



Association of Council
Secretaries and Solicitors

ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS

ANNUAL REPORTS 2005

Presented to the AGM on Thursday 3 November 2005
Cophorne Tara Hotel, Kensington, London.

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PRESIDENT'S ANNUAL REPORT

3 November 2005

It is with great pleasure that I present my annual report at the end of my presidential year.

It has been a most rewarding year for me and I thank the members of the Association for the privilege of serving you all. My only hope is that I have not caused too much damage to the Association!

The year began for me at the Annual Conference in Dudley on 21 October 2004. When I took over from John Polychronakis, I told members of the Association that stepping into the shoes of eight past presidents was a tall order and I aim to rise to the challenge. I then set out my vision, my values and gave members an insight into my 'personal world.'

At the time I chaired my first meeting on 19 November as President of the Association, I had just buried my younger sister the day before on 18 November 2004 following her sudden death. I dedicated my year to her.

At the first Council meeting I reiterated again my key priorities for the year as follows:

- Monitoring Officer issues
- Member support and training
- Branch issues and support for our members
- Member defence fund
- Communications and raising our profile
- Ethical framework and corporate governance
- Increased membership of the Association
- Mentoring scheme

The work began in earnest after that meeting and to summarise, I am delighted that significant progress has been made as follows in the year:

Raising our profile

- a) We managed to acquire a 'standing order' with the LGC in particular! Richard Vize, the Editor of LGC and his team gave prominence to our issues by providing regular, timely and accurate coverage of many issues of concern to the Association.
- b) I am delighted that we finally reached agreement on a new corporate image/branding which has been launched at this conference.

We are a modern and forward looking organisation and should be seen as such by our members, partners and government.

- c) Work is in progress on our website to make it user friendly, accessible to the public and our members and to enable us to project a modern image of the Association.

Member defence and support

Considerable work has been undertaken to support a few of our members who regrettably found themselves in difficulty in their authority.

Claer Lloyd-Jones, John Polychronakis, Meic Sullivan-Gould and I have all provided support to some members of the Association when required. This is an area of our work which is vital and we will continue to expand.

Branch issues

Some of the highlights of my year from a personal point of view are the visits to the branches. When we say the members are the 'life and blood' of the organisation you better believe it!

I visited all 10 Branches from north to south and east to west. Each branch was unique in its own way. Perhaps purely in terms of the distance travelled, I will always remember my visits to Blyth Valley up north, Padstow in Cornwall down south and Llandrindod in the west in Wales.

Branch members raised many pertinent issues with me such as regional seminars and conferences, problems with the Licensing Act, Freedom of Information Act and the removal of the ICSA qualification for Democratic Services Officers. The ethical framework - Code of Conduct - remained a thorny issue for all members at every branch meeting.

Ethical Framework

This certainly was a busy year for Mirza Ahmad our lead officer on this topic and the Association members. Mirza has worked tirelessly on this topic.

I attended the House of Commons Select Committee to give evidence on the 'Role and Effectiveness of the Standards Board for England.' Both Mirza and Claer attended to give evidence on behalf of their authorities.

Mirza and I have attended liaison meetings with the Standards Board for England and were speakers at their Annual Assembly held in Birmingham. A number of ACSeS members were also speakers at the Conference.

I have had two meetings with Dr Richard Jarvis of the Graham Committee to discuss and progress their recommendations in relation to the ethical framework.

Mirza and I also met Paul Rowsell at ODPM with Paul Hoey of the SBE to discuss how the Government will progress the ethical framework.

ACSeS also commented on the consultation document and the Code of Conduct review.

Increase in our membership

My ambition this year was to increase the membership. In particular I wanted to increase the number of democratic officers in the Association as an essential part of our work is on democratic and corporate governance issues.

I am pleased that we were successful in attracting over 30 new members to the organisation.

Mentoring Scheme

We owe it to the young, up and coming staff in our departments to support their training and development. My ambition was to develop a mentoring scheme so we can support our future successors.

I was overwhelmed with the offers from colleagues willing to act as mentors. A number of mentees have come forward and our Executive Officer, Ian Locke has done a sterling job matching them all with mentors.

Freedom of Information Act

Work continues in earnest on this. I attended a consultative group meeting organised by ODPM. I have also held a meeting with the Deputy Information Commissioner Graham Smith to discuss progress with FOI to date.

I am grateful to Graeme Creer for his excellent guidance note on the Public Sector Re-use of Information Regulations.

Licensing Act/ Gambling Act

Both Stuart Turnock of Leeds and Phil McCourt of Milton Keynes have been doing excellent work by attending liaison meetings with LACORS on our behalf.

Local Government Bills

Meic Sullivan-Gould commented on the Corporate Manslaughter Bill on behalf of ACSeS.

Parish Councils

Kirsty Cole and a few colleagues from her branch did sterling work on producing a Toolkit for Parish Councils.

Training Unit

John Polychronakis has done tremendous work on this in the year working closely with SLG colleagues, Dudley Lewis and Richard Mellor and Marie Kelly-Stone who are also Directors of LGG Training Company.

The Training Unit held a successful conference for Monitoring Officers and will be responding to requests from branch members for more regional courses to be arranged.

Elections

Stephen Taylor kindly produced a most timely guidance on elections prior to the General Elections which members found very useful.

Welsh Authorities

Duncan has continued to play a key role in representing the interests of our Welsh branch colleagues. We have been able to compare and contrast the law applied in both jurisdictions and have been able to learn from each other.

Liaison with other bodies

a) LGA

Alison Sutherland has been an important member of ACSeS by sharing with us information about the LGA's priorities. She has made an immense contribution to our work.

b) LGIU

I meet regularly with Ines Newman of LGIU before each Council meeting. Our exchanges have been invaluable in identifying common themes to work on.

