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**Report for: Standards Committee**

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Date of Meeting:	18 June 2025
Subject:	Advice to Elected Members who may be Victims of Crime
Cabinet Member:	Cllr Matt Fletcher, Cabinet Member for People Development
Responsible Officer:	Maria De Leburne, Director of Legal, People, Governance & Monitoring Officer
Exempt:	NA
Wards Affected:	NA
Enclosures:	[any appendices – list here]

**Section 1 – Summary and Recommendation(s)**

This report provides the Standards Committee with advice from Devon & Cornwall Police.

**Recommendation(s):**

**The Standards Committee recommend to Full Council that all members note the procedure and the option available to them in the event of an incident occurring.**

**Section 2 – Report**

**1.0 Introduction**

- 1.1 The OPCC in conjunction with Devon and Cornwall Police have prepared a protocol whereby Local Authority Monitoring Officers can facilitate a third party crime report to Devon and Cornwall Police on behalf of their elected members if a Councillor is subject to a crime whilst undertaking their public duties. This was put in place in May 2024.

## 2.0 **Background**

2.1 It has sadly been reported that an increasing number of Councillors are being subjected to abuse, threats, and public intimidation which undermine the principles of free speech, democratic engagement and debate.

2.2 The purpose of the framework is twofold, firstly to enable the Monitoring Officer to provide advice to Councillors if they have been the victims of intimidating behaviour, and secondly to provide a framework to escalate issues of concern if elected members are subjected to intimidating behaviour.

### 2.3 **Advice to local elected members who may be victims of intimidating behaviour**

Elected members may be the victims of intimidation that can also amount to criminal conduct such as public order offences, criminal damage, communications offences, assaults, harassment, stalking offences or hate crime.

The guidance will apply in the following instances:-

- a) Where the elected member or their family are subjected to intimidation or harassment due to their role;
- b) There are criminal acts which target the elected member or their family in connection with their official position;
- c) A demonstration at their home address.

The protocol does not offer elected members preferential treatment, however, is designed so that the Monitoring Officer can be a conduit to report if required.

Examples of behaviour to report are communications, which contain excessively abusive or threatening language, repeated and unwanted contact, racial, homophobic or other discriminatory abuse and threats.

If any of the following indicators are present which may signal an escalation members are advised to bring to the immediate attention of the Police:-

- a) A threat of imminent violence;
- b) Fixation on the Elected Member;
- c) Access to weapons or weapons skills;
- d) The release of information about the member which isn't already in the public domain.

If members have reported to the Police either through 999 or 101 and they still remain concerned then they may escalate through their Monitoring Officer. This is only applicable if the crime has occurred due to their elected role.

### **3.0 Conclusion**

It is important that Elected Members do not feel intimidated or threatened while undertaking their duties. This protocol recognises that and helps to put a mechanism in place whereby Monitoring Officers can escalate complaints in the event that Members are in fear for their safety.

#### **Financial Implications**

None

#### **Legal Implications**

None

#### **Risk Assessment**

No risks identified.

#### **Impact on Climate Change**

NA

#### **Equalities Impact Assessment**

No EIA required.

#### **Relationship to Corporate Plan**

No specific or relevant provision.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 06/06/2025

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 06/06/2025

**Cabinet member notified:** (yes/no)

### **Section 4 - Contact Details and Background Papers**

**Contact:** Maria De Leburne, [mdeleiburne@middevon.gov.uk](mailto:mdeleiburne@middevon.gov.uk)

**Background papers:** None

## **Appendix 1 – General advice to Elected Members**

Below are a suggested set of actions that you could undertake if you consider you are being subjected to Intimidation:

