullying behaviour towards one another during a Parish Council meeting and in subsequent correspondence.	<ul style="list-style-type: none"> • Respect • Bullying 	24.08.22	Local Resolution. These complaints appear to have arisen out of a misunderstanding of what was being asked/said between the 2 Subject Members during an exchange which was described by others present as being 'robust'. The Chair of the meeting has since sent an email to the Subject Members recognising their respective positions and the upset caused and inviting them to find a way to work together, acknowledging that from time to time there will be differences of opinion and approach.

							The Governance Lawyer took the view that there was insufficient evidence to substantiate an allegation of bullying and that the Chair's handling of the situation had been constructive and proportionate.
436376580	Parish and County	12.07.22	Member of Public	That the Subject Member has been abusive towards the Complainant in public.	<ul style="list-style-type: none"> • Respect 	26.08.22	<p>No further action.</p> <p>The Subject Member was not acting in their capacity as a councillor. Accordingly, the complaint does not fall within the scope of the Members Code of Conduct.</p>
COM 403	Town	28.07.22	Officer	That the Subject Member has been rude, attempted to intimidate, and spoken down to the Complainant in email correspondence.	<ul style="list-style-type: none"> • Respect • Bullying • Seeking to improperly confer an advantage or disadvantage 	30.09.22	<p>No further action.</p> <p>The Governance Lawyer has suggested to the Subject Member that they may wish to consider the tone of their emails and how it may be interpreted by others when entering into future correspondence with Officers.</p> <p>It is recommended that a Member Officer Protocol should be adopted as soon as possible to assist with clarifying the roles and responsibilities of Members and Officers and set out the general principles to establish good working relationships.</p>

COM 404 (Linked to COM 403)	Town	28.07.22	Officer	That one Subject Member, supported by a second Subject Member, has conducted a sustained campaign of bullying and harassment towards an Officer.	<ul style="list-style-type: none"> • Respect • Bullying • Seeking to improperly confer an advantage or disadvantage 	09.11.2022	<p>Local Resolution.</p> <p>The Governance Lawyer would strongly endorse the Council adopting the following recommendations as soon as possible.</p> <ul style="list-style-type: none"> • That a Member Officer Protocol is adopted. • That internal training take place to help the Council improve relationships and manage expectations between the Officer and Members. • That all officers and councillors be cognisant of the need for mutual respect and that relationships should be professional <p>In regard to recommendations 2 and 3, the Town Council would benefit from professional independent mediation between the complainant and the Subject Members.</p>
441122824	County	01.08.22	Member of Public	An employee of the Complainant mistakenly copied a local resident into an email which they were not the	<ul style="list-style-type: none"> • Fairness • Respect • Behaving in accordance 	23.08.2022	<p>No further action.</p> <p>The conduct complained of did not amount to a breach of</p>

				intended recipient of. The resident raised the issue with the Subject Member who made representations to the Complainant on their behalf. The Subject Member copied other professional organisations into their response, which the Complainant alleges was intended to cause them reputational damage.	with legal obligations		the Members Code of Conduct.
COM 405	Parish	26.08.22	Member of Public	That a Member or Members of the Council has/have: <ol style="list-style-type: none"> 1. Acted for personal reasons, and not in accordance with the Members Code of Conduct; 2. Disclosed confidential information to a member of the public; 3. Made disrespectful comments on social media; 4. Harassed the Complainant. 	<ul style="list-style-type: none"> • Behaving in accordance with legal obligations • Disclose confidential information • Respect • Bullying 		Ongoing.
448540013	Parish	01.09.22	Member of Public	That the Subject Member: <ol style="list-style-type: none"> 1. 'Liked' a social media post which was critical of a decision taken by an organisation of the which the complainant is in a position of control, thereby encouraging others to post negative comments; and 2. Shared information, such as the complainant's name and 	<ul style="list-style-type: none"> • Respect • Bullying 	14.10.22	No further action. The Governance Lawyer is satisfied that the Member was acting in their private capacity and not in their capacity as a councillor.

				personal photos, taken from their personal social media pages.			
448664948 (Linked to 448540013)	Parish	01.09.22	Member of Public	That the Subject Member 'liked' and commented on a social media post which was critical of a decision taken by an organisation of which the complainant is in a position of control. The Subject Member identifies themselves as a Parish Councillor and encourages the author of a comment to attend the next meeting of the Parish Council.	<ul style="list-style-type: none"> • Respect • Bullying 	14.10.22	No further action. The Subject Member's comments remained respectful.
450327165	Parish	08.09.22	Member of Public	That the Subject Member had been using their son's name to obtain utilities.		03.10.2022	Rejected. Member acting in their private capacity.
450547534	PCC	09.09.22	Officer	That Subject Member 1 improperly disclosed exempt and confidential information and engaged in bullying an officer for political gain, supported by 3 other Members.	<ul style="list-style-type: none"> • Behaving in accordance with legal obligations • Disclosing confidential information • Valuing colleagues and staff and engaging with them in an appropriate manner • Respect • Bullying 		Ongoing.

