
Ethics Committee

9 December 2021

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2020-21

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2020-2021 of the Committee on Standards in Public Life and to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

Recommendations:

The Ethics Committee is recommended to:

- (1) Note the content of the report and consider any points upon which it may wish to take action; and
- (2) Request the Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level.

List of Appendices included:

None

Other useful background papers: Committee on Standards in Public Life Annual Report July 2020-June 2021

<https://www.gov.uk/government/publications/annual-report-2020-2021--2>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Committee on Standards in Public Life: Annual Report 2020-21

1 Context (or background)

1.1 The Committee on Standards in Public Life (the CSPL) was set up in 1994. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:

- monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
- conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
- researching public perceptions on standards issues relating to specific areas of concern, and also over time.

Its terms of reference make it clear that it encompasses all involved in the delivery of public services, not solely those appointed or elected to public office.

1.2 Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime.

1.3 This report gives a brief overview of the main areas of work of the CSPL over the last 12 months.

2 Options considered and recommended proposal

2.1 Regulation of Election Finance – new

2.1.1 The CSPL has undertaken a new major review into the complex subject of election finance, looking at the regulation and enforcement of donations and campaign expenditure by candidates, political parties and non-party campaigners in election campaigns.

2.1.2 Proportionate and effective regulation of the money spent to influence the outcome of elections and referendums is vital to the operation of a functioning democracy. The CSPL considered whether the system for regulating campaign spend and donations meets the challenges of 21st century elections. Digital campaigning is revolutionising the way parties and campaigners engage with voters. It has made it harder to track how much is being spent, on what, where and by whom.

2.1.3 Weighing up a wide range of evidence and differing views, in particular looking at what values and principles should guide regulation of finance during elections, the report sets out a package of practical recommendations to modernise and streamline the current system.

2.2 Standards Landscape (Standards Matter 2) – new

- 2.2.1 The CSPL also launched a new major review of the institutions, processes and structures in place to support high standards of conduct in September 2020 and to assess the strengths, weaknesses and gaps in its framework for regulating ethics in public life.
- 2.2.2 The CSPL want to review to what extent high standards in public life are currently being upheld, if the Seven Principles of Public Life continue to articulate the right set of ethical expectations of public office holders, and whether its regulatory system to maintain and uphold standards is fit for purpose and could be standardised and / or simplified.
- 2.2.3 Preliminary findings from its consultation were published in June 2021. The CSPL believes four areas of standards regulation require significant reform:
1. the Ministerial Code and the Independent Adviser on Ministers' Interests;
 2. the Advisory Committee on Business Appointments and the Business Appointment Rules;
 3. transparency around lobbying; and
 4. the regulation of public appointments.
- 2.2.4 These findings will inform the CSPL's final report and recommendations to the Prime Minister.

2.3 Local Government Ethical Standards – follow up

- 2.3.1 The CSPL has again followed up on its report on Local Government Ethical Standards (published in January 2019). The report reviewed the current framework established by the Localism Act 2011. The 2019 report provided assurance that the arrangements in place in local authorities are promoting and maintaining standards expected by the public and that the majority of local councillors do maintain high ethical standards.
- 2.3.2 The CSPL recommended though that some improvements were required, in particular, the need for maximum independence in local complaints processes and the need for greater sanctions, where appropriate, in the rare cases of significant or repeated breaches of the code of conduct.
- 2.3.3 One of the CSPL's key recommendations was that there should be a non-mandatory model code of conduct which has now been produced by the Local Government Association, and which the Council have adopted a revised version of with effect from the 2021/22 municipal year. The CSPL is advised that this is vital support for local authorities to help them adopt and maintain high ethical standards and it sees this as an important step towards encouraging good conduct and safeguarding the public's trust in local government.
- 2.3.4 The CSPL has again noted with disappointment that it still awaits the government's formal response to its report.
- 2.3.5 The CSPL has also reviewed local council's take up of its best practice recommendations. The responses received from local authorities have been positive

with most local authorities confirming that they have already implemented or are taking steps to implement its best practice recommendations (including Coventry City Council).

2.4 Artificial Intelligence and Public Standards – follow up

2.4.1 A major review into artificial intelligence and public standards was the main focus of the CSPL's work in 2019-2020. This is relevant as technologically assisted decision-making is adopted more widely across the public sector.

2.4.2 The report was published in February 2020 and concluded that the government is currently failing on openness, accountability and objectivity regarding its use of new technology, and that risks need to be mitigated to uphold accountability and openness. It found that regulators will need to adapt to a new data-driven world, and that a central body is needed to assist this process.

2.4.3 The government formally responded to the CSPL's report in May 2021. It welcomed the report and recognised that there is still significant work to be done. The government advised that specific challenges of Covid-19 have required that it has had to implement solutions to policy problems in short order, sometimes not directly related to AI technologies, but in adjacent areas where challenges to that implementation may impact the public's perception of AI and the overall narrative that supports its adoption. From those challenges the Government confirmed that it will seek to learn and continue to improve. The government stated that it was a priority that the benefits of AI technologies and their potential to improve public services should be delivered to citizens, and that having the right safeguards, frameworks and principles in place is integral to that mission.

2.4.4 The CSPL welcomed the government's response to the report and continues to maintain a watching brief on progress made against the report's recommendations.

