Bristol City Council

Public Participation and Conduct Procedure

1. Purpose

1.1 This procedure sets out how Bristol City Council will respond to inappropriate conduct by members of the public attending, participating in, or engaging with Council, Committee, Sub-Committee and other formally convened democratic meetings.

1.2 The purpose of this procedure is to ensure that democratic meetings can be conducted safely, effectively and fairly while protecting the rights of individuals to participate in local democracy.

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2. Principles

2.1 All decisions under this procedure shall be lawful, fair, evidence-based, necessary and proportionate.

2.2 The Council will have regard to:

- the principles of natural justice;
- procedural fairness;
- the Equality Act 2010;
- the Human Rights Act 1998, including rights protected under Articles 10 and 11 of the European Convention on Human Rights;
- the Council's Public Sector Equality Duty.

2.3 No restriction shall be imposed unless the Council is satisfied that it is justified, proportionate and represents the least restrictive measure reasonably available.

2.4 Where an individual's name or address is not known, the Council may take action under this procedure using reasonable means of identification and notification, provided that any decision remains lawful, necessary and proportionate and appropriate opportunities are provided for challenge and review.

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3. Scope

3.1 This procedure applies to:

- attendance at Council, Committee and Sub-Committee meetings;

- participation in public forums;
- public questions;
- public statements;
- petitions;
- deputations;
- attendance at associated democratic meetings and events;
- any related engagement activities conducted by the Council.

3.2 Nothing in this procedure shall prevent the Chair from exercising powers available under the Constitution or Council Procedure Rules for the management of meetings and immediate removal of disruptive individuals from a meeting where necessary.

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4. Inappropriate Conduct

4.1 Examples of inappropriate conduct include:

- threatening, abusive, discriminatory or intimidating behaviour;
- harassment or victimisation of councillors, officers or members of the public;
- conduct creating a risk to health, safety or welfare;
- behaviour likely to incite disorder or disruption;
- refusal to comply with lawful directions of the Chair;
- persistently disruptive behaviour;
- conduct preventing the effective conduct of Council business;
- unauthorised recording, filming or broadcasting contrary to lawful directions or published requirements;
- repeated conduct which has previously resulted in warnings under this procedure;
- conduct which causes or materially contributes to the suspension, adjournment or abandonment of a Council meeting;
- organised or coordinated disruptive behaviour preventing the transaction of Council business.

4.2 The examples above are not exhaustive.

5. Reporting and Investigation

5.1 Concerns regarding conduct shall be reported to the Head of Democratic Engagement.

5.2 The Head of Democratic Engagement shall gather such evidence as appears reasonably necessary to establish the facts, which may include:

- webcast recordings;
- transcripts;
- minutes;
- contemporaneous notes;
- correspondence;
- photographic evidence;
- witness accounts;
- security reports;
- police information where available and appropriate;
- CCTV footage;
- body-worn video footage;
- identification evidence provided by security personnel or authorised officers present at the incident.

5.3 The investigation shall be proportionate to the seriousness of the concerns raised.

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6. Initial Assessment

6.1 The Head of Democratic Engagement shall consult the Director: Legal and Democratic Services regarding any proposed formal action.

6.2 Following consultation with the Chief Executive, an assessment shall be undertaken to determine:

- whether there is sufficient evidence to justify further action;
- whether the conduct complained of is established on an initial review of the available evidence;

- whether informal resolution is appropriate;
- whether any immediate risk exists requiring urgent action.

6.3 Where a meeting has been abandoned, adjourned or prevented from proceeding because of serious disruption, consideration shall be given to immediate interim measures under Section 12 whether or not the identity of the individual concerned is known.

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7. Informal Resolution

7.1 Where agreed by the Director: Legal and Democratic Services, the Head of Democratic Engagement may seek to resolve matters informally.

7.2 Informal measures may include:

- advice;
- guidance;
- mediation where appropriate;
- behavioural expectations;
- a verbal warning;
- a written warning.

7.3 Any warning shall explain:

- the conduct giving rise to concern;
- the standards expected in future;
- the consequences of repeated misconduct;
- that previous conduct may be taken into account if further restrictions are considered.

7.4 The warning may also explain that restrictions, including exclusion from specified meetings or Council premises, may be considered following an opportunity for the individual to make representations.

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8. Notice of Proposed Restriction

8.1 Before imposing a restriction, the individual shall normally receive written notice setting out:

- the conduct alleged;
- the evidence relied upon;
- the proposed restriction;
- the reasons why the restriction is being considered;
- the period of the proposed restriction;
- the individual's right to make representations.

