

Framework for responding to speakers promoting messages of hate and intolerance at Chesterfield Borough Council owned venues and within the Borough

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1.0 Introduction

- 1.1 Chesterfield Borough Council is committed to putting our diverse and vibrant community first. This commitment includes challenging hate speech and intolerance which threatens community cohesion, health and wellbeing and community safety.
- 1.2 As a public body we need to ensure that our facilities are safe and welcoming spaces for all. We can also use our influence to encourage other local private and community venues to adopt a similar approach.
- 1.3 An equalities and public safety approach is considered and proposed as an appropriate framework to assess decision making with regards to speakers promoting messages of hate and intolerance within our facilities and how to assist other venue providers within the Borough.
- 1.4 In all decision making with regards to potential messages of hate and intolerance there must be a balance between equalities, community cohesion, public order and human rights considerations.

2.0 Background and legislation

- 2.1 The following legislation and local policy inform and support this framework.
- 2.2 Equality and Diversity

Equality Act 2010: Public Sector duties – Section 149 of the Equality Act 2010 requires public bodies to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Chesterfield Borough Council is committed to advancing equality of opportunity, and providing fair access and treatment in employment and delivery of services. We aim to comply and where possible exceed quality law and good practice, challenge and take action against discrimination and celebrate diversity.

2.3 Human Rights Act 1998

The Human Rights Act protects the right to have your own thoughts, beliefs and religion. This includes the right to change your religion or beliefs at any time. You also have the right to put your thoughts and beliefs into action. For example, public authorities cannot stop a person practising their religion, publicly or privately, without very good reason (outlined below).

Article 10: Freedom of expression states that people have the right to hold their own opinions and to express themselves freely without government interference. This includes the right to express views aloud or through published articles, books or leaflets, television or radio broadcasting, works of art and communication on the internet. Public authorities may restrict the right to freedom of expression if they can show that their action has a proper basis in law, and is necessary and 'proportionate' in order to:

- protect national security, territorial integrity or public safety
- prevent disorder or crime
- protect health or morals
- protect the rights and reputations of other people
- prevent disclosure of information received in confidence
- maintain the authority and impartiality of the judiciary

It may be permissible to restrict a person's freedom of expression if, for example, a person expresses views that encourage racial or religious hatred. However, the public authority must show that the restriction is 'proportionate', in other words the restriction must be no more than is necessary, appropriate and not excessive in the circumstances.

Article 11: Freedom of assembly and association states that people have the right to protest by holding meetings and demonstrations with other people. Nobody has the right to force anyone else to join a protest, trade union, political party or another association. On occasions, it can be acceptable for a public authority to restrict a person's rights to freedom of assembly and association. Again, this is the case only where the authority can show that its action has a proper basis in law, and is necessary and 'proportionate'.

2.4 Counter Terrorism and Extremism

The Counter Terrorism and Security Act 2015 – section 26 requires local authorities to have due regard to the need to prevent people from being drawn into terrorism.

2.5 Crime and Disorder Act 1998 and public order

As a responsible authority under the Crime and Disorder Act 1998 the Council has a statutory duty to work in partnership towards the reduction and prevention of crime and to meet its equalities duties as set out above. Maintaining public order is a priority for the local authority and police. Where an event may pose a risk to public order, these are grounds to reconsider and review event venue hire and when the property is not under our control provide robust advice to the property owners/occupiers.

