

TITLE OF REPORT: Quarterly Standards Update

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the Report

1. To provide a quarterly update to the Audit and Standards Committee highlighting national and local standards issues.
 2. To ensure Members are aware of national reviews and consultations which may be relevant to their role.
 3. To identify whether further training is required for Members.
-

Committee on Standards in Public Life

1. Local Government Ethical Standards Report
On 30 January 2019 the Committee on Standards in Public Life published its long awaited report “Local Government Ethical Standards”.
2. See separate report (item no 6 on the agenda).
3. Intimidation in Public
On 22 March 2019 the Committee published correspondence from the Government in relation to the Committee’s 2017 report on Intimidation in Public Life. The Government set out the actions it has taken since that time to implement, or go beyond, the Committee’s recommendations, for example having undertaken a public consultation entitled “Protecting the Debate: Intimidation, Influence and Information”; the Government’s response to which will be published “soon”.
4. The letter can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/788523/MFC2011.pdf
5. On the same day Lord Evans, Chair of the Committee, published a blog on the Committee on Standards in Public Life government website reaffirming the well established view that intimidation in public life undermines our democracy. He stated:
“If the decisions MPs make start to be altered as a result of threats and intimidation, that amounts to subversion of the democratic system and would be a dark day for our country.”

If the actions of trolls and abusers deter good, decent people from standing for election, or puts off talented people from a range of backgrounds from coming forward to serve the public, we have all lost.”

6. Lord Evans followed the blog with an appearance on the World at One programme on Radio Four when he reiterated the Committee’s concerns that the increasing levels of abuse and intimidation of MPs and others in public life risks damaging the UK’s representative democracy.
7. The blog can be found at:
<https://cspl.blog.gov.uk/2019/03/08/intimidation-in-public-life-undermines-our-democracy/>
8. The podcast can be found at (scroll through to 22 March 2019):
<https://www.bbc.co.uk/programmes/b006qptc/episodes/player>
9. On 27 March 2019 members of the Committee held a joint meeting of the political parties to discuss the recommendations made in the 2017 report on intimidation in public life. The Committee will endeavour to make further progress to take the next step towards committing to a common approach.
10. The transcript of the meeting can be found at:
<https://www.gov.uk/government/publications/intimidation-in-public-life-political-parties-meeting-update>
11. Artificial Intelligence and Public Standards – Review
On 25 March 2019 the Committee announced the launch of its new review into artificial intelligence and its impact on standards across the public sector. The Committee will consider whether existing frameworks and regulations are sufficient to ensure that high standards of conduct are upheld as technologically assisted decision-making is adopted more widely across the public sector. The Committee wants to understand the implications of artificial intelligence for the Nolan principles and examine if government policy is up to the task of upholding standards as artificial intelligence is rolled out across our public services.
12. The deadline for written submissions is Friday, 17 May 2019 and the Committee expects to publish it’s report in the New Year.
13. The background to the review can be found of the Committee blog:
<https://cspl.blog.gov.uk/2019/03/28/why-cspl-are-reviewing-artificial-intelligence-in-the-public-sector/>
14. The terms of reference can be found at:
<https://www.gov.uk/government/publications/ai-and-public-standards-terms-of-reference>
15. Minutes of Committee meetings:
Committee on Standards in Public Life_meeting Thursday 10 January 2019: agenda and minutes:
<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-263rd-meeting-thursday-10-january-2019-agenda-and-minutes>

16. Committee on Standards in Public Life meeting Thursday 28 February 2019: agenda and minutes:
<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-264th-meeting-thursday-28-february-2019-agenda-and-minutes>

Electoral Reform

17. On 8 March 2019 the Public Administration and Constitutional Affairs Committee launched a new inquiry examining the case for comprehensive reform of electoral law.
18. The PACAC's enquiry will cover three issues:
 - a. How urgently comprehensive electoral reform is required
 - b. What should be prioritised
 - c. Whether it needs to go beyond the Law Commission's (LC) proposals outlined in their 2016 interim report.
 - i. The LC report found the existing legal framework to be "complex, voluminous and fragmented"
 - ii. The LC report set out a comprehensive range of recommendations for simplifying and updating electoral law
19. Written submissions can be submitted by 20 May 2019.
20. A summary of the inquiry can be found at:
<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/news-parliament-2017/electoral-law-inquiry-launch-17-19/>

Electoral integrity pilots May 2019

21. Ten local authorities across England will be taking part in Voter ID pilots for the 2019 local elections which is an integral part of the wider government agenda to deliver a clear and secure democracy:
 - a. Baintree District Council
 - b. Broxtowe Borough Council
 - c. Craven District Council
 - d. Derby City Council
 - e. Mid-Sussex District Council
 - f. North Kesteven District Council
 - g. North-West Leicestershire District Council
 - h. Pendle Borough Council
 - i. Watford Borough Council
 - j. Woking Borough Council
22. Voters will be required to present personal identification before casting their ballot – either one form of photo ID or up to two forms of non-photo ID.
23. The pre-pilot equality considerations have been published by the Cabinet Office and can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783662/Voter_ID_Pilots_2019_Pre_Pilot_Equality_Considerations.pdf

Voter ID legal challenge:

