

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

Review into artificial intelligence and public standards

1. In January 2019 the Committee decided to undertake a review into the use of artificial intelligence (AI) and of associated advanced technologies in the public sector. As part of the review the Committee will consider the impact of AI on the Seven Standards of Public Life.
2. The Chair of the Committee Lord Evans has written to the Prime Minister to explain the scope of this review which will consider whether the existing framework and regulation is sufficient to ensure that standards are upheld when such technologies are increasingly used to aid decision making.
3. The Committee will explore what safeguards and considerations of standards are currently in place in the procurement and deployment of AI across the public sector.
4. The letter and terms of reference can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/798521/Letter_from_Lord_Evans_to_PM_-_Review_into_AI.pdf
5. A part of the evidence gathering for the Review, the Committee held roundtable discussions with stakeholders on 23, 29 May and 5 June 2019.
6. The transcript of the first discussion, with Practitioner, Government and Public Service Providers can be viewed at:
<https://www.gov.uk/government/publications/artificial-intelligence-and-public-standards-roundtable-transcripts>

Intimidation in Public

7. The Chair of the Committee Lord Evans has welcomed the Government's response to the Committee's 2017 report Intimidation in Public Life.
8. In July 2018 the Cabinet Office launched the consultation Protection the Debate: Intimidation, Influence and Information which sought feedback on 3 questions:
 - a. A new offence in electoral law of intimidating candidates and campaigners during the election period.
 - b. Clarification of the electoral offence of undue influence.
 - c. Extending the electoral law requirements for an imprint on campaigning materials to electronic communications.
9. In May the Government published its response and has proposed the following:
 - a. Legislation: making the intimidation of candidates and campaigners during the election, either in person or on line, a criminal offence (when parliamentary time allows).
 - b. Legislation: providing for a simplified offence of undue influence (when parliamentary time allows).
 - c. Proposals to introduce a digital imprint regime later. These proposals will be brought forward and published later this year.
10. The Government's full response document can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799873/Protecting-the-Debate-Government-Response-2019.05.01.pdf
11. On 21 May 2019 Lord Evans sent a letter to all the Political Parties at Westminster to say the Jo Cox Foundation will act as independent support to take forward the Committee's recommendation that political parties should "work together to develop a joint code of conduct on intimidatory behaviour".
12. The Committee and the Foundation will work with political parties to draw up a common statement of principle on intimidatory behaviour to encourage cross-party consensus to recognise and address this issue.
13. Catherine Anderson, Chief Executive of The Jo Cox Foundation, said: "Jo's murder in 2016 is a constant reminder to us that the threat of violence and intimidation towards MPs, candidates or anybody else in public life can never be acceptable. "We all value vigorous political debate and freedom of speech but that should not extend to abusive behaviour designed to intimidate and silence people. It threatens our democracy itself. "From our regular discussions with all the parties we know that they recognise the importance of restoring civility and respect to our public discourse and we look forward to working with them and with the committee to find an agreement on how this can be achieved."
14. The letter can be found at:
<https://www.gov.uk/government/news/intimidation-in-public-life-a-joint-approach-to-tackling-intimidation>
15. The Local Government Association prepared a briefing paper on this, specifically related to the role of councillors and support for the Committee's work. The briefing can be found at:
<https://www.local.gov.uk/sites/default/files/documents/LGA%20briefing%20-%20Intimidation%20in%20public%20life%20-%20HoC%20210519%20-FOR%20WEB.pdf>

Minutes of Committee meetings:

16. Committee on Standards in Public Life meeting Thursday 21 March 2019: agenda and minutes:
<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-265th-meeting-thursday-21-march-2019-agenda-and-minutes>
17. Committee on Standards in Public Life meeting Thursday 25 April 2019: agenda and minutes:
https://www.gov.uk/government/publications/committee-on-standards-in-public-life-266th-meeting-thursday-25-april-2019-agenda-and-minutes?utm_source=5cb181d1-277b-4d7b-8e22-d073ad1b94d4&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate
18. Committee on Standards in Public Life meeting Thursday 16 May 2019: agenda and minutes:
https://www.gov.uk/government/publications/committee-on-standards-in-public-life-267th-meeting-thursday-16-may-2019-agenda-and-minutes?utm_source=d5b6cca6-3fe4-46f0-b72e-4fcc463dd185&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Electoral integrity pilots May 2019