3.0 Process for advice and decision making

Chart 1 – Concerns are raised to CBC

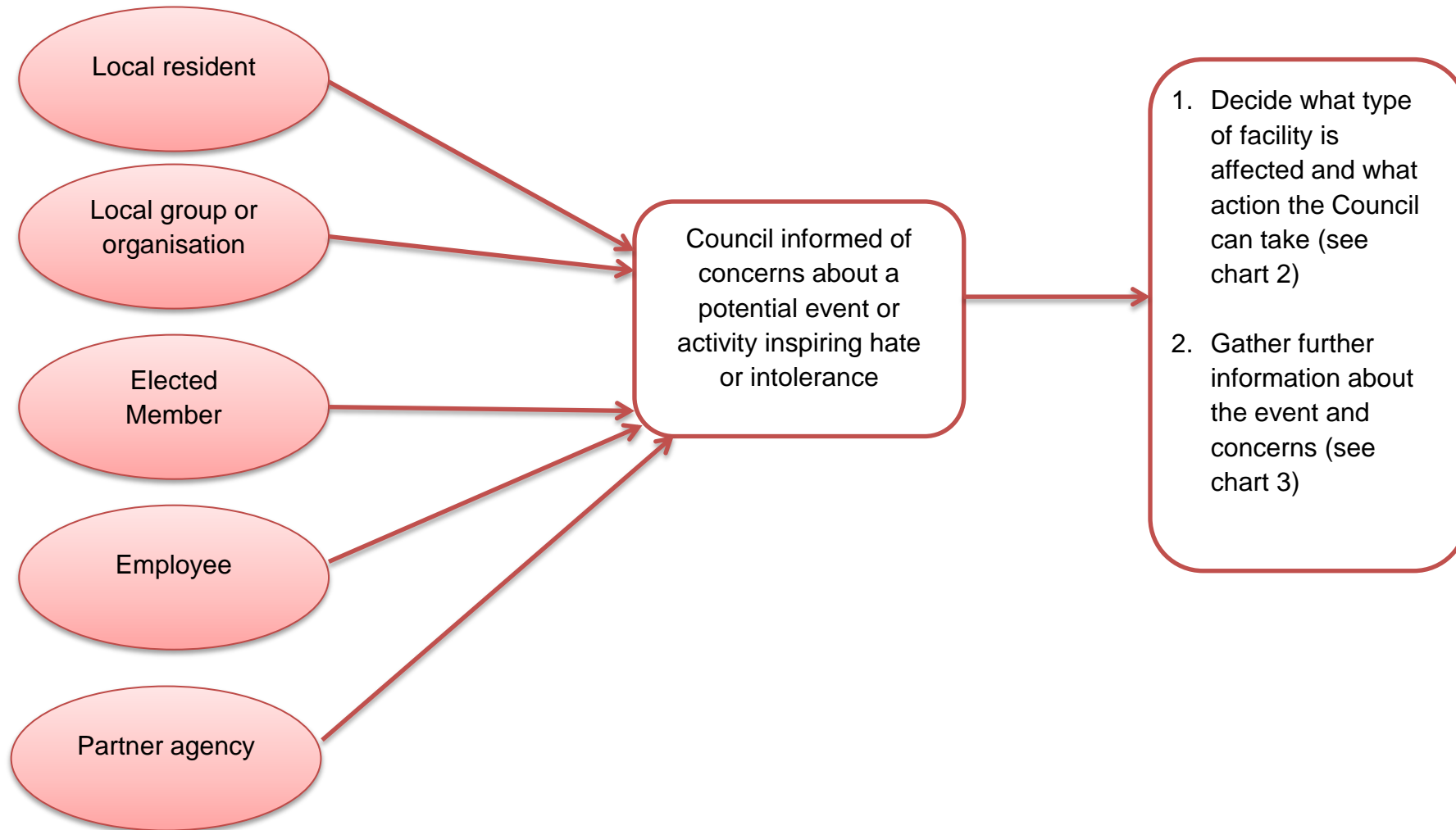
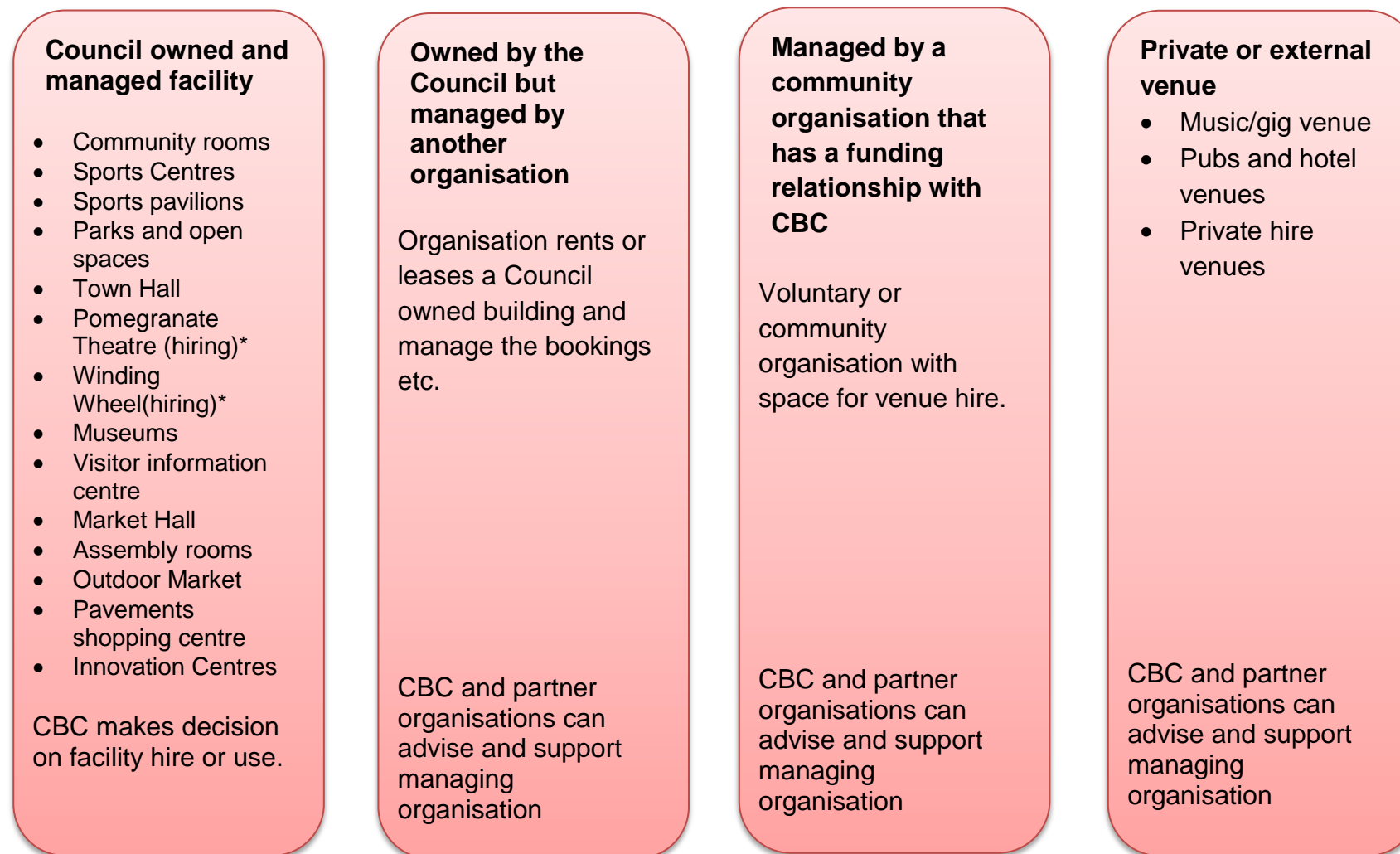


