

Report of	Meeting	Date
Director of Governance and Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform))	Council	Wednesday, 20 July 2022

Council Meetings: Implications for Local Government Association Report

Is this report confidential?	No
Is this decision key?	Not applicable

Purpose of the Report

1. To inform councillors of the content of the Local Government Association report “Debate not Hate” (the Report), to update on the progression of the consideration of the new model code of conduct and to remind members of their obligations under the Code.

Recommendations to Council

2. That members consider their role as community leaders and the implications of their conduct on the public perception of the council and councillors.

Reasons for recommendations

3. The Report is the LGA’s response to an increase in abuse and intimidation of councillors. It has been prepared very much from the point of view of behaviours towards councillors and identifies a number of themes. One of which is the normalisation of these types of behaviours in how councillors are contacted and addressed.
4. Whilst the Report addresses mainly the external factors (those outside the council) which contribute to the damage to local democracy caused by abuse and intimidation, it is proper for councillors to consider how their behaviours can influence this environment.

Other options considered and rejected

5. This report is for information. The themes and recommendations from the Report will be considered separately, and outcomes will be reported back to members in due course.

Executive summary

6. There were a number of member behaviour related incidents at the Council meeting on 18 May last some of which led to the intervention of the Mayor who specifically addressed Council on the need to challenge respectfully during debates.
7. It is opportune therefore that the Local Government Association Report; Debate not Hate should be published at this time. Whilst this report addresses the impact of abuse and intimidation of councillors by the members public, it must be recognised that it is the behaviours identified, and not the persons behaving that way, which have the adverse impacts on democracy identified.
8. The Council will review both the identified themes and recommendations in the report and in due course present options to members for consideration.
9. However, it is proper to consider how Councillors behaviours influence this environment as this is within members immediate control.

Corporate priorities

10. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

11. All councillors have worked extremely hard with officers to improve the governance environment of the Council with changes to processes and procedures being adopted and implemented and improved approaches to challenge at council meetings. This has been recognised by external audit, although it should be noted that inappropriate member challenge has been highlighted by them as an issue previously.
12. It is recognised that the Council is a political environment, ideologies can and do clash. It is important that the recommendations put to members and any subsequent decisions are tested and challenged robustly. This is important for good decision making. The options need to be considered and clear reasons for the decision should be provided.
13. This environment, if not approached and managed properly, can create situations where rather than challenge there is conflict. This environment of conflict entrenches behaviours and undermines the democratic process.
14. To contribute to managing this we have Standing Orders to govern meetings and debate and a Code of Conduct for Members to address acceptable behaviours. Both work in tandem to provide a framework to support constructive challenge, debate and decision making.
15. Standing Orders have been reviewed and broadly work well. All members have sufficient opportunity to speak to an issue and the rules of debate provide a structure to these contributions. There are still opportunities to improve Standing Orders and they are under constant review.
16. This report however will concentrate on member behaviours, governed by the Code of Conduct, and the impact and influence these behaviours have on the wider public perception of what is acceptable.

Local Government Association Report – Debate not Hate – the impact of abuse on local democracy

17. In response to an increase in abuse and intimidation of elected officials the LGA commissioned a report into the effects of this on local democracy. A copy of this report is attached at Appendix A. I have extracted the following text from the executive summary to explain the effect that such behaviours towards members can have

‘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.’

18. It is acknowledged therefore that these behaviours negatively impact local democracy decision making, serve to silence democratic voices and even deter people from entering politics.
19. The LGA Report addresses behaviours exhibited towards councillors by the public, but it is the behaviours that are the cause of the negative implications, not who exhibits them. This report will concentrate on what councillors can do to address the highlighted issues.

Code of Conduct

20. Both the existing adopted Code and the new model which is being reviewed with a view to adoption by the council make it clear that councillors are community leaders. Both codes detail behaviours members should exhibit to meet that standard.
21. This approach recognises that the behaviour of councillors is held as an example for the public of what is appropriate. The public should expect high standards of probity and behaviour by councillors, and are influenced as to what is acceptable behaviour by the conduct displayed by members. Where members behaviour falls below the standards expected, the public can be encouraged to act in that way themselves. This is addressed in the LGA Report referencing it as “normalising” behaviours.
22. Councillors should therefore acknowledge that not only do they have responsibility for their own behaviours, but also how they can influence the behaviours to councillors by others.