Solicitor and Treasurer

Our Solicitor, Michael Blamire-Brown has been called upon in the year on many occasions to give guidance and as always has given excellent advice on the Constitution, not least when we held an inquorate meeting!

Our Treasurer, Alison Lowton has had a challenging year. The Treasurer's role is as ever demanding now as it was in the past.

My special thanks - in particular to Viv Horton who held on and supported us for longer than I had expected.

Special thanks also to Alison who then took on this mammoth task.

Staffing

I am pleased to report that this year I have been able to appoint two new staff, Ian Locke, our Executive Officer and Tony Kilner our Policy and Development Officer. They have both been busy multi-tasking already!

Invitations

In the year we were able to honour the many invitations I received as follows:

- County Treasurers Annual Dinner
- The Institute of Chartered Secretaries and Administrators Annual Dinner
- SOLACE Annual Dinner
- Association of County Chief Executives Annual Dinner
- Meic Sullivan-Gould attended the Electoral Administrators Dinner on my behalf
- Kirsty Cole attended the SOLAR Annual Conference and Dinner on my behalf
- SLG's Weekend School and Annual Dinner
- Public Finance's Public Servants of the Year Awards
- IIMC Conference in the US
- MJ Awards Ceremony

Diversity in the Judiciary

I have attended a number of events held by the Department of Constitutional Affairs to attract more lawyers into the judiciary. A representative from the DCA attended one of our Council meetings and spoke about the judiciary.

Marie Kelly-Stone has kindly taken on the lead role for this work.

Business Planning

My last big task was to introduce a paper on Business Planning with a view to looking at the various options for the future of ACSes as an organisation. One issue is whether becoming a company is the way forward to strengthen the organisation and protect our assets. There may be other models and a group of us will be exploring this further.

A rewarding year

This has been a rewarding year for me. I have valued the support from members, officers, branch Chairs and Secretaries, the Executive Officer and my own PA.

I have enjoyed networking with sister organisations and have been pleased with the liaison meetings with the organisations mentioned in the report.

It has been a privilege indeed to serve you all. Thank you for giving me the opportunity.

Gifty Edila

President 2004/5

Gifty.edila@rbke.gov.uk

ANNUAL REPORT OF THE EXECUTIVE OFFICER

This is my first Annual Report as Executive officer. I took over from Norman Yates in February 2005. I would like to thank Norman for his considerable help and advice in passing over the administration of the Association. My three main personal impressions of the period since then are;

- it seems a lot longer than 9 months.
- it has been a steep learning curve.
- the support from members and particularly Gifty Edila, the President, has been tremendous.

A number of major changes have been ongoing since before I arrived. These include:

- The development of the new ACSes Logo which has been unveiled at this Conference.
- The commissioning and receipt of a report on communications which confirmed the need to modernise the website to make it more useful and user friendly both for Members and those administering the site nationally and at Branch level and to give a better image of the Association and its work as the public face of the website. Having used the website I would endorse those conclusions. Work on developing the new website will be gathering pace in the period after the Conference.
- Consideration of the format of the Association. These issues include the legal status of the Association and whether it should be incorporated in some form. Also relevant is the relationship with LGG Ltd and its co owner SLG. Again, work on this will be continuing after the Conference.
- Tony Kilner has been appointed as the Policy & Development Officer of the Association. Tony has been invaluable to me over recent weeks in organising the AGM and aspects of the Conference. His role in developing the work and organisation of the Association in the future will I am sure prove equally valuable.

There are currently 526 names on the membership database and I am continuing to collect annual subscriptions. There are currently 18 Members who took advantage of the free 1st year subscription offer. I am concerned at leakage of memberships when members move on. In many cases I am not aware of this until the next year's subscription letter is returned marked "Does not work here any more". I intend to develop with Branch Secretaries a more responsive monitoring system to assist in both in keeping the Officers who are moving and recruiting their replacements.

By the time this report is officially received the Conference will be near its close. I have learned a lot about organising conferences in recent months. I will be discussing with the incoming President some changes and simplifications in the administration of the Conference which I hope will reduce the workload at peak times to concentrate use of resources where they are most effective. I am also thinking of awarding a prize for the Member who made the most separate contacts with me before submitting a completed booking!

I thank Members and Colleagues for their continued help and support and look forward to the coming year and the challenges ahead.

20/10/2005

Ian Locke
Executive Officer
acsesny@cybase.co.uk

ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS

ANNUAL FINANCIAL REPORT 2004/2005

I present this report for approval by the Association at its Annual General Meeting

1. Financial Position for Year Ending 31st March 2005

1.1 The Income and Expenditure Account for 2004/2005 is as follows also showing previous year comparisons

<u>ASSOCIATION OF COUNCIL SECRETARIES & SOLICITORS</u>					
<u>INCOME & EXPENDITURE ACCOUNT Y/E 31 MARCH 2005</u>					
	2004/2005		2003/2004		
<u>INCOME</u>			£	£	<u>Notes</u>
Subscriptions	75,095.00		69,732.00		
Conference Surplus	24,752.93		19,433.03		1
Interest	1,434.53		452.54		2
profit on sale of office equipment	1.83				
Miscellaneous	26,500.00		10,300.00	99,917.57	
<u>Total Income</u>		<u>127784.29</u>		<u>99,917.57</u>	
<u>EXPENDITURE</u>					
<u>Employee Expenses</u>					
N.Yates	24825.12		£	22,711.86	
Inland Revenue	11,881.40			11,335.75	
Honorarium	1,500.00	38,206.52	£	2,340.00	36,387.61
		<u>38,206.52</u>		<u>36,387.61</u>	
<u>Other Expenses</u>					
President's expenses	6,728.44			7,923.67	
Insurance	993.00			993.04	
Depreciation	98.17			196.35	3
Management and Development	79.25				
Miscellaneous	54,140.96	62,039.82	17,306.09	26,419.15	
<u>Total Expenditure</u>		<u>138,452.86</u>		<u>99,194.37</u>	
<u>Net Surplus/(Deficit) for the financial year</u>		<u>27,537.95</u>		<u>723.20</u>	

