

## Summary Sheet

### **Name of Committee and Date of Committee Meeting**

Standards and Ethics Committee - 14 June 2018

### **Report Title**

Current Issues in Local Government Standards

### **Is this a Key Decision and has it been included on the Forward Plan?**

No

### **Strategic Director Approving Submission of the Report**

Judith Badger, Strategic Director of Finance and Customer Service

### **Report Author(s)**

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### **Ward(s) Affected**

All

## **Executive Summary**

This report presents to the Committee information about current issues and developments in local government standards, and related issues which affect local government. It draws on material published by North Yorkshire County Council's Standards Committee, with permission.

## **Recommendation**

That the Committee notes the matters set out in the report and considers whether any action should be taken to disseminate the information.

## **List of Appendices Included**

Appendix     Recommendations made by the Committee on Standards in Public Life

## **Background Papers**

Committee on Standards in Public Life – "Intimidation in Public Life – A Review by the CSPL" available at

<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Current Issues in Local Government Standards

### 1. Recommendations

- 1.1 That the Committee notes the matters set out in the report and considers whether any action should be taken to disseminate the information.

### 2. Background

- 2.1 In December 2017 the Committee on Standards in Public Life [CSPL] published "*Intimidation in Public Life – A Review by the CSPL*". This was in response to a request from the Prime Minister for the CSPL to undertake a review on the intimidation of Parliamentary candidates, considering the wider implications for public office-holders. The issue of intimidation of councillors was raised in the recent CSPL consultation to which this Committee responded.

- 2.2 In his covering letter to the Prime Minister the Chair of the CSPL noted:

*A significant proportion of candidates at the 2017 general election experienced harassment, abuse and intimidation. There has been persistent, vile and shocking abuse, threatened violence including sexual violence, and damage to property. It is clear that much of this behaviour is targeted at certain groups. The widespread use of social media platforms is the most significant factor driving the behaviour we are seeing.*

*Intimidatory behaviour is already affecting the way in which MPs are relating to their constituents, has put off candidates who want to serve their communities from standing for public offices, and threatens to damage the vibrancy and diversity of our public life. However, the Committee believes that our political culture can be protected from further damage if action is taken now.*

- 2.3 The recommendations made by the CSPL are set out in the Appendix to this report. The Government issued a press release on 6 February 2018 announcing it will consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019; and on a new electoral law offence of intimidating parliamentary candidates and their campaigners.

- 2.4 The recommendations of particular interest in a local government context are:

2.4.1 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; and

2.4.2 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.

- 2.5 The Council's Code of Conduct for Members and Co-opted Members reflects the relevant provisions in the Localism Act 2011 and provides:

*You need not disclose the nature of any personal interest or disclosable pecuniary interest in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.*

- 2.6 In the case of *R v Ledbury Town Council ex parte Harvey*, a town councillor applied for judicial review of the Town Council's decision to impose sanctions on her under its grievance procedures. The allegations against the town councillor were of bullying, harassment and intimidation of staff. The Town Council had barred the councillor from sitting on committees and similar bodies and required her communication with specified officers to go through the Town Mayor. After a year the Town Council reviewed the sanctions, in the councillor's absence and decided to continue with them and extended them to bar the councillor from contact with all staff.
- 2.7 The County Council carried out a separate standards investigation which found no breach of the Town Council's Code of Conduct.
- 2.8 The High Court ruled that there was no general power to run a grievance procedure process in tandem with or as an alternative to the Code of Conduct process envisaged by the Localism Act 2011 and granted the relief sought by the councillor.

### **3. Key Issues**

- 3.1 The key issues are set out above.

### **4. Consultation**

- 4.1 Not applicable.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Not applicable.

### **6. Financial and Procurement Implications**

- 6.1 Not applicable

### **7. Legal Implications**

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

**8. Human Resources Implications**

8.1 None

**9. Implications for Children and Young People and Vulnerable Adults**

9.1 None

**10. Equalities and Human Rights Implications**

10.1 None

**11. Implications for Partners and Other Directorates**

11.1 None

**12 Risks and Mitigation**

12.1 A failure to maintain high ethical standards among Borough, Town and Parish Councillors would undermine public confidence in individual councillors, in their local authorities and in local authorities generally.

**13. Accountable Officer(s)**

Dermot Pearson, Assistant Director of Legal Services

## APPENDIX

### Recommendations of the Committee on Standards in Public Life

- 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 decisions 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 in 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.
- 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.