



**Report of Director of Resources and Housing**

**Report to Member Management Committee**

**Date: 24<sup>th</sup> March 2020**

**Subject: Update from Member Safety Working Group**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**1. Purpose of this report**

- 1.1 The purpose of this report is to provide an update to the Member Management Committee on the work of the Member Safety Task Group.

**2. Background information**

- 2.1 After the tragic murder of MP Jo Cox, Democratic Services worked with the Council's Health and Safety Team, Legal and other stakeholders to improve guidance, awareness and safety of Elected Members. This included: comprehensive, clear and concise guidance; theoretical and practical training; and the provision of lone working devices. This was widely welcomed by Members.
- 2.2 In June 2019 the Member Management Committee was sufficiently concerned about the continuing rise in safety and security concerns of Elected Members to establish a cross Party Task Force to look again in detail at these matters and the arrangements put in place in Leeds. The committee also noted the low use of lone working devices. The Chief Executive shared these concerns and prioritised officer resources to support members of the Task Group.
- 2.3 The purpose of the Member Safety Task Group has been to ensure that elected Members are fully engaged with the formulation, monitoring and evaluation of Members personal security and safety provisions.

## 2.4 Chaired by Cllr Scopes, the Member Safety Task Group:

- Reviewed policies, strategies and guidance relating to Members' personal safety.
- Provided advice and guidance in relation to Members' Personal safety devices;
- Identified core learning and development needs and secured a training offer for Members.

2.5 This report provides feedback on the Task Group's consideration of these matters and steps taken to ensure Members are at the centre of developments being made. The report also references improvements made to arrangements and others that are in progress. The report also acknowledges the welcome engagement in the work of the Task Group by West Yorkshire Police and Safer Leeds.

2.6 The work of the Task Group has also been set against statements made by the Local Government Association (LGA), Welsh Local Government Association and the Convention of Scottish Local Authorities who have all expressed concerns about the increasing intimidation of councillors, the increasing toxicity of debate and the resulting impact on the democracy.

2.7 The LGA has themselves recently commenced a programme of work entitled 'Civility in Public Life'. In commencing this work the LGA has recognised that one of the most pressing concerns facing the conduct of public life at the moment is the increasing incidents of intimidation and abuse by members of the public against councillors. The LGA has reported that these attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing.

2.8 The LGA is also concerned that intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; the LGA recognises that abuse, public intimidation and threats are undermining democratic decision making by generating fear in those who represent it.

2.9 Intimidation, abuse and harassment of councillors is a crime, as it would be towards any member of the public. However, reports from LGA members across the country indicate that there is not a consistent response from the police across the country and that there is confusion about reporting, support, the legislation, and the broader impacts for our society and democracy.

## 3. Main issues

### Elected Members Data Gathering Exercise

3.1 In October 2019 all Members were requested to complete a questionnaire to help inform the Task Group's wider understanding of Members' experiences of intimidation or other sources of safety concern. Members were encouraged to confirm details of the type, nature and numbers of safety incidents that they had been facing. Around 20% of Members (17), from across a range of political groups, engaged with the survey.

3.2 Below are a number of extracts from the survey:

- In response to the question

“Have you personally experienced any verbal, written or physical assault, abuse or intimidation related to your role as an Elected Member? (however insignificant you believe it was at the time).”

**82% of Members replied ‘Yes’**

**65% of Members also confirmed they had witnessed verbal, written or physical assault, abuse or intimidation against another Elected Member or council officer.**

- 8 out for 14 Members who provided further information about the nature of incidents said that they reported the incident to the Police or the Council’s Legal Services.
- Whilst a the national political agenda was mentioned as a factor (Brexit at the time of the survey) the majority of respondents referenced local issues as the focus of threats and intimidation that they had received.
- All respondents felt supported by officers, the Police and other Elected Members they had spoken to.

3.3 Whips received a more detailed summary of the feedback from the questionnaire at their meeting on the 25<sup>th</sup> February 2020. This has been to shape improvements to guidance, personal safety equipment, training and referral routes and so help support Members in their role, particularly when faced with intimidation from the public.

Members’ Personal Safety Devices

3.4 Importantly a wider procurement of lone working safety devices is now commencing across the authority (to encompass vulnerable lone working staff).

3.5 A key element of the data collection exercise referred to related to Members’ experiences of the existing personal safety offer. The following table summarises the types of solutions available:

Type	Considerations
An ‘App’ on your smart phone.	<p>Easy to use; no extra equipment to carry; normally with everyone at all times. People normally keep their phone charged and remember to do so.</p> <p>May escalate aggressive situations if someone gets a phone out, as it is not discreet. Can get separate blue tooth ‘switches’ that can activate discreetly.</p>
<p>A range of wearable devices:</p> <ul style="list-style-type: none"> <li>➤ Identify card holders with lanyards;</li> <li>➤ ‘Smart’ watches;</li> <li>➤ Pendants;</li> <li>➤ Key fob.</li> </ul>	<p>Discreet. Range of functionality and multiple uses e.g. Watches can include a Pedometer and heart rate monitor etc.</p> <p>The current cardholder lanyards are thought to be cumbersome and not user friendly. Users also state that they need constant charging.</p>

