

# **FOR PUBLICATION**

## **FRAMEWORK FOR RESPONDING TO SPEAKERS PROMOTING MESSAGES OF HATE AND INTOLERANCE AT VENUES WITHIN CHESTERFIELD BOROUGH (S230)**

MEETING:	1. CABINET 2. CABINET MEMBER FOR GOVERNANCE
DATE:	1. 15 DECEMBER 2. 8 DECEMBER
REPORT BY:	POLICY MANAGER
WARD:	ALL
COMMUNITY ASSEMBLY:	ALL
KEY DECISION REF:	NON-KEY 48

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### **1.0 PURPOSE OF REPORT**

- 1.1 To approve the framework for responding to speakers promoting messages of hate and intolerance at Chesterfield Borough Council owned venues and within the Borough.

### **2.0 RECOMMENDATIONS**

- 2.1 That the framework for responding to speakers promoting messages of hate and intolerance is approved.
- 2.2 That a full review of the framework for responding to speakers promoting messages of hate and intolerance takes place after three years.
- 2.3 That the Cabinet Member for Governance is given delegated authority to approve essential framework amendments between the formal review periods.

- 2.4 That the forthcoming review of hire terms and conditions and contract documentation includes reference to the framework for responding to speakers of hate and intolerance.

### **3.0 BACKGROUND**

- 3.1 Within Chesterfield Borough there have been a number of occasions when residents, organisations or members of the public bring to the attention of the Council concerns about potential speakers or groups promoting messages that inspire hate and intolerance.
- 3.2 The Council has a number of, at times competing, legal obligations upon it. For example this includes both protecting and promoting equalities cohesion while also seeking to protect the rights of others to freedom of expression and with partner agencies maintaining public order.
- 3.3 The Council has a duty under the Equality Act 2010 to foster good relations between people who share a protected characteristic and people who do not share it. Effective maintenance of public order and freedom of speech are also obligations set out within the Crime and Disorder Act 1998 and the Human Rights Act 1998, respectively for the Council. Local authorities need to consider how to best ensure that they fulfil these legal obligations.
- 3.4 The Council has made a commitment to equality, diversity and social inclusion. It is important for the Council to display local leadership and act by example to promote equality, cohesion, freedom of expression and public order.

### **4.0 THE FRAMEWORK**

- 4.1 After consideration of the above issues and from drawing on experience of other local authorities including the London Borough of Camden and Birmingham City Council the need for a framework for responding to speakers of hate and intolerance was established.
- 4.2 The framework is attached at Appendix A. The framework sets out a constructive and transparent decision making approach for Council officers to refer to when making decision on this complex and sensitive issue.
- 4.3 Chesterfield Borough Council owns and manages several facilities and oversees events and activities within parks and open spaces across the Borough and within the open market area of Chesterfield Town Centre. Within these spaces Chesterfield Borough Council is the final decision maker on events and therefore able to make a final decision on whether an event will take place within a venue or space.
- 4.4 This framework however, recognises the distinction between the type of venues within the borough and provides a number of potential decisions and actions depending on whether they are Chesterfield Borough Council owned

and managed venues or external venues that are private or community managed.

- 4.5 When an event of concern with potential messages of hate and intolerance, is brought to the attention of the Council, and where that event is to take place within a venue managed by an external organisation, the managing organisation must make the decision on the event. The Council cannot direct an external organisation on whether to allow a venue hire and event to go ahead. The Council does however have an obligation to pass on notification of concern if it views the event to be in some way detrimental to equalities, community cohesion and public order.
- 4.6 This framework will need to be a fluid document which can be updated regularly to reflect guidance and best practice changes. Lessons learned from application will also be evaluated and inform the frameworks development. A more in-depth review is recommended every three years.
- 4.7 A further area where development work is required is in the harmonisation and updating of facility hire and use terms and conditions and contract documentation to ensure that these accurately reflect the objectives of this framework. A review of terms and conditions has already been agreed for 2016/17 as part of the Council’s safeguarding activity.

**5.0 CONSULTATION AND COMMUNICATION**

- 5.1 Service managers from key service areas impacted on by this framework have been involved in its development alongside key advisory services including legal, community safety and policy.
- 5.2 All Chesterfield Borough Council Service Managers will be fully briefed on their responsibilities and their employees responsibilities under this framework. This will include a presentation and question and answer session and core brief for discussion at relevant team meetings.

**6.0 RISK MANAGEMENT**

Risk	Impact	Likelihood	Mitigating Actions	Residual Impact	Residual Likelihood
Inadequate activity to ensure we meet our legislative requirements and promote equalities, cohesion, freedom of expression and public order.	H	H	<ul style="list-style-type: none"> <li>Framework developed to promote a constructive and transparent decision making approach for Council officers to refer to when making decisions on potential speakers and groups</li> </ul>	H	L

			<p>promoting hate and intolerance.</p> <ul style="list-style-type: none"> <li>• Ensuring Service managers and their employees understand their contribution and responsibilities.</li> <li>• Harmonisation and updating of facility hire and use terms and conditions and contract documentation to ensure that these accurately reflect the objectives of this framework</li> <li>• Consideration of this framework before bookings are confirmed and contracts issued</li> </ul>		
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## **7.0 EQUALITY CONSIDERATIONS**

7.1 A full equality impact assessment has been undertaken and considered during the development of this framework. This is attached at Appendix B.

## **8.0 RECOMMENDATIONS**

8.1 That the framework for responding to speakers promoting messages of hate and intolerance is approved.

8.2 That a full review of the framework for responding to speakers promoting messages of hate and intolerance takes place after three years.

8.3 That the Cabinet Member for Governance is given delegated authority to approve essential framework amendments between the formal review periods.

8.4 That the forthcoming review of hire terms and conditions and contract documentation includes reference to the framework for responding to speakers of hate and intolerance.

## **9.0 REASON FOR RECOMMENDATIONS**

9.1 To effectively respond to concerns about speakers promoting messages of hate and intolerance within the borough.

D. M. REDDISH  
POLICY MANAGER

Further information on this matter can be obtained from Donna Reddish (Extension 5307).

Officer recommendation supported.

Signed: *S.L. Blank.*

Cabinet Member

Date: 8 December, 2015