



Association of Council
Secretaries and Solicitors

ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS

ANNUAL REPORT

Presented to the AGM on Thursday 17 November 2011
De Vere Grand Harbour Hotel, Southampton

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(Comprising the reports of LGG Ltd for ACSeS administration, Communications Officer, Policy
and Development Officer, Portfolio Holders and Branch Secretaries)

(Company Limited by guarantee no 6417056)



PRESIDENT'S ANNUAL REPORT

When I became President a year ago I said local government would be seeing some changes in the coming year and beyond, both in the way we work and legislative and that the economic situation meant that cuts would be the reality for most if not all of us. I also said that now was the time for ACSeS members to show that they had a role in shaping and bringing about change to their authorities. I did not appreciate at the time quite how much change there would be and how busy ACSeS would become, not just within the organisation itself but, more importantly, looking outside and raising our profile.

Over the past year we have made representations at the Committee stage in the House of Commons in respect of the Localism Bill and made our views and the fact we have been working up a member code of conduct known to members of the House of Lords. In this connection ACSeS was mentioned by Lord Tope in the House of Lords on 23rd June; a gratifying recognition of the work being done by ACSeS in this area. We have also continued to meet with the Information Commissioner and the Local Government Ombudsman.

In addition to this we have responded to various consultations including the review of statutory duties placed on local government, the community right to buy, the Law Commission on Public Service Ombudsman, the Commons Political and Constitutional Reform Committee on the central-local government relationship and the Commons Communities and Local Government Committee on the power of general competence.

A couple of months ago I and the two Vice Presidents met with the Legal Director of the CLG and some of her senior lawyers and the idea is that we should continue to meet so that we work together better; the possibility of mutual secondments and seats for trainees were touched upon. I am delighted that we will continue to develop our relationship with the CLG lawyers and we each have much to offer the other. Looking at our own organisation, we have a new web site that is much improved on the old one. As I write this we are in the process of installing some Google software to enable us all to search the whole site for that one elusive document you know is there somewhere. By the time you read this I fully expect the search engine to be up and running.

At last year's AGM we did not elect a Third Vice President as a signal of our intent that we wished to work more closely with and, in the not too distant future, merge with SLG to form one organisation that would represent all lawyers in local government but also include the non-lawyers that continue to find ACSeS their professional organisation of choice. At their AGM in April, SLG took the decision not to appoint a Second Vice Chairman as they were of the same view regarding the two organisations. Since then there have been a number of meetings with SLG and Bevan Brittan have been instructed to work with us to facilitate a merger. Their paper is on the web site. I would ask all members to look at this paper and ensure that they make their views known.

This year we have changed the way membership fees have been assessed and have introduced a new category of associate member with a nominal £10 membership fee. This has had the benefit of bringing

into ACSes Deputy Monitoring Officers and other senior lawyers which can only benefit their future development.

The branches continue to provide a vital network of support for our members with the added bonus of CPD for meetings. I have been fortunate to have visited most of the branches during my year in office and have been made very welcome by the local members. The choice of venue varies from branch to branch, from the traditional council offices to offices of private sector partners. At all visits I have had the benefit of training being provided in one form or another and have learnt a great deal. I can commend branch visits to my successor as an excellent way of finding out what is happening across the country. I feel privileged to have been your President over the last year and to represent our Association on a number of occasions. However my time would have been made far more difficult was it not for the support I have received from the Council members and the two Vice Presidents and, in particular, Tony Kilner our Policy and Development Officer. Tony has undertaken much of the detailed work on my behalf and I can truly say that without him ACSes would not respond to consultations etc. as much as it has and nor would it have our extremely useful weekly Bulletin. I must also give a huge thanks to the team at LGG who have been a great support to ACSes in its administrative running and also to me in organising this conference.

All that remains is for me to say thank you for giving me the opportunity to be President for the year and to wish Phil McCourt every success in taking our Association forward.