Example of Councillor Behaviour

23. The LGA Report addresses abuse and intimidation and the effect on local democracy. This Council will be aware of findings by the Standards Committee of such behaviours by a councillor who, through their conduct, prevented a member of the Planning Committee from participating in a decision. This was done during the public session of a meeting. Whatever the intentions of the councillor, the effect was another councillor felt intimidated, did not participate in a decision they were entitled to and as a result local democracy was undermined.
24. Members of the public will have witnessed this incident, Planning Committee being one of the more publicly attended meetings and could easily form the view this is an acceptable way to address and treat councillors.

Council Meeting 18 May 2022

25. There were a number of standards related incidents during the course of this meeting and they are being addressed under separate processes. This report seeks to not address the specific matters but the overall public perception of them.
26. This was the Annual Council meeting and the installation of the incoming Mayor. There were a high number of members of the public present, attending as guests of the incoming Mayor.
27. It was noticeable that the Mayor had to intervene during the meeting on a number of occasions to manage members approach to the debate. The Mayor reminded members of the requirement to treat others with respect and, whilst encouraging challenge in the debate, expressed the clear view that this should not involve making personal statements about other councillors.
28. The Mayor must be treated with respect when they make a ruling, it is required within standing orders members accept it. The Mayor had to remind members of his earlier direction on statements accusing others of being untruthful. The Mayor should not need to repeat themselves in this way.
29. The distinction between challenge on a political stance and personal statements was also drawn by the Mayor. The former a legitimate form of debate, that latter less so. Members should recognise that personal slurs are not a form of argument, they can be seen as a form of intimidation and, as per the LGA Report, undermine local democracy.

View of the Monitoring Officer

30. The Code of Conduct provides a framework of acceptable behaviour for members to work within. It is not intended to direct certain behaviours but asks members to think about their conduct to avoid breaches. Whilst conduct is personal to each member it is assessed objectively, and this is supported by the involvement of the Independent Persons who fulfil the role of members of the public should a standards complaint need to be considered.
31. It is very important therefore for members to acknowledge their community leader role. The way councillors behave generally, but specifically how they treat each other, will be considered as the acceptable standard by the public. Councillors should be leading by example.
32. Whilst it may be viewed as a stretch to link physical attacks on politicians and online abuse of them by members of the public to how councillors conduct themselves towards each other, the tone is set by those interactions. This is particularly now meetings are not only streamed live but also recorded and available to watch later. Any examples of poor behaviour at meetings can be witnessed repeatedly.
33. I fully support the view that there is a distinction between debating a point on a difference of political party ideology and making the same argument through personal comments against individuals. The former sets out your beliefs and reasons for your position, a contribution to the information before members, the latter often does not relate to the matter under consideration but another councillor. The former is usually constructive and the latter not.
34. Whilst the offer of a sincere apology following a breach of the code is always welcome, the apology does not excuse the behaviour, it is simply an acknowledgement by the member of it. We really need to be in a position where no apology is required because adequate thought had gone into the conduct in the first place. An apology that is repeated on different occasions by the same member loses its sincerity, an apology is not a "get out of jail free card" for breaches of the code of conduct.
35. I am aware that some members of the public, who attended the meeting on 18 May left expressing unhappiness at how members had conducted themselves. The tone of the debate was perceived as hostile and unpleasant. Whatever the intention of members when raising points for discussion, it must be considered how it is perceived by the public.

36. This is particularly so given the LGA Report. The treatment of members, the behaviours exhibited towards them affects local democracy, negative behaviours have a negative effect.

Conclusions

37. The behaviours exhibited at council on 18 May fell below what should be accepted of members at this council.

38. The purpose of debates at council is to progress the business of council, and efforts should be taken to concentrate comments on that business.

39. Personal statements about other councillors are not generally necessary in debate.

40. An apology by a member is an acknowledgement of poor behaviour, it does not excuse that behaviour.

41. The public are influenced by the behaviours exhibited by members. Bad behaviours can normalise a similar approach by the public making it appear acceptable.

42. The abuse and intimidation of councillors serves to undermine local democracy.

Equality and diversity

43. There are no equality and diversity implications in this report. The behaviours addressed within it do not relate to protected characteristics (although it is acknowledged that in extreme circumstances of bad behaviour they could).

Risk

44. The risks are identified in the LGA Report and go to the undermining of local democracy. This report seeks to outline how the identified risks can be managed through improvements to behaviour.

Comments of the Statutory Finance Officer

45. There are no direct financial implications arising from this report.

Comments of the Monitoring Officer

46. Comments are within the body of the report.

Background documents

<https://www.local.gov.uk/publications/debate-not-hate-impact-abuse-local-democracy>

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