

# Association of Council Secretaries and Solicitors

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## News

# Standards and the Localism Bill - Press Release

27 July 2011

1. ACSeS has previously expressed its concerns about the present proposals for standards in Chapter 5 of Part 1 of the Localism Bill.
2. In particular, ACSeS is concerned at the absence of cohesion between the proposed duty in clause 16 on authorities to promote and maintain high standards of conduct by local authority members and the permissive nature of the proposed standards framework.
3. Whilst supporting the principles of localism (to enable wherever practicable and appropriate local self-determination at the lowest community levels) ACSeS equally believes that there needs to be some fundamental national consistency in local ethical and corporate governance. ACSeS is therefore concerned that the voluntary nature of the present proposals is likely to lead to public confusion as to the essential standards to be expected of those whom electors choose to represent them at local level.
4. ACSeS is also concerned at the current intention to criminalise breaches of members' interests provisions. Whilst the maintenance of high standards of conduct for local authority members is an essential pillar of public trust in local democracy, ACSeS nevertheless believes that criminal sanctions should be reserved for objectively egregious behaviour. Whilst some breaches of member interest rules may occasionally fall within this category, most will not. Blanket criminalisation therefore is considered to be disproportionate. However, this could also have the undesirable side-effect of encouraging vexatious allegations which would risk bringing the provisions into disrepute. There are also doubts as to the practical enforceability of such measures
5. In the circumstances, ACSeS was pleased to note that shortly before the Parliamentary recess Lords Newton (Con), Tope (Lib Dem) Filkin (Labour) and Bichard (Cross Bench) (amongst others) met to discuss the treatment of standards in the Localism Bill. The meeting was to discuss proposed amendments to be moved when Parliament resumes on 5 September 2011.
6. ACSeS understands that the outcome was to seek potential amendments to the Localism Bill with a view to provisions for a national code of conduct (to be issued through the Local

## APPENDIX A

Government Association if it agrees), standards committees with independent chairs and the removal of criminal sanctions.

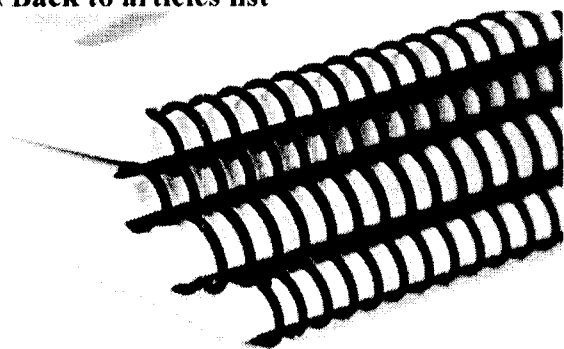
7. ACSeS President, Susan Tovey said: 'Local authority members dedicate their time in working hard and unremittingly to fulfil a vital role for their communities. They can truly be said to be the foundation-stones of localism and local democracy. However, to maintain and enhance public trust in local democratic institutions it is essential that those representing the public are seen to be behaving as electors would reasonably expect and that the decisions taken by council members are actuated only by the public interest.  
The recent phone-hacking scandal has highlighted the public importance of sound ethical and corporate governance, even in a private sector context. Clearly, sound corporate governance is significantly more important for public institutions. ACSeS is therefore very pleased at the initiative taken by this small group of peers, informed by the distinguished Chairman of the Committee on Standards in Public Life, and is delighted to express the Association's public support for it.'

**Notes for Editors**

1. ACSeS represents Chief and Senior Legal Officers of all English and Welsh local authorities and is the professional association for managers of corporate governance (legal, administrative, democratic, scrutiny and standards functions) and statutory monitoring officers and their deputies in local authorities in England and Wales.
2. The Association plays a leading role in developing governance arrangements in local government and works closely with other associations, Government Departments and agencies.
3. The Association also provides a network for its members to enable discussion, consultation, training and development on legal and governance matters.
4. Susan Tovey, who was elected President of ACSeS at its Annual General Meeting on 18 November 2010, is the Head of Legal and Democratic Services at Test Valley Borough Council.

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