Susan Tovey
President

Members of Council (Directors of the Company) for 2010/11 and members on outside organisations

Post	Nomination	Authority	Branch	Contact Details
President	Susan Tovey	Test Valley Borough Council	Southern	stovey@testvalley.gov.uk Head of Legal Services, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, SP10 3AJ
First Vice President	Philip McCourt	Milton Keynes Council	Southern	Philip.McCourt@Milton-Keynes.gov.uk Head of Legal Services and Monitoring Officer Milton Keynes Council 1 Saxon Gate East, Milton Keynes, MK9 3EJ
Second Vice President	Mark Hynes	London Borough of Lambeth	London	mhynes@lambeth.gov.uk Director of Legal and Democratic Services, London Borough of Lambeth, Town Hall, Brixton Hill, London SW2 1RW 0207 9262433
Treasurer	Mark Hynes	London Borough of Lambeth	London	mhynes@lambeth.gov.uk Director of Legal and Democratic Services, London Borough of Lambeth, Town Hall, Brixton Hill, London SW2 1RW 0207 9262433

Solicitor	Ian Marshall	Wychavon	West Midlands	ian.marshall@wychavon.gov.uk Head of Legal and Support Services, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore WR10 1PT 01386 565000
Communications Officer	Nick Dobson	Past Service	North Eastern	Nicholas.dobson@pannone.co.uk Senior Consultant, Pannone, 123 Deansgate, Manchester, M3 2BU

Portfolio Holders

Portfolio	name	Authority	Branch	Contact Details
Ethical Governance	Deborah Collins	Southwark	London	Deborah.collins@southwark.gov.uk
Partnership and Procurement	Rachel Dooris	Redcar & Cleveland Borough Council	North East	Rachel.Dooris@redcar-cleveland.gov.uk
Corporate governance	Simon Aley	Corby	East Midlands	Simon.aley@corby.gov.uk
Management Development	Marie Kelly-Stone	Dartford BC	South Eastern	Marie.kelly-stone@dartford.gov.uk
Regulatory Governance	Philip McCourt	Milton Keynes Council	Southern	Philip.McCourt@Milton-Keynes.gov.uk
Information Management	John Tradewell	Staffordshire CC	West Midlands	John.tradewell@staffordshire.gov.uk

Branch Representatives

(Branch Representative Director named first and Alternate Director named second)

Branch	Name	Authority
Eastern	Victoria McNeill Andrew Roby Smith	Norfolk Castlepoint
East Midlands	Sue Lyons Simon Aley	Kettering BC Corby
London	Helen Harris Richard Mellor	Richmond upon Thames Ealing
North Eastern	Rachel Dooris Nicholas Dobson	Redcar-Cleveland Past Service
North Western	Bill Norman Mike Dudfield	Wirral Past service
Southern	Stephen Taylor Howard Bone	Swindon Winchester
South Eastern	Marie Kelly-Stone Anne-Maria Brown	Dartford Crawley
South Western	Alan Webb	Gloucester City
Wales	Ian Hearle Trevor Coxon	Denbighshire Wrexham
West Midlands	Alistair Welch	Stafford

Ex Officio Past Presidents

	Authority	Branch	Contact Details
Mirza Ahmad 2009/10	Birmingham City Council	Midlands	mirza_ahmad@birmingham.gov.uk Corporate Director of Governance (and Monitoring Officer), Birmingham City Council, Ingleby House, 11-14 Cannon Street, Birmingham, B2 5EN 0121 3039991
Andrew Frosdick 2008/9	Barnsley Metropolitan Borough Council	North Eastern	andrewfrosdick@barnsley.gov.uk Borough Secretary, Barnsley Metropolitan Borough Council, Town Hall, Barnsley, South Yorkshire S70 2TA 01226 773004
David Carter 2007/08	Warwickshire County Council	West Midlands	davidcarter@warwickshire.gov.uk County Solicitor and Assistant Chief Executive, Warwickshire County Council, P O Box 9, Shire Hall, Warwick CV34 4RR 01926 412564
Meic Sullivan-Gould 2006/07	Past Service		meicsg@aol.com

SLG representative

Maria Memoli	Past service
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Representatives on Outside Organisations

LGG

David Carter	Warwickshire Council	
Marie Kelly-Stone	Dartford Borough Council	South Eastern

SLG

Stephen Taylor	Swindon Borough Council	Southern
Maria Memoli	Past Service	Southern

LACORS

Philip McCourt	Milton Keynes	Southern
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SBE Liaison

Deborah Collins	Southwark	London
Paul Cox (Representing Districts)	Rushcliffe Borough Council	East Midlands
Mark Hynes (Representing London Boroughs)	London Borough of Lambeth	London
Kirsty Cole	Newark and Sherwood District Council	East Midlands
Rachel Dooris	Redcar-Cleveland	North East
Tony Kilner	Policy and Development Officer	

CIPFA Better Governance Forum Advisory Panel

President
Policy and Development Officer

LGO Liaison

President
Policy and Development Officer

ANNUAL REPORT OF THE TREASURER

HMRC

It has not been possible to finalise the Company's accounts for the financial year end March 2011 due to the on going issue with HMRC about the previous treatment of income and expenditure which will impact on the proper opening balance for the previous financial year.

