

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.
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Information Commissioner's Office (ICO): Political campaigns

1. In May 2017 the Information Commissioner announced a formal investigation into the use of data analytics for political purposes.
2. In March 2017, the ICO began looking into whether personal data had been misused by campaigns on both sides of the referendum on membership of the EU. This led to the launch of an investigation on May 2017 into political parties, data analysis companies and major social media platforms.
3. The purpose of the investigation is to ensure the integrity of our democratic process. It is acknowledged that new technologies use data analytics to micro-target people to allow campaign groups to engage with individual voters. The Information Commissioner wants to ensure this is not done at the expense of transparency fairness and compliance with the law.
4. The background to the investigation can be <https://ico.org.uk/action-weve-taken/investigation-into-data-analytics-for-political-purposes/>
5. The findings to date can be found at: <https://ico.org.uk/media/action-weve-taken/2259371/investigation-into-data-analytics-for-political-purposes-update.pdf>
6. A further report on the topic has also been published by DEMOS "The future of political campaigning". It examines current and emerging trends in how data is used in political campaigns, how use of technology is changing and how it may evolve in the next two to five years: <https://ico.org.uk/media/action-weve-taken/reports/2259365/the-future-of-political-campaigning.pdf>

Committee on Standards in Public Life

Speech to the Lawyers in Local Government Annual Monitoring Officers' conference

7. On 27 June 2018 Dr Jane Martin CBE addressed the Lawyers in Local Government Annual Monitoring Officers' conference on the progress of the Committee's review into local government ethical standards.
8. Dr Martin explained that the Committee recognised councils are involved in more out-sourcing and commercial decision-making, with more joint working. Whilst this creates new opportunities, there are potential risks where lines of accountability are unclear and no scrutiny process is established. This is against a background of diminished regulatory oversight and a perception that officers are less able to challenge elected members.
9. Responsibility for local standards lies with the local authorities, this provides for flexibility and a discretion to resolve issues informally, however councils want to be given the framework, tools and guidance to maintain high standards in their own authority.
10. The Committee has been urged to look at sanctions to deal with serious and persistent misconduct.
11. In terms of the codes of conduct, variation in codes can lead to problems, firstly where councillors hold different roles and there are different requirements for registering or declaring interests and secondly for principle authorities investigating parish codes.
12. Further problems arise from the drafting of codes, some being too wide, meaning it is difficult to adjudicate on, leading to disputes over interpretation.
13. The Committee is therefore considering best practice and whether guidance should be given to councils to assist when drawing up a code of conduct.
14. Declaration of interests also raises difficulties. Evidence suggests the current system needs to be tightened up whilst being clearer for both councillors and officers. Independent oversight is regarded as crucial in making sure decisions are taken impartially and fairly.
15. The Committee is ultimately concerned with the behaviour of councillors, "*Their conduct and probity in council business, their professional relations with officers and the public, and their decision-making when they have executive responsibilities or are serving on a committee*". Dr Martin asks that councillors provide their view directly to the Committee to gain their perspective on what a standards regime needs to achieve.
16. The speech reiterates the Nolan Principles of integrity and objectivity. Dr Martin suggests ethical standards encompass:
 - Protection – from legal and governance risks, reputational risk, conflict of interests
 - Ordinary day to day interactions – maintaining professional conduct, standing up to bullying and harassment
 - Outward looking – a culture of openness, scrutiny and objective decision making.
 - Public interests and the centre of everything that a local authority does
17. The speech can be found in full at:
<https://www.gov.uk/government/speeches/dr-jane-martin-cbe-speech-to-lawyers-in-local-government-annual-monitoring-officers-conference>

Closed consultation: Local government standards: stakeholder consultation

18. The consultation ran from 29 January 2018 to 10 May 2018. 317 responses were received.

19. The terms of reference were:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

20. The Committee will publish the report of its finding “by the end of 2018”.

Minutes of Committee meeting on 21 June 2018 (published 13 August 2018)

21. The Committee noted themes that had emerged from the public consultation (Local government standards: stakeholder consultation) and agreed the project plan for the next period of the review.

22. The Committee noted the paper setting out lessons learnt from the Committee’s most recent published report, *The Continuing Importance of Ethical Standards for Public Service Providers*.

23. The agenda and minutes of the meeting can be found at:

<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-257th-meeting-thursday-21-june-2018-agenda-and-minutes>

National Association of Local Councils

24. NALC research suggests local councils (parish and town) would favour a single, mandatory code of conduct that could be used by all local authorities. 90% of those local councils questioned would support a code of conduct that is the same and mandatory for all local authorities.

25. The full article can be found at:

<https://www.nalc.gov.uk/news/entry/1062-local-councils-in-favour-of-single,-mandatory-code-of-conduct>

Civil Society Strategy – “Innovation in Democracy”

26. The Government is to trial ways for people to take a more direct role in decisions that affect their local areas.

27. The proposal was unveiled on 9 August 2018 by Tracey Crouch, Minister for Sport and Civil Society. It is aimed at “finding new ways to give people back a sense of control over their communities’ future”.

28. The strategy document can be found at:

<https://www.gov.uk/government/publications/civil-society-strategy-building-a-future-that-works-for-everyone>

29. The Innovation in Democracy pilot scheme will take place in six regions across the country “to trial face-to-face deliberation (such as Citizens’ Juries) complemented by online civic tech tools to increase broad engagement and transparency”.

