

Maintaining High Ethical Standards in Local Government - Press Release 22nd February 2011

In the wake of plans in the Localism Bill to dismantle the current local government standards regime, the Local Government Association (LGA) in association with ACSeS has issued a short and valuable guide for authorities: *Maintaining High Ethical Standards in Local Government* (the Guide).

In addition to summarising the Bill's standards regime proposals, the Guide helpfully outlines the conduct controls which exist in addition to it. So the Guidance opens this area with the Seven Principles of Public Life. These were established in 1995 by the Committee on Standards in Public Life as the foundation values for public service.

In April 2001 the Principles were formalised by the Relevant Authorities (General Principles) Order 2001 as those '... which are to govern the conduct of members of relevant authorities in England and police authorities in Wales'. Covering (amongst others) selflessness, honesty and integrity, openness and accountability, the principles are those that the public would reasonably expect of all in public life. ACSeS is therefore disappointed that the Government is proposing to revoke the 2001 Order.

In giving an 'aerial view' of the law of local authority corporate governance, the Guide also mentions (amongst others): the fiduciary (trustee) duty of councillors as custodians of public resources; the registration of interests (to provide assurance to the public that decisions taken are driven solely by public interest considerations); relevant civil and criminal law (including misfeasance in public office and corruption offences) and electoral law and related offences. There are also brief notes on the local government ombudsman and the complex areas of bias, predisposition and predetermination. Contrary to what many have thought, these latter areas are in fact creatures of the common law (i.e. emanating from court decisions) and are entirely separate from the current conduct regime. The proposed predetermination measure in the Localism Bill is not intended to change the current common law position which acknowledges the democratic role of councillors.

As the Association pointed out on the enactment of the Localism Bill, **whilst ACSeS welcomes any simplification and streamlining of the present conduct regime, it does consider the Bill's conduct proposals to be so permissive as to be practically ineffective. ACSeS would therefore at the very least recommend a national code of local government conduct (similar to that which existed before the arrival of the present standards regime) and the continuing enshrinement in statutory order of the principles of public life. ACSeS does recognise that councillors are hard-working lifeblood of local democracy. However, if the generally high reputation of local government is to be maintained, ACSeS considers that a unified code and principles applicable to all councillors are both necessary and desirable.**

ACSeS is also making a separate submission to the Public Bills Committee in relation to these and other issues surrounding the local government ethical framework.

ACSeS President, Susan Tovey, said that: 'I am delighted that ACSeS has been able to assist in the production of this important guidance note from the Local Government Association. Its appearance is particularly timely as the proposals on standards in the Localism Bill seem set to weaken significantly controls in this important area of public confidence as well as creating inconsistency of approach across local government. The guidance note will therefore help fill the gap at this point by providing a valuable summary of the corporate governance controls existing in addition to the present statutory regime.'

Notes for Editors

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.

The Association plays a leading role in developing governance arrangements in local government and works closely with other associations, Government Departments and agencies.

The Association also provides a network for its members to enable discussion, consultation, training and development on legal and governance matters.

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.

For all Press Enquiries, please contact our Communications Officer: Dr. Nicholas Dobson