Type	Considerations
'Panic/Attack Alarm'	<p data-bbox="676 219 1334 255">Simple to use. 'Perception of immediacy' of alarm.</p> <p data-bbox="676 286 1374 389">People often misunderstand how they are to be used and their primary purpose i.e. to disorientate allowing escape rather than for alerting others.</p> <p data-bbox="676 421 1315 483">Could exacerbate the situation and they have no location or notification functionality.</p>

*Issues Members raised regarding current ID Badge holder device*

3.6 Members also expressed views about the existing lone worker device offer and commented that:

- There are too large/bulky and cumbersome to use in conjunction with ID card;
- Loose charge quickly and aren't 'charge ready' when needed;
- They are sometimes a barrier to gaining trust with constituents (as felt members of the public may feel they are being recorded);
- They are not user friendly and are too complicated to use, with training on how to use not intuitive;
- They are uncomfortable to wear.

3.7 Two Councillors, Councillors Scopes and Hutchison have agreed to be involved in providing Member stakeholder input to the specification and subsequent options appraisal of the new devices.

Publication of Members' Home Addresses

3.8 The Chief Executive has been increasingly concerned about the safety and security of Members, in particular the legal requirement to publish members' home addresses (except in certain specific circumstances where they are deemed by the Monitoring Officer to be a 'sensitive interest'). This position sits at odds with the risks identified by the LGA and the views strongly expressed by some Members locally and the continued increase in requests from Members for aspects of their Registers of Interests to be withheld.

3.9 In response, following QC advice, the Monitoring Officer has taken proactive steps to engage with Members in relation to the publication of their home addresses. The Monitoring Officer wrote to all Group Whips in October stating that, further to recent discussions and incidents relating to Member concerns regarding their safety, she was minded to apply an exemption, pursuant to s.32 Localism Act, where any Member expresses to her concerns that disclosure of their home address could lead to the Member or a person connected with the Member being subject to violence or intimidation.

3.10 Members were asked to apply for such an exemption and if they did provide specific details as to any incident giving rise to their concerns or alternatively confirm that they believe that "disclosure of their home address could lead to them being subject to violence or intimidation".

3.11 As a result of the Monitoring Officer's decisions on requests from Members 21 Elected Members have their addresses withheld in this way.

3.12 The Head of Democratic Services is attending regular meetings with the Ministry of Housing Communities and Local Government and continues to make representations to the department in relation to the need for early timetabling of the legislative changes on address registration.

#### Intimidation - Referral Routes for Members

3.13 The Task Group were grateful to West Yorkshire Police and the Safer Leeds Partnership who provided support and guidance in respect to the process by which referrals of concerns of intimidation should be referred.

3.14 **West Yorkshire Police** advice is that Members should report all instances where they feel intimidated – whether this originates from emails, Social Media, Surgeries or through correspondence - to the Neighbourhood Policing Inspector for the Members' area.

3.15 Each incident will then be evaluated by the Neighbourhood Policing team and feedback will be provided directly to the Councillor concerned. Where no action is recommended by the Police, Members are advised to continue to refer any subsequent or similar instances from the same or different individuals to the Police. This being because cumulative impact is a factor taken into account during the assessment process and also provides on-going intelligence to the Police.

3.16 Members were also advised of the support that can be accessed from **Legal Services** colleagues. Legal support and advice has been provided to Members facing behaviour that is harassing, threatening, intimidating or threatening and this can be provided in advance of or after a referral has been made to the Police.

3.17 If a view is taken that harassment or contact with the Member is serious enough to be a criminal offence, Legal Services can help provide support to Members with their interactions with the Police, and will provide information if it's needed for a Police investigation.

3.18 Additional support that is available from Legal Services is summarised below:

- For "low level" incidents, Legal can help you write to individuals , or alternatively can write on a Members' behalf, to individuals making unwelcome/unwarranted contact to direct e-mails to officers, rather than to the member concerned, or to restrict access to a Members' Surgery.
- If an individual persists with unwanted contacts, then Legal can help with imposing a ban on them, to prevent them from contacting a Member altogether, for a period of time, and can help arrange for the e-mails from individuals to be blocked.
- If an individual sends a Member highly offensive or abusive e-mails, Legal can advise the Member about whether a criminal offence has been committed. But in all such circumstances Members should refer the matter to the Police.
- If an individual causes a Member alarm and distress, then if the threshold for harassment is reached, Legal can threaten the individual with court action for harassment, including proceedings for an injunction to stop the conduct in question from continuing. If harassment continues, Legal will take court action, and the costs of these proceedings will be met by the Council under the indemnity for officers and Members.
- Legal can help with a data protection complaint to the Information Commissioner's office, if for example a member of the public puts untrue statements about a Member on social media, which can be seen by the public.

