**CSPL (23) 01**

**COMMITTEE ON STANDARDS IN PUBLIC LIFE**

**307th MEETING HELD IN 1 HORSE GUARDS ROAD, LONDON**

**AT 10.00 ON THURSDAY15 DECEMBER 2022**

**MINUTES**

Present: Lord Evans of Weardale KCB DL, Chair

Ewen Fergusson (remotely)

Baroness Finn

Professor Dame Shirley Pearce DBE

Professor Gillian Peele (remotely)

Rt Hon Dame Margaret Beckett DBE MP

Professor Mark Philp (Chair, Research Advisory Board)

Lesley Bainsfair, Secretary

Nicola Richardson, Senior Policy Adviser (remotely)

Amy Austin, Policy Adviser (remotely)

Lesley Glanz, Executive Assistant

Maggie O’Boyle, Press Officer[[1]](#footnote-0)

John Pullinger, Chair, Electoral Commission and Louise Edwards, Director of Regulation, Electoral Commission, joined the meeting ahead of the start of formal business.

On behalf of the Committee, the Chair welcomed John Pullinger, Chair, Electoral Commission and Louise Edwards, Director of Regulation, Electoral Commission, to the Committee meeting.

John Pullinger gave an overview of the role of the Electoral Commission. The role of the Commission was to oversee elections and referendums and to regulate political finance. But, more fundamentally than that, the Commission had to ensure that the public trust the process and take part in elections. Public confidence was at the heart of the Commission’s work.

As a regulator, the Commission served 3 connected communities:

(1) The voters, ensuring that people who have the right to vote are able to do so with a focus on accessibility. The Commission undertook public awareness campaigns to encourage people to register to vote, working with disenfranchised groups (for example the elderly and homeless people) to make sure they are represented; and worked on security to ensure there is no coercion.

(2) Party campaigners and candidates at elections, making sure everyone is enabled to do their job properly. The Commission’s role has been mis-characterised by some, saying that the Commission gets in the way of politics; the opposite is the reality. Louise Edwards, as Director for a new Regulatory Support Strategy, was focusing on ensuring those in the process understood rules around compliance and transparency.

(3) Electoral administrative officers, polling officers and local authorities who do a magnificent public service in difficult circumstances where this work is not part of their day job, and premises are often unsuitable. These public servants are resilient but new voter ID requirements will be a massive challenge for them.

Compliance and regulations regarding donations and loans could be a lightning rod for frustrations with the system. The Commission was clear that it called out transgressions, but aimed to be proportionate, calling out worrying issues without placing a huge burden on parties. For some people involved in the Brexit referendum who had felt that their experience with the Commission had not been a good one, the Commission had reflected on those cases and learnt from that. John said that it had been particularly difficult for those people who took on the role of Responsible Officer and were left, without party machinery back up, to deal with a lengthy, complicated legal process.

But, with regard to criticism that the Commission acted both as judge and jury, John was clear that the Commission was no different from other regulators in a similar position. Rules were legislated by Parliament, the Commission reached a conclusion and there was a right of appeal through the courts.

Louise Edwards confirmed a key point in the process was that everyone involved sees an account of what has happened as well as the evidence so that they can come back to the Commission before a final decision is taken. And at that point, the case is looked at by someone in the Commission not previously involved in the case. So there are checks and balances in the system.

The Commission was about to consult on a new enforcement strategy.

The Commission’s annual public surveys showed a high degree of public confidence in elections apart from around the issue of transparency of political finance which was set against negative stories about funding and foreign interference. The Commission had for some time made recommendations that would deal with some of those concerns, including bringing parties in line with anti-money laundering requirements in place for financial services and charities (a recommendation also made in CSPL’s *Regulating Election Finance* 2021 report).

The Commission thought it was important to be clear that it was acceptable for parties to receive overseas donations so long as the donations were from a permissible donor i.e. they were on the electoral roll. There was a perception issue however, and the Commission needed to give political parties the tools they needed to make informed decisions about accepting money from abroad.

The biggest threat the Commission’s research had identified was around abuse, intimidation and threats to candidates. It was very worrying that a number of candidates, especially younger candidates, had said that they would not stand at the next election because of this threat.

In terms of accountability of the Commission, John said that the governance arrangements with the Speaker’s Committee worked well, and the Commission had had a high degree of interest from parliament more widely from PACAC, LUHC Select Committees and Select Committees involved in devolved matters.