8.2 The individual shall normally be given not less than 10 working days to make written representations.

8.3 Where the identity or address of an individual is unknown, notice may be given by public notification in accordance with Section 12.

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9. Disclosure of Information

9.1 The Council shall provide sufficient information to enable the individual to understand and respond to the allegations.

9.2 This will normally include:

- a summary of relevant evidence;
- dates and details of alleged incidents;
- copies of relevant correspondence;
- reference to applicable Council policies or procedures.

9.3 Information may be withheld only where disclosure would:

- prejudice safeguarding arrangements;
- prejudice a criminal investigation;
- disclose legally privileged material;
- breach data protection obligations owed to third parties; or
- otherwise be contrary to an overriding public interest.

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10. Decision-Making Tests

10.1 Subject to 12.1 (credible evidence test for provisional risk assessment) before making any decision under this procedure, the Director: Legal and Democratic Services shall be satisfied that:

- the relevant facts have been established on the balance of probabilities;
- the available evidence is sufficient, reliable and credible;
- the proposed restriction pursues a legitimate objective;
- the restriction is necessary to achieve that objective;
- the restriction is proportionate to the identified risk; and
- no less restrictive measure would reasonably and adequately address the risk identified.

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11. Decision

11.1 The decision maker shall be the Director: Legal and Democratic Services.

11.2 The Director shall consider:

- all available evidence;
- all representations submitted by the individual;
- any mitigating circumstances;
- alternative measures;
- equality and human rights implications.

11.3 Where facts are disputed, findings shall be made on the balance of probabilities, having regard to the reliability, credibility and weight of the available evidence.

11.4 The decision shall be recorded in writing and shall include:

- the facts found;
- the evidence relied upon;
- the basis for the decision;
- consideration of alternatives;
- the proportionality assessment;
- the duration of any restriction;
- any review rights.

11.5 Where a restriction affects attendance at meetings or other forms of democratic participation, the decision shall expressly record consideration of Articles 10 and 11 of the European Convention on Human Rights and explain why the restriction is considered necessary and proportionate.

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12. Urgent Interim Measures

12.1 Where the Director: Legal and Democratic Services reasonably considers, on the basis of credible evidence, that immediate action is necessary to:

- protect the safety of any person;
- prevent a significant risk of serious disruption to Council business; or
- prevent unlawful conduct,

12.2 an interim restriction may be imposed pending full consideration of the matter.

12.3 Where a Council meeting has been abandoned, adjourned or materially disrupted because of the conduct of one or more individuals, the Director: Legal and Democratic Services may impose an immediate interim exclusion from specified Council premises to prevent disruption prior to and at associated democratic meetings and events scheduled to be held at those premises.

12.4 An interim exclusion may be imposed whether or not the individual's name or address is known, provided the individual can be reasonably identified from available evidence.

12.5 Identification may be established by reference to:

- photographs;
- webcast images;
- CCTV recordings;
- body-worn video recordings;
- security reports;
- physical descriptions;
- recognition by security personnel, authorised officers or other reliable witnesses.

12.6 For the purposes of access control, an individual subject to an exclusion may be identified by photograph, image, physical description or personal recognition by authorised officers or security personnel.

12.7 The individual shall be notified in writing as soon as reasonably practicable of:

- the interim restriction;
- the reasons for it;
- the evidence relied upon, so far as reasonably possible;
- the process for making representations.

12.8 Where the identity or address of an individual is unknown, notification may be given by public notice.

12.9 Public notice may take one or more of the following forms:

- publication on the Council's website;
- display at the principal entrance of City Hall or other relevant Council premises;
- announcement at the next meeting of the Council, Committee or Sub-Committee concerned;
- such other Council communication channels as the Director: Legal and Democratic Services considers appropriate.

12.10 Where the Director: Legal and Democratic Services is satisfied that it is lawful, necessary and proportionate to do so, a public notice may include photographs, images or identifying descriptions of the individual concerned.

12.11 Before publication of any photograph or image, the Director: Legal and Democratic Services shall record a written assessment addressing necessity, proportionality, privacy rights and data protection considerations.

12.12 Publication of a notice under paragraphs 12.8 to 12.9 shall constitute notification for the purposes of this procedure where the Council does not know the individual's identity or address.

12.13 The individual shall normally be afforded at least 48 hours to make initial representations.

12.14 Any interim restriction shall:

- be reviewed within 5 working days;
- be reviewed before any meeting from which the individual would otherwise be excluded, where practicable;
- cease to have effect after 20 working days unless confirmed, varied or replaced following consideration of representations.

