

‘No Platform’ Policy

Responding to speakers promoting messages of hate and intolerance in Birmingham

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'No Platform' Policy

Introduction

Birmingham City Council devotes much time and energy to ensure that our employees, members and communities are confident that their Council operates in a fair and democratic way, demonstrating through our services the highest standards of equality and social justice. The use of Council facilities by groups holding extreme religious, ideological or political views may pose a threat to this confidence as extremist groups may seek to create or exploit grievances and community tensions to the detriment of the whole community. This presents a complex problem for elected members and Council officers who need to uphold freedom of speech and values of tolerance and respect whilst retaining the trust of local communities.

The Government's Prevent Strategy 2011 defines extremism as: *vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. Also included in the Government's definition of extremism are calls for the death of members of our armed forces, whether in this country or overseas.*

Birmingham City Council values freedom of speech as a fundamental right underpinning our society's values. However, free speech is not an unqualified privilege and must be subject to laws and policies governing equality, human rights, community safety and community cohesion. Both private citizens and public officials have the right to speak freely and voice their opinions. But, freedom comes with responsibility and free speech that leads to violence and harm of others goes against the moral principles on which free speech is valued.

This 'No Platform' Policy will ensure that the Council upholds its duty of care towards all our citizens by seeking to ensure no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation shall be exercised by any individual on Council premises.

1.0 Policy Overview & Summary

1.1 No person using Birmingham City Council facilities should express or promote extreme ideological, religious or political views.

1.2 Birmingham City Council will not allow the use of its facilities to any group or organisation proscribed by HM Government. A list of proscribed organisations can be found:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322142/20140620-List_of_Proscribed_organisations_WEBSITE.pdf

1.3 This policy underlines the Council's statutory duties and embeds a commitment to the promotion of strong and cohesive community relations.

2.0 Definitions for the purpose of the Policy

For the purpose of this policy:

- 2.1 The Terrorism Act 2000 makes it a criminal offence to:
 - 2.1.1 Belong, or profess to belong, to a proscribed organisation (section 11 of the Act);
 - 2.1.2 Invite support for a proscribed organisation (and the support is not, or is not restricted to the provision of money or other property) (section 12(1));
 - 2.1.3 Arrange, manage or assist in arranging or managing a meeting in the knowledge that the meeting is to support or further the activities of a proscribed organisation, or is to be addressed by a person who belongs or professes to belong to a proscribed organisation (section 12(2)); or to address a meeting if the purpose of the address is to encourage support for, or further the activities of, a proscribed organisation (section 12(3)); and
 - 2.1.4 Wear clothing or carry or display articles in public in such a way or in such circumstances as to arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation (section 13).
- 2.2 Section 38b of the Terrorism Act 2000 states that an individual has committed an offence if s/he has information which is known or believes might be of material assistance in preventing another person from committing an act of terrorism or securing apprehension, prosecution or conviction of another person for an offence involving the commission, preparation or instigation of an act of terrorism and s/he fails to disclose that information to the police as soon as is reasonably possible.
- 2.3 Extremism as defined in the Prevent Strategy by Government is: *vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. Also included in the Government's definition of extremism are calls for the death of members of our armed forces, whether in this country or overseas.*
- 2.4 Not every part of this definition has to be satisfied for a particular individual or organisation to be regarded as extremist.
- 2.5 The Equality Act 2010 protects nine individual characteristics set out in Appendix 2. All members and employees of the Council have a duty to not unlawfully discriminate against anyone on the basis of any of these characteristics.
- 2.6 The Equality Act 2010 also requires the Council to have due regard to:

- 2.6.1 Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - 2.6.2 Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - 2.6.3 Foster good relations between people who share a protected characteristic and people who do not share it.
- 2.7 Council facilities includes (by way of example):
- 2.7.1 Property and land owned by the Council, in part or in whole;
 - 2.7.2 Property and land leased or licensed by the Council, in part or in whole;
 - 2.7.3 The provision of services, such as IT services (including copying or printing);

3.0 Freedom of Speech

- 3.1 The Council is committed to the principles of free speech so far as is reasonably practicable and access to Council facilities is not denied to anyone on any grounds relating to the beliefs or views of that individual.
- 3.2 Where the expression of beliefs, views, policies or objectives are unlawful and where it is reasonably anticipated that the unlawful expression of such beliefs, views, policies or objectives might occur the Council reserves the right to prevent by any means those views/beliefs from being expressed on its premises.
- 3.3 The Council recognises the need to balance the rights to freedom of speech with the provisions of the Equalities Act 2010, which brings together legislation covering anti-discrimination law and which outlaws the use of threatening words or behaviours, or the display of threatening written material with the intent to stir up religious hatred.