30. The government also wishes to explore the possibility of devolving more power to community groups and parishes. It will explore with the National Association of Local Councils and others the option for local ‘charters’ between a principal council, local councils, and community groups setting out respective responsibilities.
31. Other initiatives set out in the Civil Society Strategy include:
- Revising the guidance that helps communities take ownership of local assets.
 - Exploring means of ensuring community-led enterprises which take over public assets or services are able to secure the funding they need.
 - Improving the use of the Public Services (Social Value) Act 2012 “to ensure that organisations can generate more social value for communities when spending public money on government contracts”. The government will explore the potential for the use of social value in grants as well as contracts, and the suggestion that the Act should be applied to other areas of public decision-making such as planning and community asset transfer. Also, “as announced on 25 June 2018, central government departments will be expected to apply the terms of the Act to goods and works and to ‘account for’ the social value of new procurements, rather than just ‘consider’ it as currently. The Department for Digital, Culture, Media and Sport will lead the way by applying this wider remit to major projects, to be followed by other departments in due course.”
 - Exploring (through the Ministry of Housing, Communities and Local Government) the potential of transfers of public land to community-led housing initiatives, such as Community Land Trusts, by which residents become members of a trust which holds land and housing on behalf of the community.
 - Unlocking £20m from inactive charitable trusts (those which spend less than 30% of their annual income) to support community organisations over the next two years.
 - Supporting charities “to make their voices heard on issues that matter to them and ensuring that charitable trustees reflect the diversity of the society they serve”.
 - Distributing money from dormant bank accounts to independent organisations that will (a) get disadvantaged young people into employment (£90m) and (b) tackle financial exclusion and the problem of access to affordable credit (£55m).

Electoral integrity pilots May 2019

32. A prospectus has been published by the Government inviting local authorities to work with the Cabinet Office to deliver electoral integrity pilots at local elections in May 2019.
33. The initial voter ID pilot was undertaken at the local elections on 3 May 2018 in Bromley, Gosport, Swindon, Watford and Woking. Proxy voters in Peterborough were also required to show ID before they could vote.
34. The purpose of the proposed pilots in 2019 is to further assess the impact of requiring voters to present identification before voting.
35. Expressions of interests are asked to contact the Elections Project Team (date passed)
36. The prospectus can be viewed at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735413/Electoral_Integrity_Pilots_Prospectus_2018.pdf

Consultation outcome: Access to elections: Call for evidence

37. A Call for Evidence asked for views on how people with disabilities experience registering to vote and voting itself. The consultation ran from 5 September 2017 to 14 November 2017.

38. The Cabinet Office received 256 responses and the evidence was analysed in partnership with the government-chaired Accessibility of Elections Working Group which has produced a report setting out the key findings and recommended actions to improve the accessibility of elections.
39. A number of themes have been identified and a list of 17 actions has been published to improve accessibility of future elections. Those of relevance to the council are as follows:
- Action 1: Returning Officers should ensure effective training of polling station staff and the use of checklists developed in conjunction with national and / or local disabled persons groups to identify issues from the viewpoint of disabled people.
 - Action 4: Returning Officers to consider equipment at polling stations with reference to use by people with manual dexterity issues and ensure the availability of full size writing implements for those who may need them.
 - Action 9: Returning Officers and relevant local authority staff should ensure that all polling station staff know how the Tactile Voting Device (TVD) works and ensure it is readily offered to those who need it. Disabled Persons Organisations including those supporting people with sight loss should also ensure that awareness is promoted.
 - Action 15: The Electoral Commission and other relevant organisations should consider how training of staff in polling stations may be focused to address the needs of disabled people.
40. The full Government response document can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736710/Government_response_to_the_Call_for_Evidence_on_Access_to_Elections_.pdf

Guidance: Data Ethics Framework

41. The Department for Digital, Culture, Media and Sport has published Guidance to public sector organisations recommending the use of the Data Ethics Framework to guide the appropriate use of data to inform policy and service design.
42. The document recognises the challenges faced by the public sector with the pace of technological changes in light of codes and standards.
43. The Data Ethics Framework sets out clear principles for how data should be used in the public sector, helping organisations maximise the value of data whilst also setting the highest standards for transparency and accountability.
44. The aim of the framework is to develop transparent standards for using technology in the public sector, promoting innovation in a safe and ethical way. It is crucial that public servants are equipped to use data-informed insight responsibly and processes must be in place to support this.
45. Specifically, the framework will help:
- policy or operational professionals understand the uses and limits of data science, define ethics-related requirements, and develop context and domain-specific questions when planning a project or writing a tender
 - data practitioners ensure that they have considered policy and subject matter when designing data science approaches, and develop questions around project-specific requirements
 - information technology providers better understand the core ethical expectations or public sector data science projects, and to tailor their offerings appropriately

46. The Framework can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/737137/Data_Ethics_Framework.pdf

Centre for Public Scrutiny

47. The Centre for Public Scrutiny has prepared a document inviting “scrutiny practitioners” to provide feedback as to what they would like detailed in the new statutory guidance which will be published by the government in December 2018 (as referred to at points 18 – 20 above – overview and scrutiny in local government).

48. CfPS has been asked to draft parts of the guidance and for that reason, together with the Association of Democratic Services Officers, they are encouraging officers and councillors to discuss the guidance’s content.

49. The document “**Scrutiny guidance: things to think about**” can be found at:

<https://www.cfps.org.uk/3323-2/>

Consultation: Protecting the Debate: Intimidation, Influence and Information

50. This consultation follows on from the report from the Committee on Standards in Public Life regarding the impact of intimidation in public life. The consultation is seeking views on proposed changes to electoral law aimed at improving political debate and to make an informed decision at the ballot box. The consultation will also look at how to protect candidates and their supporters.

51. This consultation looks at the following recommendations from the December 2017 report:

- the Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners
- the Government should extend electoral law requirements for an imprint on campaigning materials to electronic communications

52. The consultation closes on 22 October 2018

53. A Corporate Advisory Group, to draft a response of behalf of the council, has been arranged for 10 October 2018.

54. The consultation can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730209/CSPL.pdf

Future Updates

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

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

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