12.15 Where the identity of the individual is not known by name, the review shall specifically consider:

- the reliability of the identification evidence;
- the risk of mistaken identity;
- whether publication remains necessary and proportionate;
- whether the exclusion should continue.

12.16 The existence of an interim restriction shall not predetermine the final outcome.

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13. Available Restrictions

13.1 The Council may impose one or more of the following measures:

- behavioural conditions;
- written undertakings;
- managed attendance arrangements;
- requirements relating to seating or supervision;
- exclusion from specified meetings;
- exclusion from specified Council premises during meetings;
- limitations on participation arrangements;
- alternative participation arrangements, including remote or written submissions where appropriate.

13.2 Before imposing any restriction, the decision maker shall actively consider whether the Council's legitimate objectives could be achieved through less restrictive measures.

13.3 Restrictions will only be imposed where there is sufficient evidence that conduct presents a genuine risk to safety, the orderly conduct of meetings, Council resources, or the rights of others.

13.4 Any restriction shall be no wider, longer or more restrictive than necessary.

13.5 Any restriction imposed under this procedure shall not prevent the exercise of a statutory right to attend, participate in, or make representations to the Council unless the Council is satisfied that exclusion is necessary and proportionate on overriding health, safety, security or public order grounds.

13.6 Where the Council is satisfied on the balance of probabilities that an individual participated in conduct resulting in the abandonment, suspension or serious disruption of a democratic meeting, a restriction may be imposed notwithstanding that the Council does not know the individual's name or address, provided the individual can be reasonably identified.

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14. Indicative Sanctions Framework

Conduct	Indicative Response
Minor or isolated misconduct	Advice, guidance or warning
Repeated misconduct	Written warning and behavioural conditions
Persistent disruption	Restriction for up to 3 months
Serious intimidation, harassment or threatening behaviour	Restriction for up to 6 months
Violence or credible threats of violence	Restriction for up to 12 months, subject to enhanced review
Conduct causing abandonment of a Council meeting	Restriction for up to 12 months, subject to enhanced review

14.2 This framework is guidance only and does not fetter discretion.

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15. Review and Appeals

15.1 An individual subject to a restriction may request a review within 20 working days of notification of the decision.

15.2 The review shall be conducted by a senior officer appointed by the Chief Executive who has not been involved in:

- the investigation;
- the recommendation;
- the original decision.

15.3 Unless that is impracticable.

15.4 The reviewing officer may:

- confirm the decision;
- vary the decision;
- revoke the decision;
- substitute an alternative measure.

15.5 The review decision shall be confirmed in writing with reasons.

15.6 Any individual who believes they have been incorrectly identified as the subject of an exclusion notice may request an expedited review at any time during the period of restriction.

15.7 The reviewing officer shall consider any evidence regarding identification, including photographs, witness evidence, security records, attendance records or other relevant material.

15.8 Where the reviewing officer concludes that mistaken identity may have occurred, the restriction shall be revoked or modified as appropriate.

15.9 Where an exclusion notice has been published using photographs, images or descriptions, the reviewing officer may direct that the notice be amended, corrected or withdrawn.

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16. Duration

16.1 All restrictions shall specify a clear start date and end date.

16.2 Restrictions should normally not exceed 6 months without a fresh review and written justification.

16.3 Any restriction exceeding six months shall require a documented reassessment of necessity and proportionality.

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17. Records

17.1 The Council shall maintain an auditable record of:

- complaints and reports;
- evidence gathered;
- correspondence;
- decisions;

- reviews;
- proportionality assessments.

17.2 Where action is taken against an individual whose name or address is unknown, the Council shall additionally retain records of:

- the evidence used to identify the individual;
- the reasons supporting any publication of identifying material;
- the data protection and proportionality assessment undertaken;
- all subsequent representations, reviews and decisions.

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18. Equality and Human Rights

18.1 The Council shall consider its duties under the Equality Act 2010 and Human Rights Act 1998 when applying this procedure.

18.2 Before imposing any restriction, the Council shall consider:

- whether the conduct may be linked to a protected characteristic;
- whether reasonable adjustments are required;
- whether the proposed measure is necessary and proportionate.

18.3 The Council shall seek to balance the rights of all participants, including councillors, officers, members of the public and the individual concerned, while ensuring the safe and effective conduct of Council business.

18.4 Where photographs, video images or identifying descriptions are published in connection with this procedure, the Council shall ensure that publication remains lawful, necessary and proportionate and shall review continued publication at each stage of the process.

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