4.0 Communication Methods

Use of the Internet & other Electronic Means:

- 4.1 It is forbidden to use the Council website, IT facilities or any other elements of the information management systems or processes for the promotion or planning of terrorism, or promoting extreme ideological, religious or political beliefs.
- 4.2 Any legitimate research or investigation, particularly with relation to groups causing concern (including those proscribed by Government) must first be agreed by a line manager.

- 4.3 The Council has the right to exercise control over all activities on its IT facilities and networks, including monitoring of systems and electronic communications and access to external resources, pursuant to its existing policies.

Written and Printed:

- 4.4 It is forbidden to use Council facilities to produce, store or circulate materials for the promotion or planning of terrorism, or materials promoting extreme ideological, religious or political beliefs. Materials may only be stored or circulated to appropriate individuals if it is in accordance with the law and with the purpose of enacting this or any other relevant Council policy. A line manager's approval is required to store or circulate such materials.
- 4.5 The Council has the right to exercise control over all materials stored within its facilities, including the right to destroy materials, and to pass on materials to the police for criminal investigation as deemed appropriate.
- 4.6 Infringements of, or departures from, the procedures set out in this Policy in whatever respect may render those responsible subject to disciplinary proceedings and they may be referred to the West Midlands Police.

5.0 Implementation

- 5.1 In order to comply with this policy, when an employee or member of the Council makes a decision to allow the use of the Council's facilities to an individual, group or organisation, they must satisfy themselves that the intended use of the facilities is not in breach of this policy.
- 5.2 This can be achieved by considering the following questions and taking the following actions:
- 5.2.1 Check whether the individual/group is listed on the government's list of proscribed organisations, see paragraph 1.2 above. If they appear on the list then the booking must be declined. Immediately inform your line manager and the No Platform Inbox (noplatform@birmingham.gov.uk) as well as reporting the matter to the West Midlands Police. Permission must not be granted for the use of the Council facilities in breach of the Terrorism Act 2000.
- 5.2.2 Identify if the individual/group has previously made a booking and been cleared by this process.

Previously cleared:

- 5.2.3 If the individual/group have previously been cleared check if any concerns were raised that would be considered a breach of the Terrorism Act 2000 as set out in paragraphs 2.1 and 2.2 above or considered a breach of the

Equalities Act 2010, look at paragraphs 2.5 and 2.6 above either during or after the event.

- 5.2.2 If no concerns were raised check to see if the planned event/activity is free from controversial issues or activity appears to promote extremist ideological, political or religious belief? Look at paragraphs 2.3 and 2.4 above. If it looks like it does, find out more about the individual, group or organisation and what is the intended use of the facility (follow the assessing information guidance as set out in Appendix 1 below).
- 5.2.3 Does the use of the facility breach the Terrorism Act 2000? Look at paragraphs 2.1 and 2.2 above. If it does breach the Terrorism Act 2000, immediately inform your line manager and the No Platform Inbox (noplatform@birmingham.gov.uk) as well as reporting the matter to the West Midlands Police. Permission must not be granted for the use of the Council facilities in breach of the Terrorism Act 2000 and clearance must be sought from the lead Director for this Policy via the No Platform Inbox.
- 5.2.4 Does the activity appear to breach the Equality Act 2010 duty, either by discriminating against individuals with protected characteristics or by not complying with the public duty (look at paragraphs 2.5 and 2.6 above and Appendix 2 below). If it looks like it does, refer to your line manager and the No Platform Inbox (noplatform@birmingham.gov.uk). Permission must not be granted for the use of the Council facilities in breach of the Equalities Act 2010 and clearance must be sought from the lead Director for this Policy via the No Platform Inbox.
- 5.2.5 If the planned event/activity is free from issues raised in paragraphs 5.2.2, 5.2.3 and 5.2.4 above then booking can be accepted.
- 5.2.6 If the matter has been referred to the No Platform Inbox the booking must not be accepted until clearance has been given.

