

North Tyneside Council

Report to Standards Committee

Date: 25 January 2018

ITEM 6

Title: Review by Committee of Standards in Public Life – Intimidation of Parliamentary Candidates

Report from Service Area: Law and Governance

Responsible Officer: Vivienne Geary, Head of Law and Governance & Monitoring Officer (Tel: 643 5339)

Wards affected: All

PART 1

1.1 Purpose:

This report updates Members about the Committee on Standards in Public Life's ("the Committee") recent review of intimidation of Parliamentary candidates and the broader implications for other holders of public office.

1.2 Recommendation(s):

The Committee is recommended to note this report.

1.3 Information

As Members will be aware, the Committee has been conducting a short review of the issues of intimidation experienced by Parliamentary candidates, "and the broader implications of this for other holders of public office".

The Committee published its report "Intimidation in Public Life: A Review by the Committee on Standards in Public Life" ("the report") on 13 December 2017. The report includes recommendations to address the threats and intimidation experienced by Parliamentary candidates and others. A full copy of the report is available at:

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

1.3.1 Intimidation in Public Life

The report finds that intimidation in public life "presents a threat to the very nature of representative democracy in the UK. The report concludes that addressing this intimidatory, bullying and abusive culture is important. It is important for:

- a) the diversity of our public life;
- b) the way in which the public can engage with representative democracy; and
- c) the freedom to discuss and debate issues and interests.

The Committee acknowledges that intimidation in public life is not new. However, it states that “the scale and intensity” of that intimidation is “shaping public life in ways which are a serious issue”. The Committee therefore makes recommendations for action to social media companies, political parties, the Government, the Police and prosecutors, as well as “all those in public life”. It takes the view that intimidation “reflects broader issues with our public political culture” and states that those in public life have to take responsibility for shaping that culture.

In carrying out its review, the Committee obtained evidence from a range of individuals and organisations including candidates, MPs, social media companies, local councillors, regulatory bodies, broadcasters and journalists, the Police and security authorities.

As mentioned above, Committee has made a range of recommendations. It states that these “stand as a package”. The recommendations include the following:

- the Government should bring forward legislation to shift the liability of illegal content online towards social media companies.
- All social media companies must ensure they are able to make decisions quickly and consistently on the takedown of intimidatory online content.
- the Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.
- 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.
- 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.
- 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.

1.3.2 Recommendations for Local Government

Chapter 4 of the report deals with “Law, policing and prosecution” and includes specific comments on local government:

- (a) The Committee received evidence that the requirement for candidates standing for election as local councillors to publish their home addresses on the ballot paper “had been a significant factor in enabling intimidatory behaviour, or would put them off from standing ... due to the risk of intimidation”. The report points out that Parliamentary candidates have to state their address on their nomination form, but can opt for only the constituency in which they live to appear on the ballot paper.

Based on evidence from “national political parties”, the Committee believes there is a consensus for removing the requirement that candidates standing as local councillors have their address published. The report states: “Rather, as

with Parliamentary candidates, candidates standing as local councillors should have the option to publish only the ward in which they live on the ballot paper.

Equally, the addresses of agents, sub-agents and election observers disclosed to the Returning Officer in order for them to attend an election count should not be disclosed to others.”

As a consequence, it makes the following recommendation:

“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.”

- (b) The Committee also received evidence that “some local councillors were told to declare their home addresses as part of a declaration of pecuniary interests, but were not informed about the sensitive interests provisions in the Localism Act 2011...”

It therefore makes the following recommendation:

“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.”

1.4 Appendices:

None.

1.5 Contact officers:

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1.6 Background information:

None.