

## **Standards Committee**

**22 March 2018**



## **Standards Update**

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### **Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

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#### **Purpose of the Report**

1. To inform Members of the 'national picture' on Standards issues affecting Local Government.

#### **Background**

2. This report is for information, to update the Committee on national developments, consultations and court cases which relate to the work of the Committee. As agreed by the Committee in December 2017, in the annual work programme this will be a standing agenda item with a quarterly update to the Committee.

#### **Consultations and Reports**

##### **Committee on Standards in Public Life: Ethical Standards Review**

3. This consultation is reported elsewhere on the agenda.

##### **Committee on Standards in Public Life: Parliamentary Intimidation**

4. The CSPL's review was reported to the Committee's meeting in December. Since then the CSPL has published its findings in Command Paper 9543 of December 2017. It recommended as follows:
  - Government should bring forward legislation to shift the liability of illegal content online towards social media companies;
  - Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible;
  - Social media companies must do more to prevent users being inundated with hostile messages on their platforms, and to support users who become victims of this behaviour;

- Social media companies must implement tools to enhance the ability of users to tackle online intimidation through user options;
- All social media companies must ensure they are able to make decision quickly and consistently on the takedown of intimidatory content online;
- Twitter, Facebook and Google must publish UK-level performance data on the number of reports they receive, the percentage of reported content that is taken down, and the time it takes to take down that content, on at least a quarterly basis;
- Social media companies must urgently revise their tools for users to escalate any reports of potential illegal online activity to the police;
- The social media companies should work with the government to establish a 'pop-up' social media reporting team for election campaigns;
- Social media companies should actively provide advice, guidance and support to Parliamentary candidates on steps they can take to remain safe and secure while using their sites;
- Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. They should challenge poor behaviour wherever it occurs;
- Political parties must proactively work together to tackle the issue of intimidation in public life;
- Political parties should set clear expectations about the behaviour expected of their members, both offline and online through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous;
- Political parties must ensure that party members who breach the party's code of conduct by engaging intimidation are consistently and appropriately disciplined in a timely manner;
- Political parties must collect data on the number of complaints against members for engaging in intimidatory behaviour, and the outcome of any disciplinary processes which result from these complaints;
- Leaders of political parties should always call out intimidatory behaviour, even when it is perpetrated by those in the party's fringes. Fringe group leaders and spokespeople should immediately denounce any intimidatory behaviour on the part of their members or supporters;
- The political parties must work together to develop a joint code of conduct on intimidatory behaviour during election campaigns by December 2018. The code should be jointly enforced by the political parties;

- Political parties must take steps to provide support for all candidates, including through networks, training, and support and resources. In particular, the parties should develop these support mechanisms for female, BAME, and LGBT candidates who are more likely to be targeted as subjects of intimidation;
- Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police;
- The government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners;
- The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count;
- Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011;
- MPs should actively co-operate with the police and other security services working to address the security threats facing Parliamentarians and Parliamentary candidates;
- The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work;
- The College of Policing Authorised Professional Practice for elections should be updated to include offences relating to intimidation, including offences committed through social media;
- The Home Office and the Department for Digital, Culture, Media and Sport should develop a strategy for engaging with international partners to promote international consensus on what constitutes hate crime and intimidation online;
- The National Police Chiefs Council, working with the Crown Prosecution Service and the College of Policing, should produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may experience during a campaign which is likely to constitute a criminal offence;
- Nobody in public life should engage in intimidatory behaviour, nor condone or tolerate it. All those in public life have a responsibility to challenge and report it wherever it occurs;

- Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct;
  - Those in public life must set and protect a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life;
  - Those in public life have a responsibility not to use language which engenders hatred or hostility towards individuals because of their personal characteristics;
  - Press regulation bodies should extend their codes of conduct to prohibit unacceptable language that incites intimidation;
  - News organisations should only consider stories from freelance journalists that meet the standards of IPSO's Editors Code, or the Editorial Guidelines of Impress, as appropriate, and ensure that freelance journalists are aware of this policy; and
  - Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.
5. The Prime Minister, when speaking on the suffrage centenary on 6 February 2018, endorsed the Committee's recommendations concerning the actions that social media companies should take. She also called for an annual internet safety transparency report, to provide data on what offensive content is being reported, how the social media companies are responding to complaints, and what material is being removed. She indicated that the Government would introduce a comprehensive new social media code of practice this year.
6. The full report may be accessed here:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/666927/6.3637\\_CO\\_v6\\_061217\\_Web3.1\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf)

### **Communities and Local Government Committee: Effectiveness of Local Authority Overview and Scrutiny Committees**

7. Not directly relevant to the work of this Committee, but which may be of interest, is the Select Committee report of December 2017 into the effectiveness of local overview and scrutiny committees. The principal recommendations were:
- Overview and scrutiny committees should report to an authority's full council meeting rather than to the executive, mirroring the relationship between select committees and Parliament;

- Scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised;
- Councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity;
- Scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees; There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts;
- Members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils;
- Overview and scrutiny committees should be given full access to all financial and performance information, and have the right to call witnesses, not just from their local authorities, but from other public bodies and private council contractors. They should be able to follow and investigate the spending of the public pound; and
- A pilot scheme to monitor the impact of elected chairs on the effectiveness of scrutiny should be undertaken.

## **Case Reports**

### **Sandwell Metropolitan Borough Council**

8. In December the Committee will recall that an attempt to prevent a local authority from continuing an investigation into alleged wrongdoing by elected council members had failed. The High Court decided that an investigation into wrongdoing allegations against councillor Mahboob Hussain of Sandwell Council and others should go ahead.
9. The Standards sub-committee at Sandwell subsequently found that Cllr. Hussain had breached the local code of conduct on 12 occasions and that he had brought his office in the Council into disrepute, had compromised the impartiality of officers, and had given an unfair advantage to his family and/or close associates. A further hearing to consider sanctions is due to be convened.

### **Conwy County Borough Council**

10. Members may be aware that local government standards are a devolved matter, meaning that there are different regimes under the devolved administrations of the UK.

11. The Adjudication Panel for Wales has disqualified Conwy CBC's former Chair Stuart Anderson from office for 18 months. He was found to have breached the code, including by having insulted officers and a local head teacher, and had disclosed confidential medical information about one of the Council's officers to various people including members of the public. The Public Services Ombudsman for Wales had referred the case to the Adjudication Panel.

### **Recommendation**

12. Members are asked to note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated.

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## **Appendix 1: Implications**

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**Finance - None**

**Staffing - None**

**Risk - None**

**Equality and Diversity / Public Sector Equality Duty - None**

**Accommodation - None**

**Crime and Disorder - None**

**Human Rights - None**

**Consultation - None**

**Procurement - None**

**Disability Issues - None**

**Legal Implications** - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Keeping Members aware of the national picture on Standards issues is expected to facilitate compliance with this duty.