Previously not cleared or first time booking:

- 5.2.7 Check to see if the planned event/activity is free from controversial issues or activity appears to promote extremist ideological, political or religious belief? Look at paragraphs 2.3 and 2.4 above. If it looks like it does, find out more about the individual, group or organisation and what is the intended use of the facility (follow the assessing information guidance as set out in Appendix 1 below).
- 5.2.8 Does the use of the facility breach the Terrorism Act 2000? Look at paragraphs 2.1 and 2.2 above. If it does breach the Terrorism Act 2000, immediately inform your line manager and the No Platform Inbox (noplatform@birmingham.gov.uk) as well as reporting the matter to the West Midlands Police. Permission must not be granted for the use of the Council

facilities in breach of the Terrorism Act 2000 and clearance must be sought from the lead Director for this Policy via the No Platform Inbox.

- 5.2.9 Does the activity appear to breach the Equality Act 2010 duty, either by discriminating against individuals with protected characteristics or by not complying with the public duty (look at paragraphs 2.5 and 2.6 above and Appendix 2 below). If it looks like it does, refer to your line manager and the No Platform Inbox (noplatform@birmingham.gov.uk). Permission must not be granted for the use of the Council facilities in breach of the Equalities Act 2010 and clearance must be sought from the lead Director for this Policy via the No Platform Inbox.
- 5.2.10 If the planned event/activity is free from issues raised in paragraphs 5.2.2, 5.2.3 and 5.2.4 above then booking can be accepted.
- 5.2.11 If the matter has been referred to the No Platform Inbox the booking must not be accepted until clearance has been given.
- 5.2.12 Always refer to the no platform inbox (noplatform@birmingham.gov.uk) for further clearance, if you are unsure.
- 5.3 If an activity, following an assessment, is considered to promote extremist ideological, political or religious beliefs and/or to be in breach of the Equality Act 2010, then you should:
- 5.3.1 Refuse the use of the facilities; following clearance from the lead Director for the Policy. (See Appendix 1, Due Diligence Process below)
- 5.3.2 Explain to the individual, group or organisation the reasons why you are refusing, including reference to any evidence you have used in reaching your decision.
- 5.3.3 Explain to the individual, group or organisation that they can appeal the decision as set out in this policy.

6.0 Appeals

- 6.1 Appeals against decisions made by the Council in accordance with this policy should be made within seven working days and in writing to (noplatform@birmingham.gov.uk).

