

# STANDARDS COMMITTEE

## STANDARDS FOR ENGLAND – LATEST?

To note the content of a press release published by the Association of Council Secretaries and Solicitors (ACSeS) on 28<sup>th</sup> July 2011 on the progress of the Localism Bill through Parliament and specifically those provisions relating to 'Standards' as follows -

### **ACSeS backs peers in bid to bolster standards provisions of Localism Bill**

Senior local government lawyers have backed moves by a cross-party group of peers to strengthen the standards provisions of the Localism Bill.

Lords Newton (Conservative), Tope (Liberal Democrat), Filkin (Labour) and Bichard (Cross Bench) met with other peers shortly before the recess to discuss amendments to be moved when Parliament resumes on 5 September 2011.

The Association of Council Secretaries and Solicitors (ACSeS) said it understood that the outcome of the meeting was to pursue provisions for a national code of conduct (to be issued through the Local Government Association if it agrees), standards committees with independent chairs and the removal of criminal sanctions.

ACSeS has previously flagged up a wide range of concerns about Chapter 5 of Part 1 of the Bill, which sets out the provisions for standards. These concerns include "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".

The association said it supported the principles of localism, but equally believed that there needed 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," it said.

Another area of concern is the government's 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," the association said.

It added that whilst some breaches of member interest rules might occasionally fall within that category, most would not. "Blanket criminalisation therefore is considered to be disproportionate," ACSeS said. "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."

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."

Tovey, Head of Legal and Democratic Services at Test Valley Borough Council, said the phone-hacking scandal had 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," she said. "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."