In summary, when ACSeS was an unincorporated Association, annual returns were made to HMRC on the basis of all income received including subscriptions. The returns were made by Nottinghamshire County Council under our existing contract with them, and the format of the accounts were also prepared by Notts CC.

A complication however arose in 2007 when ACSeS became incorporated on the 2nd November. Companies House informed HMRC that a new company had been formed and HMRC immediately registered the new company for the purposes of filing corporation tax returns. Unfortunately the returns in relation to the unincorporated association were not linked and the situation persists that HMRC are seeking corporation tax returns from both the incorporated and unincorporated association, even though the latter no longer exists. Although Notts CC have continued to make corporation tax returns they have done so for the unincorporated association, not the incorporated one.

We have terminated our arrangements with Notts CC and have engaged the services of Mark Corcoran an accountant with AGP Accountants who also undertake the accountancy work for LGG Ltd.

Mark has now been authorised to directly liaise with HMRC on behalf of ACSeS as its authorised agent. We are hoping to reach agreement with HMRC on the quashing of the duplicate corporation tax demands in relation to the unincorporated association for the period since November 2007. We are also looking to clarify whether it is appropriate for ACSeS to be paying corporation tax in respect of all its income sources as opposed to what could be described as more limited trading activity. However given the complexities we will be obtaining additional professional advice from a tax consultant via AGP Accountants.

In terms of setting a context against the overall financial activities of ACSeS, the outrun position has been as follows:

Financial year 07/08 – Loss of £39k

Financial year 08/09 – Loss of £25k

Financial year 09/10 – Surplus of £14k

Financial year 10/11 – Projected profit £4k

The total income received during the financial year 09/10 was £231k of which approx 45% was represented by member subscriptions. HMRC may take the view that ACSeS is wholly or mainly engaged in trading, rather than seek to just concentrate on pure trading activity profit.

We have continued to successfully manage the conferences with the profit from the conference set out below

Nov 07 - £10k

Nov 08 - £13k

Nov 09 £41k

Nov 10 £21k

Draft Accounts for 10/11

For transparency purposes I have attached a set of draft accounts for 10/11, though these have not been approved given the ongoing issues with HMRC

- Income & Expenditure Account for the year to 31 March 2011
- Balance Sheet for the year to 31 March 2011
- Cash Flow Statement for the year to 31 March 2011

The two key areas for income generation were both subscriptions and conference income totalling just under £232,000 for the year which was the same figure for the previous year. The profit on last year's conference of approximately £21k was lower than the previous conference in 2009 of £41k. Subscriptions also fell quite significantly to £107k from the previous year's figure of £131k. This may reflect the fact that membership is falling as more authorities seek to squeeze professional subscriptions. We were however able to bolster income by £30k through additional activities including sponsorship for such activities as the A5 publication, as well as ADSO support to the weekly bulletin.

The main expenditure relates to the employee costs of just over £33k which again has remained consistent with last year and reflects the fact we now only have one executive officer, and the costs associated with the conference which amounted £73k this year as compared to £59k last year.

Overall, the position over the year on the profit and loss account shows a profit of over £4k as compared to profit on activity for the previous year of almost £14k.

In relation to the Balance Sheet position we have seen a small rise in assets of £4k from £79k to £83k as at the end of March 2011.