23. **Coughlan, R (On the Application Of) v The Minister for the Cabinet Office [2019] EWHC 641 (Admin) (20 March 2019)**
24. A High Court judge dismissed a legal challenge brought by a former councillor over plans to hold Voter ID pilots for the 2019 local elections.
25. The former Baintree councillor Neil Coughlan argued that the requirements would “*serve to further disenfranchise the poor and vulnerable who already struggle to have their voices heard*”.
26. The Judge noted that whilst the scheme was controversial, it was not the role of the court to determine the merits of the scheme. The court was only concerned with whether the scheme was legal. The Judge found that Mr Coughlan’s grounds to challenge the lawfulness of the scheme pursuant to s.10(2)(a) Representation of the People Act 2000 (which empowers orders in respect of approved pilot schemes for voting in local government elections) were not made out.
27. The case report can be found at:
<http://www.bailii.org/ew/cases/EWHC/Admin/2019/641.html>

Electoral Commission

28. In February 2019 the Electoral Commission published the report ‘Reining in the Political Wild West: Campaign Rules for the 21 Century’.
29. The report notes that despite recent scandals, online political campaigning remains an “almost entirely unregulated Wild West”, with implications for the principles of transparency, fairness and the notion of a level playing field that are supposed to govern elections.
30. Proposals made in the report include:
 - a. In the short term, extending the imprint requirement to online campaign materials and improving how campaigners report funding and spending are two of the most readily achievable solutions. The government seems to recognise this and its consultation on imprints was a welcome and important first step in this regard.
 - b. The creation of a single online database of political adverts, which would be publicly available and easily searchable, would similarly increase transparency and allow voters to identify who has produced a piece of content.
 - c. Those charged with enforcing the rules should have sufficient enforcement powers and resources. That must involve strengthening the fines or sanctions so they can act as a meaningful deterrent against wrongdoing. The ICO’s powers were increased considerably in the past year, showing what can be achieved if there is political will.

- d. Parties and the government must properly engage in efforts to establish a statutory code of practice for political parties and campaigners without delay.
- e. More broadly, there is a call for a comprehensive review and overhaul of our electoral law, which needs to be updated and future-proofed for the digital age. The fundamental principle must be to ensure that the public have faith in the democratic process. Alongside efforts to improve the quality of public debate itself, this could transform the murky world of online campaigning into a force for good.

31. The full 60 page report can be found at:
<https://www.electoral-reform.org.uk/wp-content/uploads/2019/02/Reining-in-the-Political-Wild-West-Campaign-Rules-for-the-21st-Century.pdf>

Association for Public Service Excellence (APSE)

32. In January 2019 APSE published their Risk & Commercialisation Report: A Guide for Scrutiny Councillors.

33. The document looks at some of the more common approaches towards commercialisation and it discusses ways in which scrutiny can engage with issues arising from those activities.

34. The report identifies:

- a. 5 key areas in which scrutiny can make a difference:
 - i. Helping drive forward cultural transformation
 - ii. Helping make judgements about the rationale underpinning commercial activity
 - iii. A focus on risk
 - iv. Oversight of governance itself
 - v. Oversight of performance monitoring
- b. 7 scrutiny questions to assist with the scrutiny process
- c. 3 main principles of involving scrutiny
 - i. Early engagement
 - ii. Streamlining scrutiny
 - iii. Having a strategic approach

35. The report can be found at:
<http://www.apse.org.uk/apse/assets/File/Risk%20and%20Commercialisation.pdf>

Ministry of Housing, Communities and Local Government

36. On 7 March 2019 the Government published a letter from Local Government Minister Rishi Sunak to leaders of local authorities highlighting the changes the government has introduced to the rules applying to local government elections in terms of the requirement to publish councillors' and candidates' home addresses. This change came about following a recommendation of the Committee on Standards in Public Life in the "Review of Intimidation in Public Life", which found that candidates may be deterred from standing for office because they believe the process risks their safety or makes them vulnerable to abusive activity.

37. The change to secondary legislation removes the requirement that each candidates' home address must be published during the election process and be included on the ballot paper. The new rules allow all candidates in local government elections in England to request that their home address is not made public.
38. The letter, which includes links to the statutory instruments which made the necessary amendments to the legislation, can be found at:
<https://www.gov.uk/government/publications/publication-of-councillors-and-candidates-home-addresses-letter-to-local-authorities>

Centre for Public Scrutiny (CfPS)

Scrutiny Frontiers 2019 Report

39. The CFPS has published the second edition of Scrutiny Frontiers, with the first published in 2007. The report looks at experiences from the “scrutiny frontline”.
40. The findings suggest what makes good scrutiny has not actually changed over the last 12 years. The key components of good communication, strong relationships and open dialogue remain as important as ever, alongside a mindset of constructive challenge supported by shared values of openness, transparency and a guiding aim to improve the lives of citizens and the local area.
41. In the forward to the report it is noted *“It is clear that public engagement, access to information, strong cross party working, and essentially, an organisational culture that is supportive of and open to scrutiny are key elements that contribute to the scrutiny work shared in this publication. Effective scrutiny may look different in each individual authority but the key is that each authority is clear on the purpose of scrutiny, the methods they can use to carry out scrutiny and the positive impact it can have on the lives of citizens and their locality.”*
42. The 20 page report can be found at:
<https://www.cfps.org.uk/wp-content/uploads/CfPS-Scrutiny-Frontiers-2019-v3-WEB-SINGLE-PAGES.pdf>

Future Updates

A Standards Update will be provided on a quarterly basis to the Standards and Audit Committee.

It is noted that the content of the Update will vary depending on the local and national picture that that time.

Contact: Angela Simmons-Mather Ext: 2662