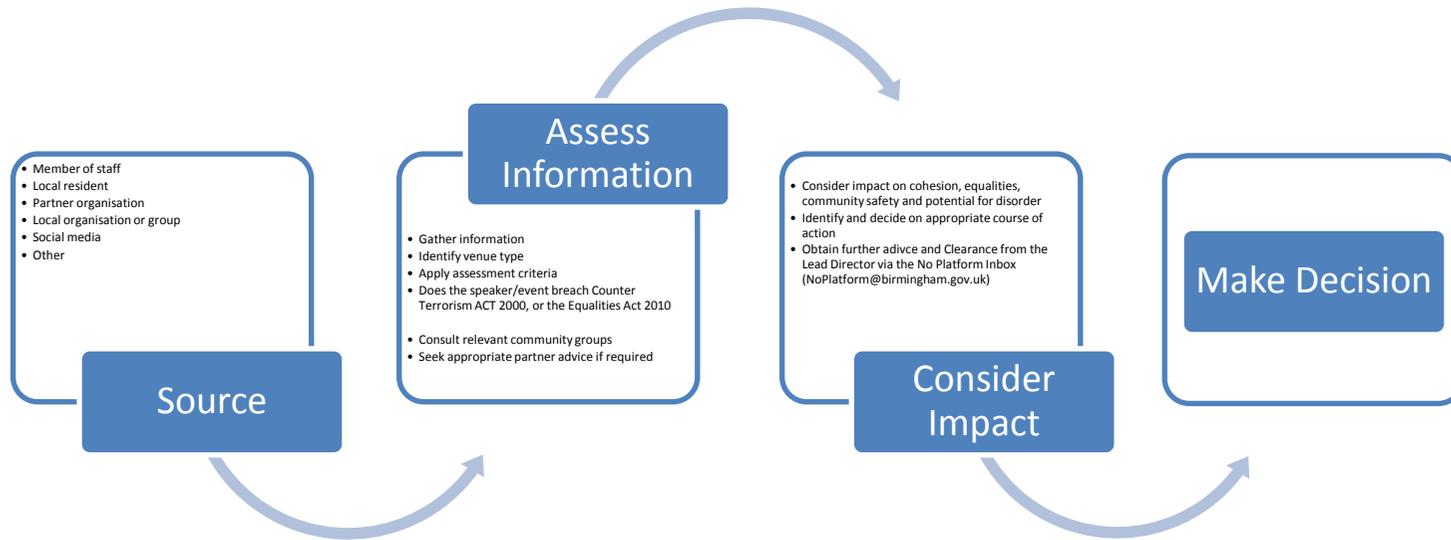
Appendix 1 - Applying the Framework

The following diagrams set out the processes for information gathering and decision-making for the local authority in implementing the No Platform policy.

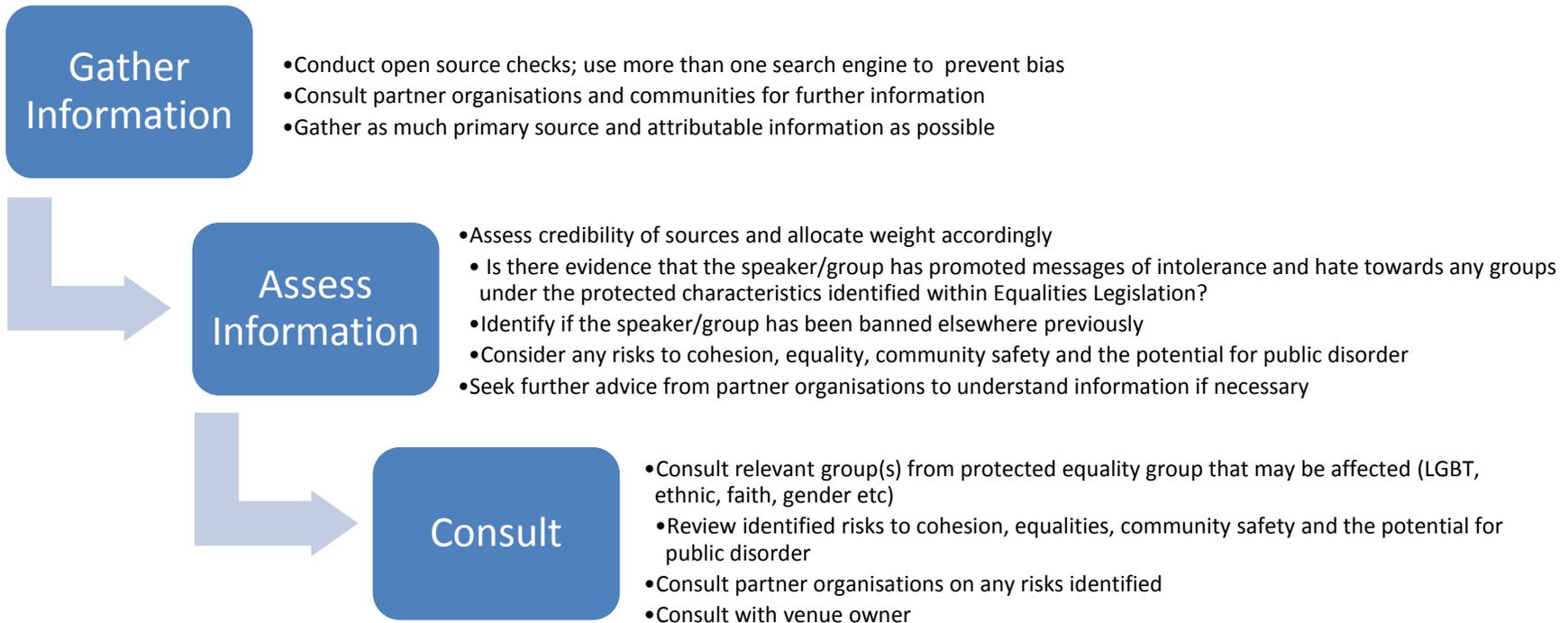
Decision-Making Authority According to Venue Type