1.2 The Balance Sheet for the year as at 31st March 2005 showing previous year comparisons

<u>ASSOCIATION OF COUNCIL SECRETARIES & SOLICITORS</u>			
<u>BALANCE SHEET AS AT 31 MARCH 2005</u>			
	2004/2005	2003/2004	
<u>Fixed Assets</u>		£	<u>Notes</u>
Regalia	3,100.00	3,100.00	1
Office Equipment	1,996.55	196.34	2
	<u>5,096.55</u>	<u>3,296.34</u>	
<u>Current Assets</u>			
Bank-Community Account	39,238.46	46,657.58	
Bank-Business Tracker Account	59,655.58	58,198.81	
Bank-Business Reserve Account	0.01	22.24	
	<u>98,894.05</u>	<u>104,878.63</u>	
<u>less: Current Liabilities</u>			
Accruals	-18,754.61	12,967.71	3
Net Current Assets	<u>117,648.66</u>	<u>91,910.92</u>	
<u>Total Assets less Current Liabilities</u>	<u>122,745.21</u>	<u>95,207.26</u>	
<u>Financed By:</u>			
Net Surplus for year	27,537.95	37,110.81	
2003/2004 Balance b/f	95,207.26	58,096.45	
<u>2004/2005 Balance c/f</u>	<u>122,745.21</u>	<u>95,207.26</u>	

1.3 The Cashflow Statement to show the cash movements through the accounts

<u>ACSES CASH FLOW STATEMENT Y/E 31 MARCH 2005</u>	
	£
Net Cash Inflow from Operating Activities **	-5,522.56
Returns on Investment & Servicing of Finance	
Investment Income/Interest	1,434.53
Capital Movements	
Purchase of Fixed Assets	-1,996.55
Sale of Fixed Assets	100.00
Net Cash Inflow	-5,984.58
<u>** Net Cash Inflow from Operating Activities</u>	
Net incoming resources / surplus for year	27,537.95
Investment Income	-1,434.53
Depreciation	98.17
Profit on sale of fixed asset	-1.83
Increase/(decrease) in Creditors	-31,722.32
	-5,522.56
	£
Bank account balance b/f	104,878.63
Bank account balance c/f	98,894.05
Decrease in Cash	-5,984.58

- 1.4 Notes to the accounts (as indicated in the notes columns of the above accounts) to explain accounting treatments and assumptions made

Notes to the Accounts 2004/2005

General Notes

- 1 The year's annual conference made a surplus of £24,752.93

Notes to the Income & Expenditure Account

- 2 Bank interest received on the Business Reserve Account for the year.
- 3 Assets other than land, are depreciated over their useful economic lives.
The Association's office equipment is depreciated using a reducing balance method of 50% on the net book value b/f.
Old office equipment with a closing balance of £98.17 was sold to Norman Yates for £100 and new equipment bought for £1,996.55 (no depreciation charged this year)

Notes to the Balance Sheet

- 1 Regalia valued at current replacement cost
- 2 Office equipment shown at net book value.
- 3 Accruals (Items paid in 2005/06 relating to 2004/05) include:
- | | |
|--|---|
| | £ |
| | 78.91 Norman yates - outstanding expenses |
| | 500.00 norman yates- honorarium |
| | 1,578.64 Ian Locke- March -102912 |
| | 1,185.00 Eastern Branch- levy-102914 |
| | 555.00 South western Branch -levy-102916 |
| | 764.00 North western branch-levy-102917 |
| | 195.00 London Branch- levy-102918 |
| | 30.00 South Eastern branch - levy-102920 |
| | 1,110.00 Southern Branch-levy-102921 |
| | <u>5,996.55</u> |

2. Outturn and Estimates Table 2005

1 EXPENDITURE					
	Revised Estimate 2004/2005	Actual Spend 2004/2005	Estimate 2005/2006	Revised Estimate 2005/2006	Estimate 2006/7
Employment Costs (inc salary & NI)	38,000	38,206.52	39,000	70,000	72,500
Operational Expenses	16,000	7,898.86	18,000	15,000	15,000
Hosting Expenses	0	0	0	0	0
Unicorn	2,500	0	2,500	0	0
New Website					10,000
Conference	45,000	36,517.07	50,000	50,000	50,000
Member Defence Fund					10,000
Miscellaneous	38,000	52,144.41*	15,000	30,000	20,000
Office Equipment	2,000	1,996.55	1,000	1,000	1,000
TOTALS	141,500	136,763.41	125,500	166,000	178,500

2 INCOME					
	Revised Estimate 2004/2005	Actual Income 2004/2005	Estimate 2005/2006	Revised Estimate 2005/2006	
Subscriptions	75,000	75,095.00	78,000	78,000	78,000
Conference	55,000	61,270.00	50,000	65,000	60,000
Publications	0	0	0	0	0
Interest	1,500	1,434.53	1,500	1,500	1,500
Miscellaneous	2,000	26,501.83*	2,000	3,000	3,000
TOTALS	133,500	164,301.36	131,500	147,500	142,500

*includes £23,500 legal expenses paid out and then recovered so actual miscellaneous expenditure was £28,644.41 and miscellaneous income was £3,000

3. Comments on the Performance for 2004/2005

- 3.1 The information in this report has largely been prepared with the sterling work undertaken by Viv Horton – for whose assistance I am extremely grateful. The original estimated surplus for 2004/2005 was £1,850 and, as can be seen in the above tables, the final out turn shows a surplus of £27,537.95. The main

reason for the variance from the original estimate was that the conference generated a surplus of £24752 (which was almost £15000 more than anticipated in the estimate.)