Chart 2 – Type of facility



*This framework relates to the hiring of the Pomegranate theatre and Winding Wheel. Venues programming is considered under separate arrangements.

Chart 3 – Information gathering process (relevant Service Manager with support from Policy, Community Safety and Legal) and decision making (Service Manager with Executive Member where appropriate)

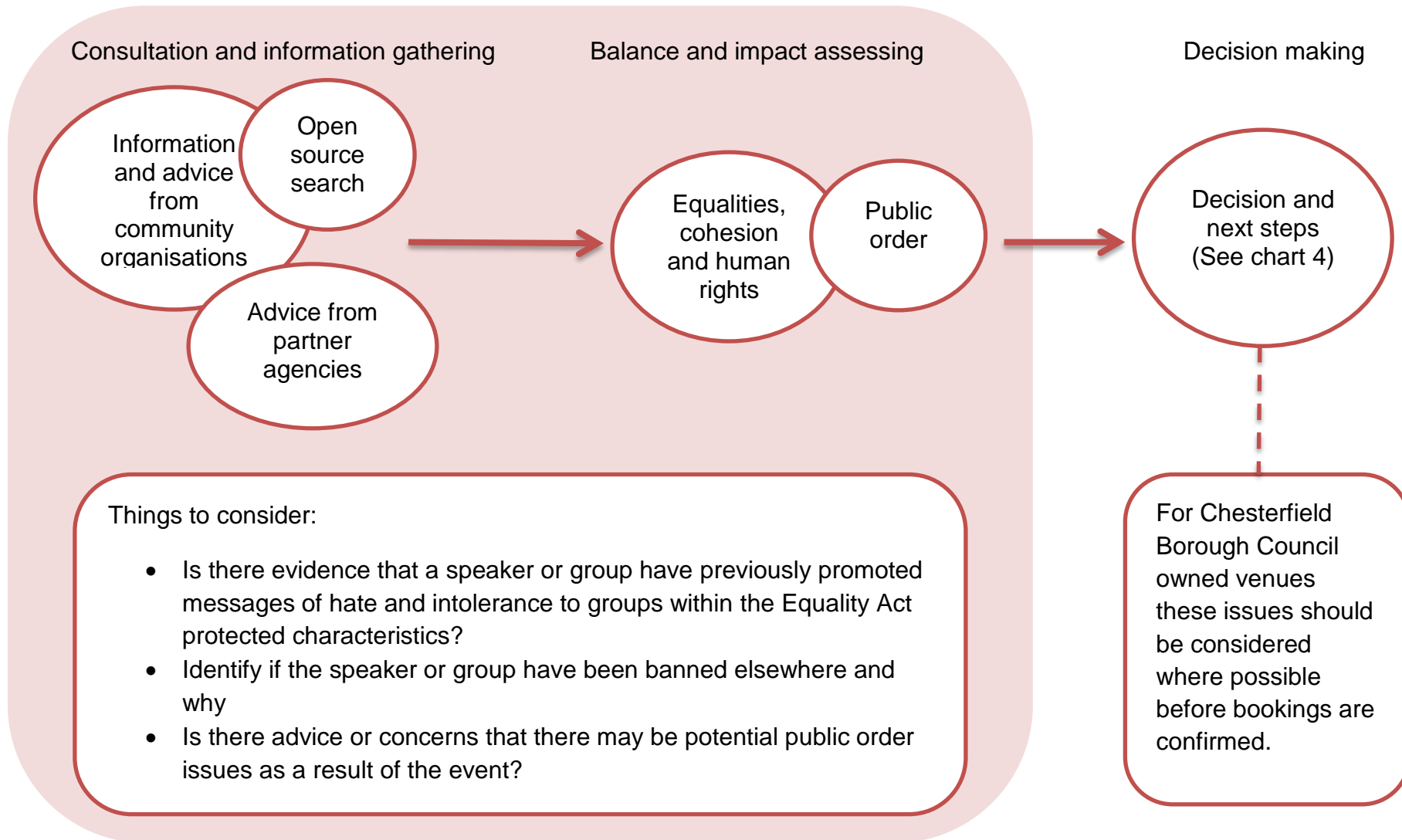
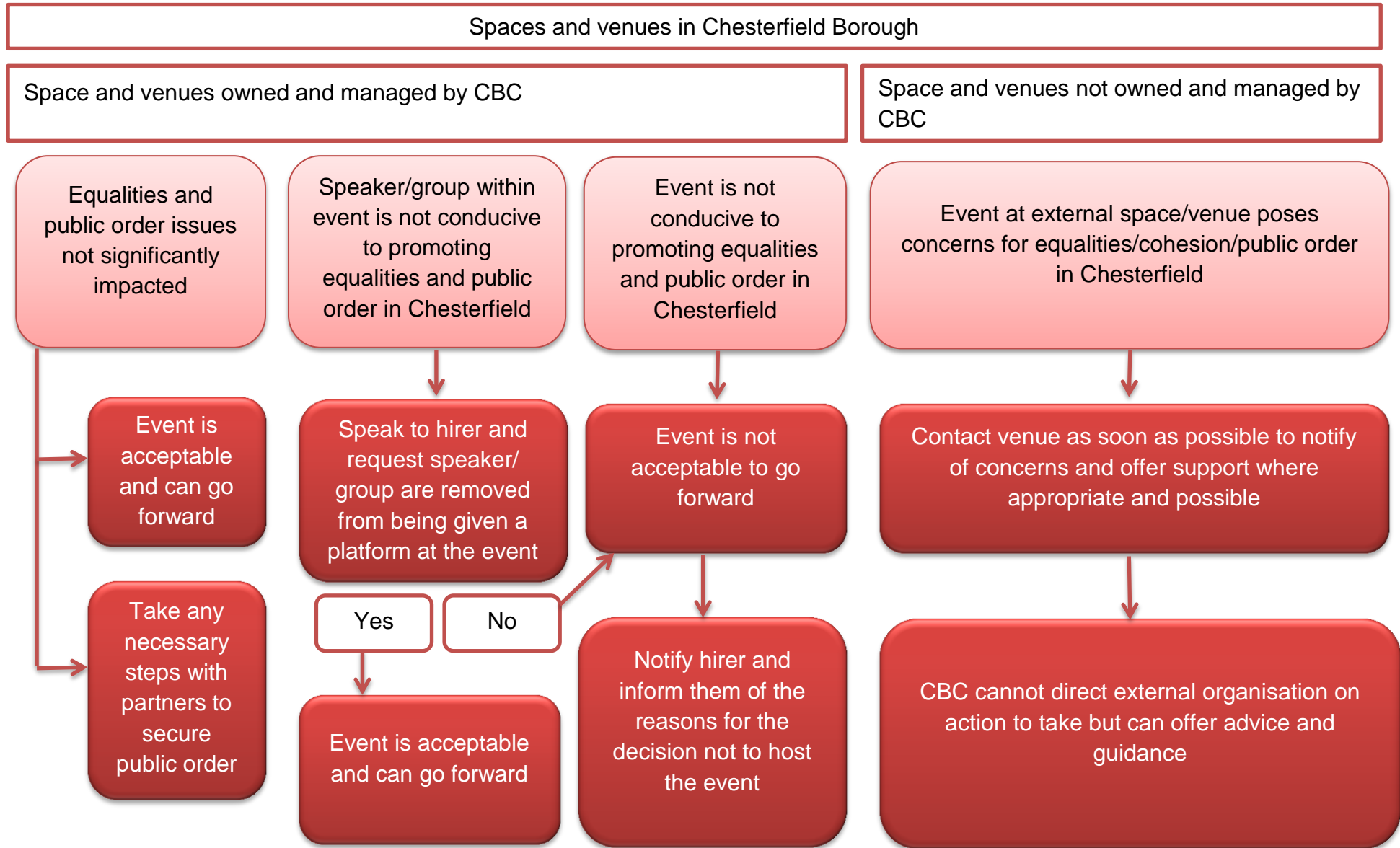


