

Standards committee 9 October 2018

Committee on Standards in Public Life – Government Consultation on Intimidation in Public Life

Officer contact: Julie Openshaw 01494 421252 julie.openshaw@wycombe.gov.uk

Wards affected: All

PROPOSED DECISION

- (i) To note the report;
- (ii) To note that members may respond to the consultation, either individually or through their Groups;
- (iii) To note that the Returning Officer has responded separately to the consultation.

Reason for Decision

To report the latest position on this issue and consultation which continues to be undertaken around it, and to remind Members of the Government's invitation to make responses by 22 October 2018.

Corporate Implications

1. The Committee on Standards in Public Life (CSPL) is an advisory non-departmental public body which was set up in 1994 by the (then) Prime Minister, and is sponsored by the Cabinet Office, with appointments made by the Prime Minister. It is a standing committee and its terms of reference include examining areas of concern about standards in public life, advising the Prime Minister, and revisiting areas and monitoring whether and how well its recommendations have been put into effect. Its original chair was Lord Nolan (who was instrumental in embedding "the Nolan Principles" into the culture of standards in public life). Its current chair is Lord Paul Bew. Aspects of its work are periodically reported to Standards Committee for information and response.

Executive Summary

2. As outlined in the report, and the Standards Committee report of 20 March 2018, the CSPL and Government have been considering how to address the issue of intimidation in public life, and have been undertaking consultation work; this consultation is the latest piece of work being undertaken and proposes changes to electoral law and practice as part of a package of measures to address the issue. The issue is important for local democracy, and Government has invited submissions by the deadline of 22 October 2018.

Sustainable Community Strategy/Council Priorities – Implications

3. This report helps support the "Strong Communities" strand of the Council's Corporate Plan, by supporting community resilience and supporting work to promote integration and cohesion. It also supports the "Efficient and Effective" strand of continuing to develop and value our elected members and staff, and behaving in accordance with our values.

Background and Issues

4. On 13 December 2017, the CSPL published its seventeenth report, titled “Intimidation in Public Life: A review by the CSPL”. This work was begun in July 2017, at the invitation of the Prime Minister. The full publication can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf
5. In the CSPL’s view: *“Intimidation In public life presents a threat to the very nature of representative democracy in the UK. Addressing this intimidatory, bullying and abusive culture matters. It matters for the diversity of our public life it matters for the way in which the public can engage with representative democracy, and it matters for the freedom to discuss and debate issues and interests”*.
6. The work to support the CSPL’s report involved a public consultation and receipt of 88 submissions, as well as inviting every Peer and MP to contribute, a round table discussion with former candidates, academics, think tanks and stakeholders, a public hearing with political parties, a private hearing with police and security services, published interviews with social media companies, 18 meetings with stakeholder organisations and 11 meetings with parliamentarians and former parliamentary candidates across the political spectrum.
7. A total of 33 recommendations were made by the CSPL to Government, social media companies, political parties, press organisations, MPs, candidates and other public office holders. (One of the recommendations was that Monitoring Officers should remind members, in relation to their duty to declare and have published certain pecuniary interests, that there are provisions in the Localism Act 2011 which can be relied upon to exempt members from the need to publish the details of such interests where they are “sensitive” and publication could result in the member or someone connected with them being subjected to violence or intimidation, and this was actioned earlier this year by an article in Members’ Update).
8. The Government published its response to the CSPL’s report in March 2018. It committed to action on most of the recommendations to Government, including electoral law review. On 20 March 2018 WDC’s Standards Committee received an update report on the position at that time. It was noted amongst other points that Government was recommended by the CSPL to consult on a potential new electoral offence of intimidating candidates, legislation to remove the requirement for local candidates to have their addresses published on ballot papers, and for Returning Officers not to have to disclose the home addresses of those attending election counts.
9. On 29 July 2018 the Government launched a public consultation with a closing date of 22 October. The link to the document is below, and the list of 34 consultation questions is found at pages 9 – 11.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730209/CSPL.pdf
10. The consultation is divided into three main sections. First, it seeks views on a proposal for a new electoral offence which would be aimed at tackling threats and abuse towards those standing for election. Secondly, it seeks views on clarifying the electoral offence of undue influence of voters. It notes that currently, a person is guilty of undue influence if they threaten electors to vote a

certain way, or stop them from voting. The new law, if introduced, could result in people being stripped of their right to stand for or hold public office, if convicted of threatening or abusive behaviour, in person or online. Extreme cases of sustained, pressurising behaviour intended to cause distress and impact would be a serious criminal offence, punishable with a custodial sentence.

11. Thirdly, the consultation also explores whether the requirement to have imprints, which is added to election material to show who is responsible for producing it, should be extended to digital communications. Government considers that this would also have the benefit of increasing transparency, in digital campaigning, in light of recent concerns about the potential risks of “fake news” and foreign interference in future ballots.
12. Minister for the Constitution, Chloe Smith said, in launching the consultation: *“This government recognises that rising intimidation in public life is stopping talented people from standing for election and putting voters off politics and we want to tackle this extremely serious issue. We are consulting on three new measures that will protect voters, candidates and campaigners so they can make their choice at the ballot box or stand for public service without fear of being victims of misinformation or abuse. We can’t let intimidation of our candidates, campaigners, the public and those that serve us continue unchecked and I would encourage everyone to take part in this consultation.”*
13. Lord Bew, CSPL Chair, has commented on the Government proposal: *“Intimidation presents a real threat to the integrity, diversity, and vibrancy of our public life. People of all backgrounds should not be put off from standing for public office as a result of intimidatory behaviour. We warmly welcome that the government are implementing our recommendation to consult on a new electoral offence of intimidating Parliamentary candidates and introducing digital imprints. The Electoral Commission identified these gaps in electoral law in evidence to our review, and these measures would play an important part in protecting candidates and voters at election time.”*
14. A general reminder to Members on the opportunity to respond has been included in Members’ Update. The Returning Officer has also sent a separate response to the consultation.

Options

The report is for noting only; members may choose to respond to the Government or not to do so. Responses can be made individually or via Groups.

Conclusions

Government will collate and consider responses after 22 October, determine future policy and potential legislative changes, and publicise these intentions at the appropriate time.

Next Steps

A further report will be presented to Standards Committee at an appropriate time when the Government has considered responses and determined the way forward.

Background Papers

None which are not already in the public domain.