Membership and subscriptions

For the year 2011/12 it is recommended that there is no change to the membership categories and fees which shall remain fixed as follows;

1. Full Membership, for any member paying all their subscription personally

£250

2. Full Membership, for members from London Boroughs, Unitary Authorities, County Councils and Met Districts whose combined membership fee is paid by their local authority

Combined total fee **£500** and **£25** individual fee payable by each member

3. Full Membership, for members from District Councils and all other Local Authorities and bodies in Article 2.1.1 (b) to (j) whose combined membership fee is paid by their local authority or body

Combined total fee of **£250** and **£25** individual fee payable by each member

4. All additional members joining ACSeS as full members under paragraphs 2 and 3 above would enjoy full membership benefits with the exception of the Member Defence Scheme
5. Past Service Member (employed) **£185**
6. Past Service Member (not employed) **£40**
7. Associate Member, for any associate member paying all their membership fee personally
£25
8. Associate Member, for associate members of a local authority or body in para 2 and 3 above where a combined total fee is paid, the associate membership fee shall be regarded as part of that combined fee.

£25 individual fee

9. International Associate Member

£25 individual fee

10. Corporate Member **£25**

11. Life Member free

Where a combined fee is paid, it shall be the responsibility of the member who is the most senior officer within the local authority to arrange payment of the combined fee and individual fees and to notify ACSeS Administration of the full names, work title, immediate reporting relationship, and email addresses of each member and associate member at the commencement of the membership year, together with any changes to membership and details during the year.

It should be further noted that there would not be any local branch levies added to the subscriptions. All ranch activity would be funded through central funds on a needs basis to be determined by the Treasurer.

Recommendations

1. That the position on the draft annual accounts be noted
2. That the Treasurer be authorised to regulate the position with regard to HMRC and corporation tax
3. That the 10/11 Accounts be approved by the next ordinary meeting of the Board and filed with HMRC and Companies House
4. That there be no changes to the membership categories and subscription rates as set out within the report.

Mark Hynes
Treasurer
November 2011

ASSOCIATION OF COUNCIL SECRETARIES & SOLICITORS
INCOME & EXPENDITURE ACCOUNT Y/E 31 MARCH 2011

	<u>£</u>	<u>£</u>
INCOME		
Subscriptions	106,640.00	
Conference Income	94,150.00	
Other Income	30,293.30	
Interest	497.50	
	<hr/>	231,580.80
Total Income		<hr/> 231,580.80
EXPENDITURE		
Salaries	33,131.28	
Conference Expenditure	73,616.76	
Management & Development	63,791.84	
President's Expenses	10,796.56	
Branch Levies	8,430.00	
Other Expenditure	37,638.12	
	<hr/>	227,404.56
Total Expenditure		<hr/> 227,404.56
Net Surplus/(Deficit) for Financial Year		<hr/> 4,176.24

ASSOCIATION OF COUNCIL SECRETARIES & SOLICITORS
BALANCE SHEET Y/E 31 MARCH 2011

	2010/11	2009/10	
	£	£	<u>Notes</u>
<u>Fixed Assets</u>			
Regalia	3,100.00	3,100.00	1
	<u>3,100.00</u>	<u>3,100.00</u>	
<u>Current Assets</u>			
Bank - Co-operative Current Account	10,801.24	14,024.79	
Bank - Community Account	40,100.05	40,100.05	
Bank - Business Tracker Account	66,639.24	66,606.02	
Bank - Business Reserve Account	0.01	0.01	
Debtors and pre-payments	0.00	5,417.90	
	<u>117,540.54</u>	<u>98,099.19</u>	
<u>less: Current Liabilities</u>			
Creditors	37,315.17	22,050.06	2
Net Current Assets	80,225.37	76,049.13	
<u>Total Assets less Current Liabilities</u>			
	<u>83,325.37</u>	<u>79,149.13</u>	
 <u>Financed By:</u>			
Net surplus/(deficit) for year	4,176.24	14,058.85	
Balance b/f	79,149.13	65,090.28	
Balance c/f	<u>83,325.37</u>	<u>79,149.13</u>	

Notes to the Balance Sheet

1. Regalia valued at current replacement cost

2. LGG - Administration	£28,164.33
ACSeS Branches	£3,480.00
A Frosdick Expenses	£3,551.26
A Kilner Expenses	£712.08
Pinsent Masons LLP	£617.50
The Law Society	£525.00
Braintree DC	£225.00
Southwark Council	£40.00
	<u>£37,315.17</u>

ACSeS CASH FLOW STATEMENT Y/E 31 MARCH 2011

Net Cash Inflow from Operating Activities **	24,361.75
Returns on Investment & Servicing of Finance	497.50
Net Cash Inflow (Outflow)	<u>24,859.25</u>