- If an individual makes a defamatory statement about a member, for example by alleging they are corrupt, then Legal can write to them requiring them to withdraw that statement. A member could then choose to take court action themselves, but legally the cost can't be covered by the Council under the indemnity, and court action for defamation is very lengthy and expensive.

3.19 Members of the Task Group were keen to ensure that the advice from West Yorkshire Police and Legal Services was available in an easily accessible way. The Head of Democratic Services is working with the Communications Team to produce this.

#### Guidance for Members

3.20 The survey of Members indicated that 82% of Members are aware of the guidance that is available to them. Members expressed preference for:

- Information provided to be as concise as possible;
- Regular (six monthly) reminders of availability of guidance;
- More support in managing abuse online and in public meetings;
- There to be more awareness provided to Council Officers of the extent of the issues Elected Members are facing.

3.21 The LGA and the Welsh Local Government Association (WLGA) have jointly developed a resource following advice from both councils, councillors, other council representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation. This can be accessed [here](#).

3.22 The Local Government Information Unit (LGiU) has produced a short, members-only guide that offers some guidance on assessing risk and adopting strategies and behaviours that will minimise any potential hazards you might identify as part of a councillors' role. This can be accessed directly by Members from the [LGiU website](#) or via the Political Group Support Offices.

3.23 In addition a summary of Leeds City Council guidance for Members is provided at Appendix 1. All of this documentation can be sourced from each Members' Group Support Office & officers are pursuing ways in which this information can be curated in one place to enable ease of access by Members.

#### Training- Future Needs

3.24 Member Safety is now been identified as an integral element of the evolving Member Development Strategy and the annual training delivery programme (also on today's meeting agenda).

3.25 The Task Group has been keen to ensure that training for Members is accessible and bespoke to Members' needs with sufficient coverage to ensure that Members are able to:

1. Identify the key issues that Councillors can face when carrying out their role
2. Understand the need for and carry out a risk assessments
3. Implement sensible safety precautions
4. Understand the steps to be taken to address cyber-bullies and trolls
5. Understand and use West Yorkshire Police and Leeds City Council internal reporting procedures.

6. Have access to basic self-defence techniques<sup>1</sup>.

3.26 Respondents to the Member Survey expressed preference for both classroom and on-line training. The Task Group is indebted to West Yorkshire Police and Safer Leeds who have offered to support the development and delivery of training to Members. In the first instance the training will be provided to the Task Group (on the 23<sup>rd</sup> March – the day prior to committee) with feedback provided to Member Management Committee.

#### **4. Corporate considerations**

##### **4.1 Consultation and engagement**

4.1.1 This report reports back on work undertaken by a Task Group established by the committee to look at Member Safety issues. In undertaking their work the Task Group consulted all Elected Members on their experiences and concerns and also sought input from Safer Leeds and West Yorkshire Police.

##### **4.2 Equality and diversity / cohesion and integration**

4.2.1 There are no equality and diversity or cohesion and integration issues arising from this report.

##### **4.3 Council policies and the Best Council Plan**

4.3.1 There are no specific implications for the Council's policies or the Best Council Plan arising from this report.

###### Climate Emergency

4.3.2 There are no issues arising from this report relating to the Climate Emergency resolution of Full Council.

##### **4.4 Resources, procurement and value for money**

4.4.1 There are no resource implications arising from this report.

##### **4.5 Legal implications, access to information, and call-in**

4.5.1 There are no legal implications, or implications for access to information or call in arising from this report.

##### **4.6 Risk management**

4.6.1 Member Safety is identified in the Resources and Housing Risk Register. The work undertaken by the Task Group and support and guidance referenced in this report seek to minimise the risk.

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<sup>1</sup> This being a key 'ask' arising from a number of respondents to the Member Survey

**5. Recommendations**

5.1 Members are requested to consider and note the report from the Member Safety Task Group.

**6. Background documents<sup>2</sup>**

6.1 None.

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<sup>2</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

This table below summarises the support and safety guidance available to Elected Members. These will be shortly be available through newly curated Insite pages for Elected Members on the Council's intranet.

Name of support	What is it
Referral Routes & Support <sup>3</sup>	Single page referral route to West Yorkshire Police Neighbourhood Policing Teams for Elected Members when faced with intimidation
	Single page summary of support from Legal Services
Undertaking Elected Member Duties Safely – a Protocol for Leeds City Councillors	Produced by LCC. Guidance on everything including: avoiding or reducing the risk from face to face contacts or via electronic media; reporting, investigating and responding to incidents; sharing information; training; monitoring; advice on risk assessment and lone working; key contacts.
Social Media Guidance for members	Produced by LCC. Covers: do's and don'ts; sources of information; legal framework; link to Members Code of Conduct, use of technology at meetings; examples.
Periodic Briefing Note – Personal Safety for Elected Members: Hints and Tips	Produced by LCC in March 2019. 2 side 'at a glance' covering various scenarios Members find themselves in undertaking their role.
	Produced by LCC in March 2019. 1 side, high level reminder and reference to Hints and Tips sheet and other guidance/support.

<sup>3</sup> Easily accessible documents are in the process of being produced