- 3.2 There were also reduced operational expenses (£8000 reduction) and reduced miscellaneous expenditure (£10,000 reduction.). This includes the £5000 provision for Members defence fund none of which was spent in 2004/2005. It is intended to roll this forward into 2005/2006 which would mean the member defence fund stands at £10,000 for this year (and the miscellaneous expenditure for 2005/2006 has been increased accordingly).
- 3.3 Last year's report said that the Conference surplus for 2003/2004 was an unprecedented sum. By way of comparison the 2002 conference produced a surplus of almost £5000. The surplus has increased this year by a further £5000.
- 3.4 The auditors' have confirmed that the accounts are correct.

4. Comments on Revised Estimates 2005/2006:

- 4.1 The original estimates budgeted for a surplus of £6,000. The current budget for this year, including the rolled forward £5000 for the member defence fund has an estimated deficit of £18,500
- 4.2 The revised estimates for 2005/2006 include increases in expenditure on employment for the cost of the new Policy officer (10 months £31,000). Miscellaneous expenditure has been increased by £10,000 for cost of communications strategy, although operational expenses have been reduced by £3000 in light of outturn. This could be reduced further in view of the anticipated deficit.
- 4.3 On the income side, the anticipated surplus from the conference has been assumed at £15,000. Although the income from last year's conference considerably exceeded the estimate, the cost of this year's conference is likely to be higher (given its location in London) and it is prudent to maintain a lower surplus. The contribution from LGG training unit also assumed to be the same as 2004/2005.

5. Comments on Estimates for 2005/2006

- 5.1 The estimates for 2005/2006 show expenditure broadly in line with the revised estimates for 2004/2005 plus 2.5% allowance for inflation where appropriate. The Member Defence Fund has been separated out from Miscellaneous Expenditure and has been left at £10,000. There have been no calls on this fund in the last two years and there seems no need to roll forward a further £5000. The miscellaneous expenditure amount has been reduced to take account of this separation. The estimate for the cost of the conference remains the same as next year. It will take place outside London and the costs are therefore likely to be lower so there is no allowance for an inflation increase. However there is an assumption that income from the conference will remain at £60,000. There is one off cost for the development of the new website which can be met from the Council's reserves.
- 5.2 On that basis without any increase in fees and assuming a surplus for the Conference for 2006, then at this stage there would be a deficit of income over expenditure of £26,000. When ACSeS agreed to the employment of a policy officer for two years, this was on the understanding that ACSeS had reserves to cover that period. That decision presupposes that there would be a current deficit for those 2 years and so I am not proposing an increase in subscriptions for this year.

Alison Lowton

21st October 2005

Alison.lowton@camden.gov.uk

ANNUAL REPORTS OF THE LEAD OFFICERS

Mirza Ahmad **Ethical Framework Issues**

I am delighted to confirm that this Portfolio has seen great activity during the year and I have had great satisfaction and pleasure in representing the best interests of ACSeS.

In an effort to ensure appropriate communication within the Association, I initiated a "Debrief" e-mail distribution system on Ethical Framework Issues. During the year, in excess of 17 Debrieves have been provided to members of the ACSeS Council, relevant ACSeS members and relevant information has also been duly placed on the ACSeS website. MONOSUG colleagues have also been included in the e-mail list.

The Debrieves have included information on the following subjects:-

- Code of Conduct for Employees etc. Consultation Papers;
- ACSeS' response to the Audit Commission with regard to the Key Lines of Enquiry for Corporate Assessment in 2005;
- Debrieves from regular meetings between ACSeS and the Standards Board for England;
- Graham Committee's Annual Report;
- ODPM Parliamentary Select Committee – attendance and Report on the Role and Effectiveness of the Standards Board for England;
- OPM's launch of the Model of Good Governance;
- Review of the Code of Conduct for Members and concluding ACSeS' response to the Standards Board for England;
- University of Teeside research into "Supporting Monitoring Officers" - Dr McCauley at el;
- IDEA / Audit Commission / SBE Pilot Diagnostic Exercise;
- Annual Monitoring Officer Conference on Governance held in London on 27 May 2005;
- An e-review amongst members on whether or not the Standards Board should retain complaints against Elected Members, or whether it should be a matter for local filtering by Standards Committees;
- Debrief from the SBE Annual Assembly on “Investigations in your hands”; and
- The creation of ACSeS' Top Lawyers Database 2005.

- It was also a great pleasure to represent ACSes at:-
 - (i) the OPM's launch of the Model of Good Governance;
 - (ii) with Clear Lloyd-Jones, a conference looking at ethical issues;
 - (iii) with the President, the "Round Table" meeting called by the SBE with key stakeholders / regulators, over ethical issues;
 - (iv) with the President, the SBE's pre-Conference dinner in September 2005 at the Hyatt, Birmingham;
 - (v) with the President, a meeting with ODPM and SBE over the development of ethical framework issues;
 - (vi) with the President, a Conference on Freedom of Information exemptions; and
 - (vii) a research meeting with key Government officials, on behalf of Olwen Dutton, considering changes to legislation regarding NRF issues.

The Future

The future for this Portfolio (and local government) looks promising! Further legislative details are likely to emerge, during the year, with regard to a "comprehensive package" of change for local government - which may include:-

- the Government's proposed changes to the Code of Conduct for Members;
- a National Code of Conduct for Employees;
- changes to Schedule 12A to the Local Government Act 1972;
- further changes to CPA that may impact on ethical governance issues: and
- generally, ensuring that all members are fully briefed with regard to the emerging agenda.

I believe that the time has come to change the title for this Portfolio from "Ethical Framework" to "Ethical Governance", so as to make a stronger link and to give a clear direction that ethical issues are an essential / integral part of local governance and at the heart of local democracy. It cannot, I believe, be sidelined to a "framework" which Monitoring Officers deal with and, as such, there is no need for Chief Executives and Leaders to feel such do not concern them. The change in emphasis also signals that Monitoring Officers are at the heart of the local governance agenda. The (incoming) President has indicated her support for this title change.