Advice and Decision-Making Process



Assessing Information



Assessment Criteria for Managing Extremist Events or Speakers

In assessing the risks posed by an individual event or speaker, Birmingham City Council will work with relevant stakeholders including West Midlands Police and base our judgment on research that is:

Primary – caution will be exercised when information about individuals is derived from secondary sources without any supporting primary evidence.

Attributable – evidence from official, personal websites or videos, remove any doubt as to what an individual said and therefore present a stronger case.

Objective – statements or actions will be seen within context. What is the intended audience? Is it part of a wider speech/video? What is the manner in which it is said? Do they appear to be condoning the views they are expressing, or repeating comments in historical or religious texts? Statements or actions that provide opposite or positive evidence, or evidence of the individual recanting, clarifying or apologising for previous views will also be considered (as should how consistent and public these clarifications have been).

Reviewed – research should be periodically reviewed to ensure that it reflects current positions

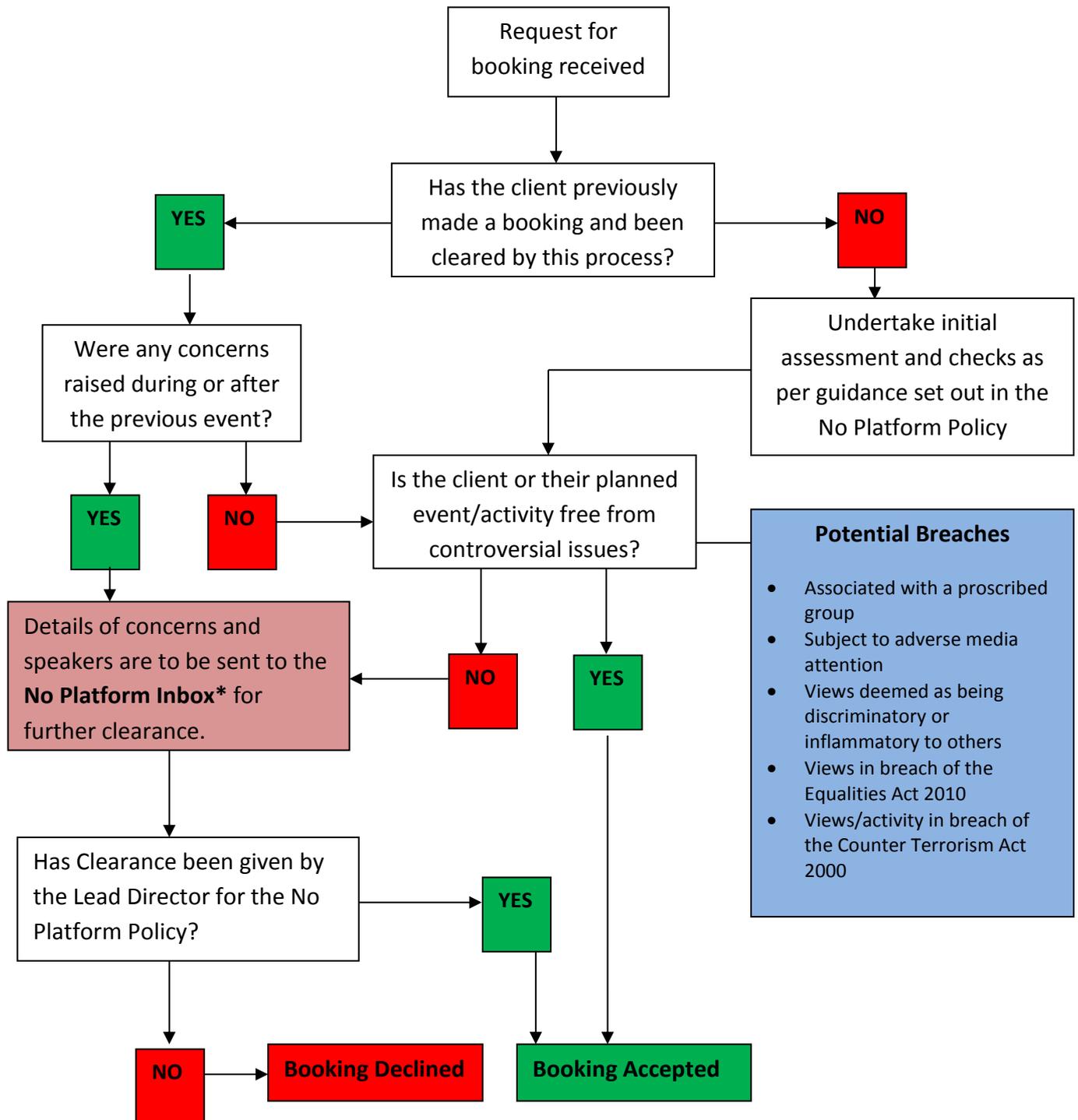
The Council recognises the need to ensure that all information/research collated for the purpose of sensitive decision-making is gathered from as many sources as possible and reserves the right where necessary, to consult partner organisations including West Midlands Police and the Home Office for further advice and guidance.