On the new requirements for voter ID, England, Scotland and Wales were unusual internationally in not having to produce ID at elections - international observers see this as a risk. It was an open risk, but, on the other hand, there was no sense that the risk had grown and was decreasing as an issue of public concern in recent research. The Commission had to ensure elections remained accessible and consider how best to support Local Authorities which would be charged with compliance at elections.

John confirmed that he maintained informal contact with backbench MPs. He routinely worked in Portcullis House, attended party conferences and the Commission benefited from having Commissioners from political parties.

The draft Strategy and Policy Statement, provided for by the Elections Act 2022, was discussed.[[2]](#footnote-1) The consultation period for the Statement had now finished and a final draft would go to both Houses in due course. John confirmed that if the Statement passed in its current form, the Commission would have regard to the Statement but could also take a reasoned decision not to do something. The Commission would be accountable to the Speaker’s Committee. John noted that the government has said that it wants to uphold the independence of the Commission. The Commission would continue to act independently. The risk was around public confidence, if the public felt that this government was in a privileged position with regard to the next General Election.

The Chair thanked John and Louise for a very helpful conversation.

*(John Pullinger and Louise Edwards left the meeting.)*

**1. APOLOGIES**

None

**2. REGISTERS**

Members were asked to let the Secretariat know of any changes to their register of interests which had been circulated.

**3. MINUTES AND MATTERS ARISING**

The minutes of the meeting held on 24 November 2022 were agreed.

**Chair’s update**

The Committee noted:

* The Chair had written to the Commissioner for Public Appointments following his discussion with the Committee at their November meeting.
* The House of Commons had debated on 12 December, the Commons Standards Committee’s proposed revisions to the MPs’ Code of Conduct. 18 of the 20 recommendations had been agreed by the House. Two of the Standards Committee’s recommendations - to include bespoke descriptors to the Principles and that ministers should register with parliamentary authorities any third-party hospitality worth more than £300 within 28 days so as to bring ministers’ declarations in line with MPs’ declarations, had not been passed.
* There was no further news on the appointment of an independent member to the Committee.
* The Chair had met Dame Fiona Reynolds, Chair, National Audit Office, on 29 November, for an introductory meeting and to discuss *Leading in Practice* and the NAO’s work on civil service leadership.
* The Chair had been invited by Lord Norton of Louth (University of Hull) to speak at a seminar on Restoring Public Trust in Parliament on 19 December, in the House of Lords. (The seminar was originally scheduled for 12 September but had been postponed because of the death of HM The Queen.) Other panel members include Andrew Griffin, a consultant in crisis management; Mark D’Arcy, BBC Parliament; Dr Hannah White, Director, Institute for Government; and Professor Matthew Flinders, University of Sheffield.
* *Leading in Practice* review: The Chair had spoken to an online meeting of the Institute Of Chartered Accountants Of Scotland (ICAS) Ethics Board on 12 December.

The *Leading in Practice* review would be published in January 2023.

**4. FUTURE WORK PROGRAMME**

The Committee discussed options for its next review.

**5. COMMITTEE REVIEW OF ITS WAY OF WORKING**

Committee members confirmed its December discussion about the way the Committee went about its work. Members noted and agreed new suggestions to invite members to suggest agenda items in future, and to invite more guests to speak to the Committee.

The Secretariat would take this forward and give thought to what follow up work to past reviews might be possible.

**6. STANDARDS CHECK**

The Committee noted the media coverage of standards issues which are circulated daily to members.

**7. FORWARD AGENDA**

The Committee noted the forward agenda.

**8. AOB**

 **Communications Update**

The Committee noted the communications updates for November 2022. The Press Officer was invited to speak about communications periodically at future meetings.

**Date of Next Meeting**

Thursday 19 January 2023 at 10.00.

It was agreed that the February meeting would now be held on 9 February instead of 16 February to avoid meeting during the Parliamentary recess.

CSPL Secretariat

December 2022

1. Maggie O’Boyle provides part-time press support to the Civil Service Commission, the House of Lords Appointments Commission, the Office for the Commissioner for Public Appointments and the Committee on Standards in Public Life. [↑](#footnote-ref-0)
2. The Draft Strategy and Policy Statement sets out the Government’s strategic and policy priorities for elections and referendums. It also sets out the roles and responsibilities of the Electoral Commission in meeting those priorities. The Draft Statement, made by the Secretary of State for Levelling Up, Housing and Communities, is a new procedure introduced by the Elections Act 2022. [↑](#footnote-ref-1)