I look forward, therefore, to serving the Association, and its membership, as the Lead Officer on Ethical Governance Issues during the remainder of 2005 and into 2006.

Mirza Ahmad

(Birmingham City Council)

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Meic Sullivan-Gould and Stuart Turnock Local Government Bills (Including Gambling and Licensing)

Just in case we might forget the Lead Officers for Local Government Bills were specifically told that their remit included the Gambling and Licensing Acts. The latter, of course, occupied a large part of the work undertaken this year. More of that later.

Hackney and Leeds currently both produce Briefing Notes on new legislation, the latter ebrief containing a 'Bill Tracker' which monitors the progress of legislation affecting local government. These are both published regularly on the ACSeS web site and have been well received. These will continue and feedback leading to their development is welcomed.

Where specific consultation on proposed legislation has been undertaken ACSeS has sought to respond, in a comprehensive response was put together in respect of the Corporate Manslaughter Bill. The consultation timetable can make it difficult to collate a truly representative response and we do rely on members regularly hitting the Website to keep informed on and contribute to 'work in progress'.

Returning to the licensing legislation a real positive has been the establishment of an excellent working relationship with LACORS who have invited ACSeS to participate on a number of their Policy Fora. To date Stuart Turnock has joined the Gambling Policy Forum and Philip McCourt has joined the Licensing Policy Forum. Both organisations have benefited from this relationship. ACSeS have been able to make significant contributions to consultations on the Licensing Committee Procedures and Drinking Responsibly and LACORS have expressed their appreciation for the legal input which ACSeS have been able to bring.

We were less successful in our representations to DCMS to extend the termination date for applications to renew liquor licences as local authorities consider the timescale presented them with significant difficulties. The government proved to be very inflexible in their implementation of this legislation ultimately relying on local government to be able to deliver to a near impossible timetable.

The pace of new legislation impacting upon local government will, no doubt, continue unabated and so we look forward to an interesting year ahead

Meic Sullivan-Gould

(Hackney)

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Stuart Turnock

(Leeds)

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Graeme Creer
Local Authority Powers

It has been a fairly quiet year on the powers front. My general ambition is to field anything new on the general topic of local authority powers, but there has not been a great deal to report this year. Without wanting to steal any of the thunder of the ODPM's £500,000 University of Birmingham/University of the West of England three-year formative evaluation of the take-up and use of the well-being power, due to report in 2007, I have a feeling that Part I of the Local Government Act 2000 may have met its objective.

The last twelve months saw me complete, with different past service-members (with, on occasions, very different views), an intermittent programme of seminars on the Local Government Act 2003 charging and trading powers. Immediate impressions are that the charging power, coupled with the well-being power and some thoughtful ODPM guidance, is very useful, but the trading power is not. Take-up has been limited. This is probably because it is a lot of work to put all the pieces into place to trade through a company, we have been doing a great deal under existing legislation anyway, and outsourcing existing in-house activity to a company for trading purposes brings the procurement regulations and state aid issues into play in a very uncomfortable way.

Over the New Year I wrote a long paper on Indemnities for Members and Officers under the new Order (SI 2004 3082). This has had limited circulation, mainly for peer review, because of my nervousness about offering uninsured advice on a risky topic. I chaired a seminar on this in September and discovered, from the other speakers' contributions, that I had been right to be cautious. However the paper is available by email to anyone who is willing to accept a full disclaimer, and there could be more on this in the future.

I also wrote a paper on the Reuse of Public Sector Information (SI 2005 1515) following accidental discovery of the draft regulations, which had had negligible local authority input. This was made available to ACSeS members. I gather that I am one of the few people to have written anything at all on this. The probable explanation is that no one, myself included, really knows quite how it fits in. It overlies Freedom of Information/Data Protection/EIR and access to information, and sits uneasily alongside other powers to provide information and charge for it. I hope to revisit the topic if the mists ever clear.

Finally, I have just picked up an invitation to meet the Regulator of Community Interest Companies in January. If anyone has any practical experience of setting up or dealing with CICs I would be very grateful for your thoughts.

Graeme Creer
(Liverpool)
Graeme.creer@liverpool.gov.uk

Olwen Dutton
CPA and Procurement

I am pleased to present this portfolio report.

The portfolio covers a number of critical issues for local government. During this year the Audit Commission developed a new CPA framework which has now been piloted and rolled out and which has a new section, Use of Resources, which includes a reemphasis on corporate governance issues with a clear role for Lawyers and Monitoring Officers to ensure that their authorities are geared up to act appropriately in these areas. The first reports under the new CPA arrangements will be the subject of consideration and reporting when they are published later in the year. They should make interesting reading. The Audit Commission had not finalised its approach by the time when those authorities in the first tranche had to finalise their self

assessments and the way in which the JAR and CPA teams work together has certainly not been ironed out yet. Further proposals have now also been published and comments will be provided to members about the impact of these.

Procurement has also been an area which has seen considerable activity. The Gershon agenda and the requirements upon authorities to make substantial efficiency savings, both cashable and non cashable and there is a greater pressure upon all councils now to see how they can cooperate and work in partnership with others to make these savings and in turn, to redirect resources thus released into service delivery. This is meaning a greater consideration about procurement in the round, signalled perhaps by the swift refocusing of the Regional Centres from Procurement to Excellence. The legal issues surrounding the joint provision of services continue to be of great importance, and I anticipate that the exploration of how efficiencies of scale in partnership with other bodies can be achieved without having to go through lengthy and uncertain procurement processes will be a major factor for the forthcoming year and one in which ACSeS members, not only as key advisers, but also as providers of key service areas which are likely to be amongst those being considered by many authorities for different management and partnering arrangements, will be heavily involved.