- Make sure that your immediate safety is not at risk. Make sure you are safe.
- If possible, record or diarise the encounter or communication. In the case of an email or letter, you can copy or save it. A telephone call or face-to-face discussion and social media incident should be written in a diary as soon as possible after the event, recorded, screen-shot or saved. You can also take photos of damage or even a computer screen. Even if this is the first or only incident, others may also have been subjected to intimidation. A collective record is important if future action is going to be taken. It is also important that incidents relating to the same individual or individuals should be recorded as such evidence could be critical should the matter give rise to a criminal prosecution.
- Raise the incident with a view to discussing it or obtaining support from a nominated council officer and/or political group nominated person. This will also help you establish if others have been subjected to the same or similar intimidation.
- If a serious potential crime has occurred, it is advisable to formally report it to the council and/or to the police, particularly in the context of a serious threat to life or anticipated violence.
- If you are concerned about your personal safety, raise this with the council and the police so that there is a record of the impact the incident is having and review your own security and personal safety. This could include your personal or work activities and those of your family.
- Under the Health and Safety at Work Act, councils have a duty to safeguard their staff against potentially violent persons and will generally maintain a Caution list with names of such parties. This will enable you to ascertain if the individual or individuals who have intimidated them are on the Caution List, if not; ensure that that their name is added using the appropriate processes.
- Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.
- If the letters or emails continue further steps may need to be considered such as advising the individual that such abuse will result in a referral to the police and the stopping of further correspondence.

## **Shield Principles**

In addressing public intimidation, the LGA has developed the following SHIELD principles:

**Safeguard** – where possible, protect yourself online and in person. For example, set out in any online biography or page that abusive, threatening or intimidatory communication or actions will be reported, utilise security features, take personal safety precautions and have a point of contact in the local police for any incidents.

**Help** – in any situation ensure you are safe before you take further action and get help if needed. If the threat is not immediate, you can contact officers at the council who have been given the responsibility to support you or someone with that role from your political group.

**Inform** – you can inform the individual or group that you consider their communication or action as intimidating, threatening or abusive. There is a growing movement of ‘digital citizenship’, which encourages the labelling of poor online conduct as a way of challenging such behaviour.

**Evidence** – if you consider that a communication or action is intimidatory, threatening or abusive, gather evidence. For example, photos, recordings, screen-shots, letters, emails, details of witnesses, etc. Let people know – report the incident to your social media platform/officers/party contact/lead member/the police, depending on the nature and severity of the incident(s). Be prepared that the police and courts will look to determine if the incident is intimidation based on the theoretical opinion of the average person.

**Decide** – determine whether you want to continue receiving communications from the individual or group and block or mute if on social media where appropriate. Decide if you want to pursue any action to inhibit the ability of the individual or group to approach you.

**Incident reporting** - If you are involved in an incident or have concerns around an individual’s behaviour after you have made an initial report to the police then you should consider escalating this to the Councils Monitoring Officer. An incident report must be completed as soon as possible after an event, whilst memories are fresh and so that issues can be investigated, and appropriate action taken. This should be forwarded to the Councils Health and Wellbeing team. If the incident involves acts of a potential criminal nature, then there is a helpful guide to understanding what constitutes criminal acts (appendix 2) and how you can report this. You can access this information by clicking the link below:

[Guidance about harassment and intimidation | Electoral Commission](#)

If you are working alone, your local council may have lone working protocols which apply to you. Even if there is no specific protocol the local authority has a duty of care to their elected members under the Health and Safety at work etc Act 1974.

Likewise, as elected members you have a duty to act responsibly and take reasonable steps for your own health and safety.

Below is a checklist which you may find useful in considering your personal safety: If you are meeting a member of the public alone:

- Opt for a busy location with a venue that is well lit;
- Use a venue that has more than one entrance or exit
- Choose somewhere with a lobby area where there will be other people around to support you if required.
- Keep your mobile phone with you and charged up;
- Think about where you will park your vehicle, and have your keys readily accessible
- Remain vigilant and do not get distracted e.g. do not walk alone with your headphones on
- If you have been supplied with a lone worker device then remember to carry it with you.
- Wherever possible take the details of the member of the public you are meeting and ensure that someone else knows who you are meeting with, when and where
- If you are subject to inappropriate behaviour then make sure you take a note of it, including the date and time of its occurrence and whether there were any witnesses;
- If you are in a separate room, then try and keep the door ajar and make sure that you are positioned nearest the door. Never lock yourself in the room with a stranger.
- Position a table between you and the member of the public.

### **When you are out and about**

- Don't advertise your movements in advance on social media unless there is a specific reason for doing so.
- Be conscious of the information you share online about yourself and your family members;
- If you feel uneasy about a situation, then trust your instincts and head towards a safe place such as a shop or other public space.
- If you think you are being followed, then take sensible steps such as remain calm; keep to well populated areas; cross and recross the road to see if you are still followed; keep moving and head to the nearest safe place; call the police when you can.