

Member Safety Guidance

Timetable	
Meeting	Date
Democracy & General Purposes Committee	21 November 2022.

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Democracy & General Purposes Committee
Lead Director	Angela Woodhouse, Director of Strategy, Insight & Governance
Lead Officer and Report Author	Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report introduces proposed Member Safety Guidance to the Committee. The guidance is intended to support Members in conducting Council Business and addressing any safety concerns as they arise.

Purpose of Report

Decision

This report makes the following recommendations to the Committee:

1. That the Member Safety Guidance, attached at Appendix 1 to the report, be approved.

Member Safety Guidance

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendation to materially affect achievement of corporate priorities. However, the promotion and maintenance of Member Safety is important to ensure decisions continue to be made in accordance with the Council’s Constitution.</p>	Director of Strategy, Insight & Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>We do not expect the recommendation to materially affect achievement of cross-cutting objectives. However, the promotion and maintenance of Member Safety is important to ensure decisions continue to be made in accordance with the Council’s Constitution.</p>	Director of Strategy, Insight & Governance
Risk Management	See Section 5 of the report.	Director of Strategy, Insight & Governance
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance

Staffing	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance
Legal	<p>The guidance satisfies the requirement set out at 3(1) of the Health and Safety at Work Act 1974 – ‘it shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.’</p> <p>Having the guidance in place also supports the Local Government Association’s recommendation that Council’s should have a policy setting out procedures and protocols, should a councillor feel they are being publicly harassed, intimidated or abused.</p>	Senior Legal Advisor – Corporate Governance
Information Governance	The recommendations could impact the personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team and Democratic Services Officer will review the processing of personal data affected and the associated documentation will be updated accordingly, including a data protection impact assessment.	Senior Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
Crime and Disorder	No impact identified.	Director of Strategy, Insight & Governance
Procurement	No impact identified.	Director of Strategy, Insight & Governance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and	Biodiversity and Climate

	are there are no implications on biodiversity and climate change.	Change Officer
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2. INTRODUCTION AND BACKGROUND

- 2.1 A significant part of a Member's role is to represent and communicate with their Constituents either in-person, virtually or via phone. This interaction often takes place positively and without issue.
- 2.2 Unfortunately, in recent years there have been a number of incidents nationally whereby Elected Officials have been subject to serious harm, abuse and/or intimidation due to their role.
- 2.3 In response, safety guidance for the Council's Members has been drafted and is attached at Appendix 1 to the report. The aim of the guidance is to support Members in:
- a) Taking preventative measures to improve their safety when on Council business
 - b) Responding to and managing any inappropriate behaviour that they are subjected to; and
 - c) The recording of any inappropriate behaviour, either individually or via the Council.
- 2.4 The guidance is voluntary, and Members would not be obligated to adhere to or demonstrate consideration of the guidance. Further, the majority of the actions contained within the guidance are most likely already considered by Members in conducting Council business.
- 2.5 The guidance is intended to be a useful resource for both Members and Officers to reference in managing any inappropriate behaviour experienced by Members that results in a safety concern. This is particularly important for the latter, as there is no current process on how any safety concerns are managed.
- 2.6 Given the existing positive working relationships between Members and the Democratic Services Team (the Team), it is suggested that any Member wishing to report a safety concern do so via the Team and/or the Director of Strategy, Insight & Governance.
- 2.7 This guidance is applicable to Member Safety only, with any inappropriate behaviour relating to the Council's Code of Conduct to be managed through the existing protocols within the Constitution.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Approve the Member Safety Guidance attached at Appendix 1 to the report. This is the recommended option as it will provide guidance to Members and Officers in how to manage and respond to safety concerns within a suitable framework.

Once approved, the guidance will be made available to all Members.

- 3.2 Option 2 – Amend and approve the Member Safety Guidance attached at Appendix 1 to the report.
- 3.3 Option 3 – Do nothing. This is not recommended as the guidance is intended to support Members and Officers in managing safety concerns.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 as contained within point 3.1 above.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 As this guidance is new, there are no consultation results or previous committee feedback. However, should there be any feedback from Members that the information contained within Appendix 1 to the report (if approved) requires amendment, the Committee will be asked to review the guidance attached.
- 6.2 The Committee should be aware that the guidance has been considered by the Corporate Health and Safety Officer prior to its presentation at the meeting.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If approved, the guidance will be sent to all Members and be readily available from the Democratic Services Team if further copies are needed. It will also be included in the Member Induction Packs from May 2023.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Maidstone Borough Council, Member Safety Guidance.
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9. BACKGROUND PAPERS

There are no background papers associated with this report. There are links to the resources referenced in producing the guidance attached at Appendix 1 within that document.