There is however a different agenda developing around partnership arrangements which reflects, I think the faster moving climate that local government is now working within, by our own choice as much as imposed upon us. Whereas once partnering arrangements were concentrated around a contract with the private sector, nowadays many of those contracts are being dissolved and brought back in house and instead authorities are exploring different working arrangements within local government and the wider public sector. These are yet to reach full fruition and to get the greatest benefit will need a fresh openness of mind on the part of councils, including their officers which looks at outcome based approaches and requires the development of real levels of trust. There are some examples across the country where different arrangements are being tried, but to be truly successful authorities may have to embrace the different ways of working as one of their core values rather than see them as a survival technique!

Finally, Peter Newham has continued to represent ACSeS on the Commissioning Joint Committee which has provided the Standing Guide to the Commissioning of Local Authority Work and Services and other procurement guidance.

Olwen Dutton
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Charlie Adan
Member Development and Support

At the Conference last year, a number of colleagues met to discuss and determine those activities that should be central to the Member Development and Support portfolio.

Two themes emerged:

- The development of a comprehensive career development programme for ACSeS members
- The development of the local government legal service including provision of shared services and partnership working to provide and maintain a successful public sector environment in which members of ACSeS are able to develop to the full

Limited activity has taken place during 2004/5 due to other commitments of the members actively involved in this portfolio.

Member Development Programme

The intention is to develop a career planning framework for ACSeS members comprising:

- A Career planning toolkit which will enable aspiring local government lawyers (existing or future ACSeS members) to map out and determine the choices they need to make in order to manage their personal career development. This will distinguish between development of career fulfilling legal /technical role and the development in managerial/leadership role.
- A competency framework identifying the skills and knowledge that are required for success in chosen career path
- A resource guide providing information and signposting to existing training and development, self assessment tools etc
- Provision of targeted training and development events using the training unit
- Establishing training and development networks of champions and promoting use of secondment, shadowing, mentoring and coaching to enable members to work across the ACSeS network for personal development

Members of the North West Branch have recently discussed the possibility of undertaking some pilot work in this area and discussions are ongoing.

In order for this work to be progressed, volunteers are needed to undertake research and prepare papers. If you are interested in getting involved in this work, please make contact with me.

Developing Services to support personal development

East Midlands colleagues were invited to express interest in putting together a bid to East Midlands Centre of Excellence for funding for feasibility study looking at establishing a framework for shared services across the region, using mixed public sector, not-for profit and private provision. The response indicated that there are several projects already in development and there was limited interest in examining a more wide ranging set of proposals. Without further support from members, it was not possible to progress this on regional level.

Olwen Dutton (Staffordshire CC), Stephen Cirrell and I are meeting shortly to re-examine the opportunities for working together across local government community and with private sector to meet requirements of Gershon agenda. It is important that any proposals that emerge in response to Gershon meet the development needs of ACSeS members.

I have been invited to attend a public sector legal services conference at the end of November in my role as portfolio holder. Other ACSeS colleagues are attending and speaking at this event. Other invitees are from the wider public sector, including government legal service, health sector as well as private sector lawyers. The aim of the conference is to examine the challenges facing those providing public sector services and seek “joined-up” solutions.

Other activities

I am currently preparing a paper on the requirement for Practicing Certificates. As there is some flexibility and certificates are not required for all Solicitors employed in local government. Individual authorities have differing policies on the provision of funding for practicing certificates. The provision of certificate funding is seen by many colleagues as a significant benefit. With rising costs, Gershon and the need to provide rewards sufficient to retain staff, the issue is becoming of heightened importance.

The aim is to identify what is current practice, determine the extent of the savings that could be made and enter into a dialogue with the Law Society to see whether there is any flexibility to change the way the charges for certificates are determined.

To assist with this work, I would ask colleagues to e-mail me with details of the arrangements currently in place in their authority answering the following questions:

Does your authority pay for practicing certificates for all Solicitor staff?

If not, how does it determine which staff are provided with funding for practicing certificates?

Have arrangements changed within the last few years?

If so, what were the reasons for the change?

If so, what were the consequences? For example, what was the response from staff affected?

Have you had any dialogue with the Law Society?

Please send any responses to points raised in this report to:

Charlie.adan@lincolnshire.gov.uk

Charlie Adan

(Lincolnshire)

Charlie.adan@lincolnshire.gov.uk

Michael Blamire-Brown

Solicitor – Monitoring Officers Support Group (MONOSUG)

There seems to be an ever increasing demand for information about Monitoring Officers. Over the past year ACSeS Members have been encouraged to support the MONOSUG mailing list which has been set up as a means of communication to and between all MONOSUG Panel Members. The advantage of the mailing list is that it just requires one email to reach all 65 MONOSUG Panel members. You also have access to a mail archive so you can see what has been discussed before you join and a document library. Many thanks to those who have contributed so far but we need more!

MONOSUG is not just for ‘seasoned’ MO’s it also exists to help new MO’s and if you have particular issues I can put you in touch with someone who may be able to help.

There seems to be some interest in the procedures relating to Standards Hearings and in the coming year MONOSUG will be looking at building up a resource to help everyone.

Please contact me if you are willing to help and give advice or if you wish to tap into our resources.

Michael Blamire-Brown

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Vice Chairman	Peter Nicholls (Leicester City Council)
Secretary	Jonathan Goolden (Past Service)
Treasurer	Graeme Wade (Past Service)
Council representative	Peter Newham (Northampton City Council)

The following meetings were held during the year:-

4th March 2005 – South Holland District Council – speaker Martin Dolton on “how to investigate” - a practical approach to local standards investigations

20th May 2005 – Newark & Sherwood District Council – speakers Lorna McShane and Brian Muskett on recent developments in planning law

22nd July 2005 – Boston Borough Council – speaker Gifty Edila on developments in ACSeS nationally

The branch has got its teeth into many issues over the year, but the following come especially to mind:-

- Local filtering of standards complaints
- Regional joint commissioning of legal work
- Licensing (a standing item!)