2.3 Intimidation in Public Life – follow up

2.3.1 The CSPL's report on a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election was published in December 2017.

2.3.2 The report made 33 recommendations to government, social media companies, political parties, press organisations, MPs, candidates and other public office-holders. The CSPL have monitored developments since then and have actively worked with the Jo Cox Foundation on the recommendation of a joint statement on conduct for political parties.

2.3.3 In December 2020, the CSPL published a Joint Statement that had the support of Labour, Liberal Democrats, the SNP, Plaid Cymru, and the Green Party. This statement outlines the minimum standards of behaviour that all members of political parties should aspire to including: taking responsibility for setting an appropriate tone for campaigning and communication; Leading by example to; and promoting and defending the dignity of others, including political opponents, treating all people with courtesy and respect. There is also a promise not to

engage in intimidation through words / behaviour and that unacceptable behavior will be dealt with by the party and law enforcement agencies where appropriate.

2.3.4 Progress has also been made in a number of other areas against the CSPL's recommendations including:

- a) the government have committed to legislating for an electoral offence of intimidation of candidates and campaigners during elections when parliamentary time allows and legislation was published in May 2019 so candidates standing as local councilors in elections no longer have to publish their home addresses on their ballot papers.
- b) All of the political parties represented in Westminster now have in place their own Code of Conduct, which sets out the minimum standards of behaviour expected of their members. Each party has in place its own internal disciplinary process for dealing with alleged breaches of the party's code.
- c) The National Police Chief's Council published joint guidance with the Crown Prosecution Service, the College of Policing, and the Electoral Commission in 2019, about behaviour which candidates in elections may experience during a campaign which is likely to constitute a criminal offence. The guidance includes practical advice on how councilors can protect themselves, as well as legal definitions and what might constitute a breach of criminal law.
- d) All three social media companies engaged now have measures in place to protect their users from intimidation and harassment but there is still more work to do as in the opinion of the CSPL social media providers have a responsibility to advise their users about how to escalate any credible threats they receive and this is still not clear.

2.4 Parliament: Bullying and Harassment – watching brief

2.4.1 The CSPL has continued to take a close interest in the response of the Parliamentary authorities to the independent assessments of what must be done to address bullying and harassment in both Houses of Parliament.

2.4.2 Following the opening up of the Independent Complaints and Grievance Scheme on 2018 to those who either have complaints pre-dating June 2017 or are no longer employed in the parliamentary community, an 18 month review was published earlier this year. Both Houses of Parliament have committed to implementing the recommendations. The CSPL welcomes the review but notes that there is still some need for improvement. Notably, investigations take too long to complete; the scheme needs greater resources; and support offered to complainants and respondents needs to be better assessed.

2.4.3 The House of Commons' has endorsed of a revised regime of sanctions for breaches of the Code of Conduct, both in respect to the Independent Complaints and Grievance Scheme (ICGS) and non-ICGS cases.

2.4.4 Confidentiality arrangements have also been revised so that the Commissioner for Standards now has permission to publish information about complaints received and matters under investigation. The CSPL agrees with the Commissioner that this step will encourage greater confidence in the parliamentary standards system.

2.4.5 The CSPL has continued to hold meetings with senior people in Parliament responsible for delivering change and providing visible leadership in building a culture of respect and value across both Houses.

2.5 Impact of Covid-19 on Standards In Public Life

2.5.1 The CSPL have monitored the impact on Covid-19 on public standards over the past year, looking at standards issues arising as a result of the pandemic, including any compromise of the Nolan Principles; changes to parliamentary procedure and scrutiny; challenges around democratic accountability; and any impact on public trust.

2.5.2 The CSPL's position is that although there may be imperatives driving departure from normal processes, these cannot become the norm so as not to impact on public trust.

2.6 Future Work

2.6.1 The CSPL will maintain an active watching brief over the coming year (2020/21) on the impact of Covid-19 on standards in local and national government and intends to contribute to reviews and inquiries on these issues.

2.6.2 The CSPL's next review, will identify best practice in education, culture, and leadership on ethical standards. It will report to the Prime Minister in 2022.

2.6 Recommendations

The Ethics Committee is recommended to

- (1) Note the content of the report and consider any points upon which it may wish to take action; and
- (2) Request the Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level.

3 Results of consultation undertaken

There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4 Timetable for implementing this decision

Not applicable

5 Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the Annual Report are that the Ethics Committee may wish to continue to monitor how the follow up work on the report on Local Government Ethical Standards progresses, particularly as a response from Central Government has not yet been given.

6 Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework was not perceived as transparent and effective.

6.3 What is the impact on the organisation?

There is no immediate impact on the organisation.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s): Sarah Harriott

Name and job title: Sarah Harriott, Corporate Governance Solicitor, Regulatory Team, Legal Services

Directorate: Law and Governance

Tel and email contact: 024 7697 6928, sarah.harriott@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	25.11.2021	26.11.2021
Names of approvers for submission: (officers and members)				
Graham Clark	Lead Accountant – Business Partnering	Finance	24.11.2021	25.11.2021
Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	22.11.2021	23.11.2021
Cllr Walsh	Chair, Ethics Committee		25.11.2021	29.11.2021

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