As part of the information gathering process, appropriate weight will be allocated dependent upon the type of source material; primary evidence will be sought where possible. When assessing information gathered from online sources the Council will exercise caution of allocating too much weight to information contained within blog sites and for example, of quotes that may have been taken out of context.

Considerations for gathering and assessing open source data found online

- Use more than one internet search engine to minimise search engine bias.
- Where possible find primary source information (e.g. a group's manifesto on their website; You Tube videos of a person speaking or band's music; an individual's personal writing on their blog).
- Is the website stating information as fact ("*depression is the most common mental illness in the UK*"), or is it clearly giving something as the author's opinion? ("*I don't think doctors in the UK get enough training in dealing with depression*")
- Is the information detailed enough for what you need?
- 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? Try to find a different type of source, like a report from a well-known body, or published statistics.
- If the webpage is clearly giving someone's opinion on an issue, how much weight should you give to their opinion?
- Can you easily tell who the person or organisation behind the webpage is? Can I trust the person or organisation behind this webpage? 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? Bias is not necessarily "bad," but the connections should be clear.
- 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. Does the page say when it was last updated? If not, try checking the Properties or Page Info options in your Web browser for a date. Is the website generally being maintained – do all the links still work? Can you check against sources you know are up-to-date for comparison? If there are a number of out-of-date links that do not work or old news, what does this say about the credibility of the information?

No Platform Policy – Due Diligence Process for Venue Bookings



*No Platform Inbox – noplatform@birmingham.gov.uk

Appendix 2 – Unacceptable Behaviours

Unacceptable Behaviours

The Special Cases Unit (Home Office) uses the following criteria in assessing whether an individual should be prohibited from entering the United Kingdom.

The list of unacceptable behaviours covers any **non-UK citizen** whether in the UK or abroad who uses any means or medium including:

- writing, producing, publishing or distributing material
- public speaking including preaching
- running a website
- using a position of responsibility such as teacher, community or youth leader

to express views which:

- foment, justify or glorify terrorist violence in furtherance of particular beliefs
- seek to provoke others to terrorist acts
- foment other serious criminal activity or seek to promote others to serious criminal acts
- foster hatred which might lead to inter-community violence in the UK

Protected Characteristics

The Equality Act 2010 lists the nine protected characteristics which are the grounds upon which discrimination is unlawful. The characteristics are:

Age
Disability
Gender reassignment
Marriage and civil partnership
Pregnancy and maternity
Race – this includes ethnic or national origins, colour or nationality
Religion or belief – this includes lack of belief
Sex
Sexual orientation

The Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person. The act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and by associations (such as private clubs).

The Equality Duty, introduced by the Equality Act 2010, is a duty on public bodies and others carrying out public functions. The Equality Duty has three aims. It requires public bodies to have *due regard* to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it