Branch members enjoyed an exclusive escorted tour of Boston’s new art gallery the day before it opened to the public and its historic guildhall including the court where the Pilgrim Fathers were put on trial.

Halfway through the year, Phil McCourt moved to Milton Keynes Council and Peter Nicholls found himself chairing the branch rather more quickly than he had bargained for!

Average attendance at branch meetings was a healthy 17, with a total branch membership of 68.

Jonathan Goolden

Branch Secretary East Midlands Branch

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LONDON BOROUGHS BRANCH

Julie Belvir was re-elected as Branch Chair in September 2004, Andrew Colvin as Branch Secretary, Mohammed Saleem as Branch Treasurer. Our ACSeS Council representatives are Richard Mellor, the Chair and Branch Secretary.

There have been 3 meetings between September 2004 and August 2005. The main speakers and attendances at these meetings were:

1. 27 September 2004 at Guildhall (London) with Mr Richard Gruet of the London Borough of Camden on the Anti-Social Behaviour Order and their various issues. 13 attending.
2. 7 March 2005 at Guildhall (London) with Mr Paul Greatorex, Barrister of 4-5 Gray's Inn Square on Freedom of Information. 10 attending.
3. 13th June 2005 at Guildhall (London) with Mr Sam Younger and his colleague Ros Baston of the Electoral Commission on Election Law. 9 attending.

All the speakers were well worth the attendance at meetings to hear their presentations. It was very rewarding for those who attended. After each meeting we have questions and answers and exchange of useful information sessions. Information is also passed to Members via e-mail.

John Polychronakis honoured the branch with a visit in September 2004 and gave a very illuminating talk about the work required of a President. The future of ACSeS has been discussed and we await developments in this area.

Andrew Colvin

Branch Secretary London Boroughs Branch

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NORTH EASTERN BRANCH

The minutes of the last year's Branch meetings show that a wide range of topics have been discussed: from the Model Code of Conduct for Employees and Review of the Members' Code of Conduct, through to the exercise of charging and trading powers and the prevention of fraud in postal voting. The challenges presented by the Freedom of Information and the Licensing Acts have also been debated.

At our April meeting in Blyth, we were fortunate to be joined by our National President, Gifty Edila. Gifty gave to the Branch a very informative account of the work of the National Council and the issues currently under discussion, and was very keen to receive feedback from Branch members in relation to a number of initiatives at the National level. These include the review of the ACSeS website, for which the Branch supported expansion of those areas accessible to the public, and updating the ACSeS logo. We look forward to the outcome of those deliberations in due course.

Membership of the Branch currently stands at 62 and we have welcomed this year three new members: Liz Bashforth (Assistant Chief Executive, Sheffield City Council), Richard Daly (Solicitor to the Yorkshire Dales National Park Authority) and Richard Townson (Head of Legal Services, Craven District Council). Unfortunately, although the Branch membership remains very healthy, attendance at meetings has been somewhat disappointing. In an effort to remedy this I intend to circulate a

reminder of forthcoming Branch meetings approximately one month in advance, along with a request for members to identify issues for discussion. As agreed at our June meeting, and implemented for the AGM, future agendas and papers will be circulated to members via e-mail where at all possible.

The Branch has benefited from the excellent hospitality extended to it over the last year from those authorities providing venues for our meetings, namely: Bradford, Leeds, Darlington, Blyth and Gateshead. My thanks go to the Branch members and their colleagues who have assisted in making those arrangements.

The Branch has also benefited over the year from the able chairmanship of Garry Pointer, Solicitor to Tynedale District Council. Garry has also during his chairmanship continued as Honorary Branch Treasurer, employing a suitably prudent strategy to ensure Branch funds remain healthy. Garry has been without the support of a Vice-Chair throughout his term of office; but hopefully that post can be filled at the forthcoming AGM.

I would like to thank colleagues in Gateshead for the excellent support they have provided to me and to the Branch over the year: Emma Hindmarsh, Gillian Warnes, Anne Jennings and Deborah Hill.

Mike Barker

Secretary North East Branch

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NORTH WESTERN BRANCH

The Branch has undergone substantial change of membership over the last twelve months. These changes included losing two stalwart members in Vivienne Horton and Riddell Graham both of whom made tremendous contributions to both Branch and Council. Vivienne was National Treasurer at the time of her promotion to the higher echelon and Riddell was for many years the Editor of Unicorn. We shall miss them both. However, the good news is that Branch membership has stayed at a healthy level with only a few authorities in the North West not having a current member.

Attendance at Branch meetings remains good, no doubt helped by the training sessions that are now an automatic part of the quarterly fare. In December 2004 Denis Cooper hosted us at Eversheds, Manchester where we had a double act from Stephen Cirrell and Graeme Creer on trading and charging powers. In March 2005, Graeme then hosted us in the magnificent splendour of Liverpool Town Hall and we considered the legislative changes in the Children Act 2004 and the steps that Liverpool were taking to promote their Bill to Prohibit Smoking at Work.

June saw us at Haigh Hall, Wigan, courtesy of Susan Lowe. Here we received a splendid presentation from one of Liverpool's Principal Trading Standards Officers on charging and fast tracking of prosecutions for trading standards offences and one from Kris Malde of LGA in Practice on Local Investigations. Finally, in September we were received at Blackpool Football Club by Mark Lewis, the incoming Branch Chairman,

and heard from Nicholas Dobson of Pinsent Masons on Corporate Law – Acting Fairly and Properly.

At our meetings we have discussed at length some of the major issues facing Association Members at the moment. Branch meetings will no doubt continue to focus on these major issues as well as having their lighter moments. In particular we have been concerned to see the improvement of the website as more use of it would be made by the Branch.