Chart 4 – Potential decisions and actions



4.0 Guidance for CBC venues

- 4.1 There are a number of relevant issues that must be considered when responding to speakers or groups promoting potential messages and intolerance in venues within the borough. Chesterfield Borough Council owns and manages its own venues such as sports centres and theatres and oversees events run in parks and open spaces in the borough. Within these spaces the Council is the final decision maker on events and is therefore able to make final decisions on whether an event will take place within a venue space.
- 4.2 Where possible consideration of this framework should be made before bookings are confirmed and contracts issued.

5.0 Advice and guidance for other venues in Chesterfield Borough

- 5.1 A number of local voluntary and community organisations within the borough that are part funded by Chesterfield Borough Council via service level agreements or grants also manage spaces that are often available for hire as a venue space. There are also a number of private facilities across the borough including hotels, pubs etc. that hire their venue space for a number of diverse events. 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 though have an obligation to pass on notification of concern if it views the event to be in some way detrimental to equalities, local community cohesion and local public order.

6.0 Information for decision making

- 6.1 When information is collected for the purpose of sensitive decision making there must be a process that gathers relevant information from as many sources as possible, where available. It may often be necessary to consult appropriate partner organisations for advice and guidance. When assessing information gathered from online sources the Council must be wary of allocating too much weight to information contained within blog sites or social media and also for quotes that may have been taken out of context.
- 6.2 Detailed below are some tips for gathering information:
- Use more than one internet search engine to minimise search engine bias
 - Where possible find primary source information. This could include a groups manifesto, website, you tube video of a person speaking or meeting etc.
 - Is the website stating information as fact or is it clearly giving something as the author's opinion?

- Does the webpage give sources for the information – does it say where it came from? What other sources can you find to check the information against? E.g. a published report or official statistics
- Can you easily tell who the person or organisation behind the Web page is? Can I trust the person or organisation behind this Web page? Are they likely to be biased? Are they an authoritative source? Is the author taking a personal stand on a social/political issue or is the author being objective?
- With what organisation or institution is the author associated? Is there a link to the sponsoring organisation, a contact number and/or address or e-mail contact? A link to an association does not necessarily mean that the organisation approved the content
- If you found the page through a link or a web search, and are not sure where it comes from, look for the home page, or an “About Us” or similar link. Does the page author give a real-world postal address and phone number?
- Given how quickly information on the web can change and how long some websites have been around, always try to check how up-to-date the information is