COM 406 and 407	Town	20.09.22	Officer	That the Subject Member has, at public meetings, repeatedly and incorrectly stated that they have not had access to reports, thereby impugning the professionalism of officers.	<ul style="list-style-type: none"> • Work constructively with employees • Valuing staff • Respect • Bullying 		Ongoing.
COM 408	Town	20.09.22	Councillor	That the Subject Member improperly used their Council email address to raise a complaint relating to their business interests and, following a subsequent meeting, behaved in a disrespectful and bullying manner towards officers and other councillors.	<ul style="list-style-type: none"> • Behaving in accordance with legal obligations, policies and procedures • Valuing colleagues and staff • Respect • Bullying 	07.11.22	<p>No further action.</p> <p>The Subject Member accepted inappropriate use of their council email address. They are a relatively new member, who did not appreciate that it was inappropriate at the time. The emails were confined to officers and fellow members and the content was not disrespectful.</p> <p>In relation to the subsequent incident, there are differing versions of events and insufficient evidence to merit further investigation.</p>
COM 409	County	22.09.22	Councillor	That the Subject Member failed to declare their membership of various council/community bodies whilst acting as a board member of an AAP sub-group.	<ul style="list-style-type: none"> • Failing to declare interests • Behaving in accordance with legal obligations and policies 	21.10.22	<p>No further action.</p> <p>In relation to 2 of the alleged interests, the Governance Lawyer was satisfied that the Subject Member no longer held those interests. In relation to the 3rd alleged interest, the Subject Member accepted that they had failed to declare this. However, they have subsequently apologised and resigned the</p>

							position in question, and the Governance Lawyer accepts that this was a genuine oversight.
454501910	Town	27.09.22	Member of Public	That the Subject Member failed to declare a spousal interest whilst sitting on the Allotment Committee.	<ul style="list-style-type: none"> • Failing to declare interests • Behaving in accordance with legal obligations and policies 	08.11.22	Local Resolution. The Governance Lawyer considers that the Subject Member may have breached the Code of Conduct relating to disclosable pecuniary interests and recommends that the Subject Member undertake Code of Conduct training with the Monitoring Officer, to be arranged within one month of the decision notice.
COM 410	County	07.10.22	Member of Public	That the Subject Member has a close association with a property developer and should not have taken part in considering a planning application submitted by that developer.	<ul style="list-style-type: none"> • Not allowing other pressures to influence • Exercising independent judgement • Behaving in accordance with legal obligations and policies • Failing to declare an interest 	18.11.22	No further action. The Governance Lawyer found no evidence of a close relationship or undeclared interest which would preclude the Subject Member from taking part in the decision, or that the Member approached the decision in question other than with an open mind.
COM 411	County	07.10.22	Member of Public	That the Subject Member failed to action a request from a member of the public relating to	<ul style="list-style-type: none"> • Failing to champion the needs of residents 	09.11.22	No further action. The Governance Lawyer is satisfied that the Subject Member appropriately raised

				the removal of a litter bin that had been set on fire.	<ul style="list-style-type: none"> Failing to deal with enquiries from residents fairly, appropriately and impartially 		<p>the issue with officers and has done their best to engage with the Complainant and deal with the issues raised fairly.</p> <p>The relevant service confirm that the bin has now been removed.</p>
459906270	Parish	21.10.22	Member of Public	That the 2 Subject Members remonstrated with a member of the public who objected to them using an access point to a field adjacent to his land.	<ul style="list-style-type: none"> Respect Bullying 	08.11.22	<p>Rejected.</p> <p>Subject Members not acting in their capacity as Councillors.</p>
460688046	County	24.10.22	Member of Public	That the Subject Member posted a comment on Facebook containing inaccurate information regarding the outcome of a police investigation into a fatal road traffic collision.	<ul style="list-style-type: none"> Respect Disrepute Disclosing confidential information 	21.11.22	<p>No further action.</p> <p>The post in question was confined to the discrete issue of whether highway infrastructure had contributed to the collision. No individuals were mentioned. Nevertheless, the post should not have been shared and was insensitive to the deceased's family. The Subject Member removed the post immediately upon realising the upset caused and apologised.</p> <p>The Governance Lawyer is satisfied that there was no intention to be disrespectful.</p>