We thank Caroline Elwood for her excellent chairmanship of the meetings and look forward to another productive year.

Mike Dudfield

Branch Secretary North West Branch
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SOUTHERN BRANCH

The Branch has had a really good year. Susan Tovey (Test Valley BC) has led us enthusiastically onwards and attendances have been averaging at over 20 people. We have travelled around the branch area and have been given much appreciated hospitality in Southampton, Basingstoke, Swindon and Bournemouth. We have not only met and shared experiences but have garnered CPD points and had a nice lunch afterwards.

So far as the business of the branch is concerned, we have had presentations on:

General Power to Trade and State Aid (Bridgett Willcox from Eversheds);
Ethical Framework (Paul Hoey from the Standards Board);
Freedom Of information (Claire Walsh from the Office of the Information Commissioner); and
Local Investigations (Kris Malde from LGA in Practice).

Also, we have considered various other topical issues and shared good practice - or simply new ideas. So far as wider ACSes involvement is concerned, various members of the branch have done work for ACSes at national level and we have had 2 Presidential visits in one year.

The members of the branch do treat each other as a support group and the branch considers this is an important part of ACSes membership - long may it continue.

Stephen Taylor

Hon Secretary Southern Branch
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SOUTH EAST BRANCH

Mark Bowen of Medway was re-elected as Branch Chair in September 2004, John Heys as Branch Secretary, Trevor Elliott as Treasurer and Duncan Milne as Auditor.

Marie Kelly-Stone was elected as Vice-Chair. Our ACSeS Council representatives and nominated substitutes were Mark, Marie, John, Trevor and Mark Reynard.

There have been 4 meetings between September 2003 & August 2004. The main speakers and attendances at these meetings were:-

- 24 September at Thanet (Margate) with Barrister Chris Baker of Arden Chambers on housing & human rights cases, 10 attending;
- 17 December at Crawley with Jonathan Teasdale of the Law Commission on proposals for reform of compulsory purchase law, 18 attending;
- 18 March at Reigate with Kris Malde of LGA in Practice on the local investigation and determination of standards complaints, 15 attending
- 24 June at Rother (Bexhill) with the ACSeS President, Gifty Edila, and Executive Officer, Ian Locke, 17 attending.

All the speakers were well worth travelling to hear, so it was gratifying that branch attendances were pretty good. After the main speakers, we have had some useful information exchange and networking sessions. From time to time we have also exchanged & passed on information by e-mail.

We had a lively debate on the logo & the future of ACSeS when the President and Executive Officer attended in June and look forward with interest to developments in this area.

John Heys

Secretary, South East Branch

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WALES BRANCH

We have had an average attendance at branch meetings of 20 members during the year. Given there are only 22 local authorities in Wales, 4 Police authorities, 3 National Parks and 3 Fire Authorities and our meetings are 3 to 4 hour drives for many of our members, that is a very good turnout and demonstrates a really active interest in the Branch.

Wales has a completely different ethical standards regime to England and our branch has close dealings with the Welsh Assembly Government and with the Public Service Ombudsman in Wales who fulfils a similar role to the Standards Board for England. We meet with both on a regular basis and have begun to develop a joint agenda for change.

Particularly notable issues this year have been:

- Our input into a working group on revisions to the Code of Conduct and subsequent consultation on the Code where we sought to make a common submission with the Public Service Ombudsman;

- Revisions to the Standards Committee regulations in which the Welsh Assembly Government have adopted our proposals for change;
- Indemnities, Functions and Responsibility Regulations, Protection of Monitoring Officers, Trading and Charging have all been issues that have been live within the branch during the year;
- Like our English colleagues, we have been discussing Licensing, Freedom of Information and other legislative and workload issues that affect England and Wales.

In early 2005, we hosted a conference for all Monitoring Officers and Standards Committee Members in Wales which was a huge success and is something we are going to repeat in the spring of 2006.

A notable feature of our branch is the hugely beneficial exchange of emailed information amongst colleagues between meetings with queries and concerns being raised for ideas and answers and exchange of documentation particularly in the field of ethics and standards and constitutional developments.

It has been a huge pleasure to be the Secretary of the Branch, working with such able and stimulating colleagues and I am delighted to have been appointed for a further year.

Duncan Forbes

Hon Branch Secretary Wales Branch
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WEST MIDLANDS BRANCH

This has been another successful year for the Branch but with increasing membership but unfortunately decreasing attendance at meetings. During the year we received a number of useful presentations at Branch Meetings notably from Elaine Elkington on her experience as a 'customer' of Legal Services and Sarah Glover from No 5 Chambers on the Licensing Laws 2003. We were privileged this year to have the National President of ACSeS at our March 2005 meeting.

On 30 September 2005 the Branch will be holding a training conference on the work of the Standards Committee. Significantly, both Monitoring Officers and Members of the Standards Committees will be attending. It is hoped that the will offer a useful opportunity for members and officers to share experience. I look forward to report on this event next year.

In my role as Secretary to the Branch I have been much supported by the outgoing Chairman Michael Blamire-Brown. I am grateful to him for his support and guidance.

If it is the Branch's wishes I am happy to continue as Branch Secretary. I am particularly grateful to Tom Clark of Bridgnorth for assisting at the July meeting and for always being willing to assist at meetings when I am unable to attend.

I do hope that Branch members will find time to contribute to ACSeS activities both at Branch level and National level when the opportunities arise during the next twelve months. For the 2006 meetings it is intended that the meetings will be held at more central venues. Those members based in authorities surrounding the Birmingham conurbation are encouraged to volunteer as hosts of meetings!

Finally, I would like to thank my PA Laura for her secretarial support.

Philip Lloyd-Williams

Branch Secretary West Midlands Branch

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