19. Over 800 voters were turned away in the ID trial during the local elections on 3 May. 8 out of the 10 test areas have reported on numbers, with 819 people being turned away from polling stations and did not return. The number is higher than in first trial of compulsory voter ID last year; the average of 102 per area compares to 70 in the first trial last year, when 340 people were unable to vote in the five councils trialing the system.
20. Please see the full article at:
https://www.theguardian.com/politics/2019/may/13/second-voter-id-trial-sees-800-people-unable-to-vote-in-local-elections?CMP=Share_iOSApp_Other

Ministry of Housing, Communities and Local Government

Overview and scrutiny: statutory guidance for councils and combined authorities

21. In May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance aimed at local and combined authorities, which included policies and practices for authorities to adopt, or should consider adopting, when deciding how to carry out their overview and scrutiny functions.
22. The Minister for Local Government (Rishi Sunak) notes that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture.
23. The aim of the guidance is to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring. Local authorities need to have regard to the guidance which means the statutory guidance should be followed unless there is a good reason not to in a particular case.
24. The report can be found at:
https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities?utm_source=c6ab29f9-ae39-41a6-a34b-

[48f8de9baa9f&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate](https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/40497-government-issues-new-statutory-guidance-for-authorities-in-england-on-scrutiny)

with commentary at:

<https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/40497-government-issues-new-statutory-guidance-for-authorities-in-england-on-scrutiny>

Parliament – Commons Select Committee: Public Accounts

Local Government Governance and Accountability Report

25. On 15 May 2019 the report was published looking into the role of the Ministry of Housing, Communities and Local Government (“The Department”) in terms of the framework for ensuring the right checks and balances for local authority governance.
26. The report found:
- The Department is not yet providing effective leadership of the local governance system.
 - *Recommendation:* Within 6 months, the Department should set out:
 - its overall plan for improving its oversight,
 - its progress in working more effectively with other government departments to understand overall pressures on service sustainability;
 - its objectives for the promised local governance panel and the means by which the panel’s effectiveness will be assessed;
 - progress in setting up the new panel, including its work programme, the concrete actions the panel will take; the timetable and intended outcomes the panel will be working towards.
 - The Department does not know why some local authorities are raising concerns that external audit is not meeting their needs
 - *Recommendation:* The Department’s proposed review of the work of independent auditors should be conducted independently and should ensure that concerns from some local authorities over current fee levels and the contribution of external audit are examined fully and rigorously. The review should make an assessment of whether external audit is providing an effective service and meeting the needs of local authorities.
 - The Department lacks reliable information on key governance risks, or relies on weak sources of information, meaning it has no way of pinpointing the at-risk councils.
 - *Recommendation:* The Department’s proposed review of the work of independent auditors should be conducted independently and should ensure that concerns from some local authorities over current fee levels and the contribution of external audit are examined fully and rigorously. The review should make an assessment of whether external audit is providing an effective service and meeting the needs of local authorities.
 - *Recommendation:* If the review identifies an ‘expectation gap’ as a factor underlying local authorities’ concerns with external audit, then the Department should identify how these unmet expectations can be met.
 - The Department’s monitoring is not focused on long-term risks to council finances and therefore to services.
 - *Recommendation:* The Department should assess and monitor the scale of long-term risk that authorities might have exposed themselves to through their commercial investments and ventures.

- There is a complete lack of transparency over both the Department's informal interventions in local authorities with financial or governance problems and the results of its formal interventions.
 - *Recommendation: The Department should set out how it will improve transparency over its engagement on governance issues with individual local authorities, including:*
 - *a review of the information the LGA is required to publish under its sector-led improvement work funded by the Department.*
 - *the steps the Department will take to publish information and learning following formal interventions.*

27. The report can be found at:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/local-government-governance-and-authority-report-published-17-19/>

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