**** Net Cash Inflow from Operating Activities**

Net incoming resources / surplus for year	4,176.24
Investment Income	-497.50
Depreciation	0.00
(Increase)/decrease in Debtors	5,417.90
Increase/(decrease) in Creditors	<u>15,265.11</u>
	<u>24,361.75</u>

Bank account balance b/f	92,681.29
Bank account balance c/f	<u>117,540.54</u>
Increase (Decrease) in Cash	<u>24,859.25</u>

ACSeS BANK ACCOUNTS SUMMARY Y/E 31 MARCH 2011

<i>Business Reserve Account</i>			
	£		£
Balance c/f	0.01	Balance b/f	0.01
	<u>0.01</u>		<u>0.01</u>

<i>Community Account</i>			
	£		£
Balance c/f	40,100.05	Balance b/f	40,100.05
	<u>40,100.05</u>		<u>40,100.05</u>

<i>Business Tracker Account</i>			
	£		£
Balance c/f	66,639.24	Balance b/f	66,606.02
	<u>66,639.24</u>	Interest	33.22
			<u>66,639.24</u>

<i>Co-op Bank (Nottinghamshire County Council)</i>			
	£		£
Expenditure to March 2011	208,473.78	Balance b/f	-14,024.79
		Income to March 2011	232,835.53
Balance c/f	10,801.24	Interest	464.28
	<u>219,275.02</u>		<u>219,275.02</u>

Notes to the Accounts 2010/11

General Notes

- 1) There was an overall surplus of £4,176.24 in 2010/11
- 2) The conference made a surplus of £20,533.24
- 3) There was a loss of £16,357 on other operating activities.
Expenditure includes £8,430 to ACSeS branches.

Notes to the Income & Expenditure Account

- 1) Bank interest was received as follows:

Business Tracker Account:	£33.22
Nottinghamshire County Council:	£464.28

Notes to the Balance Sheet

- 1) Regalia is valued at current replacement cost.
- 2) Creditors are:

LGG -	
Administration	£28,164.33
ACSeS Branches	£3,480.00
A Frosdick	
Expenses	£3,551.26
A Kilner Expenses	£712.08
Pinsent Masons	
LLP	£617.50
The Law Society	£525.00
Braintree DC	£225.00
Southwark Council	£40.00
	<hr/>
	£37,315.17

Notes to the Bank Accounts Summary

- 1) The main operating account is now the Co-operative bank account.
All payments are from this account.

The balances on the Co-op account and NCC are:

	Co-op (£)	NCC (£)	Total (£)
Balance at 01/04/10	33,098.67	-47,123.46	14,024.79
Transactions Transferred to NCC	232,835.53	-208,009.50	24,826.03
Balance at 31/03/11	-230,000.00	230,000.00	0.00
	35,934.20	-25,132.96	10,801.24

Annual Reports

Annual report by LGG Ltd for ACSeS Administration

LGG Ltd has continued to support ACSeS in its administration over the past year and since April 2011 the financial administration has been added to the general administration service level agreement between ACSeS and LGG Ltd.

Below is an outline of the administration of the Association. Aspects of the financial administration are included in the Treasurer's report.

ACSeS Membership

The revised membership structure was introduced in April 2011 introducing two new membership types for additional members from one authority. These are the second member and the additional member type.

Membership Income

Income generated in the past three years is as below showing a reduction of £13,068 in 2011 compared to 2010.

- Income generated in 2011 is currently £93,837 with 523 members
- Income generated in 2010 was £106,905 with 458 members.
- Income generated in 2009 was £93,443

In the last year there has been a slight increase in the number of past service members however the uptake of the second membership and additional (£10) membership within one authority has increased the total membership number this year by 65 members compared to 2010.

Membership Type

A breakdown of membership type for 2011 is as below with relevant 2010 figures in brackets

- 1 Associate Member (1)
- 1 International Member (1)
- 312 Full Members (385)
- 29 2nd Members
- 95 Additional Members
- 30 Past Service Employed Members (27)
- 55 Past Service Not Employed Members (44)
- Total membership 523 (458)

Branch Membership

Branches	2011	2010
East Midlands	50	47
Eastern	69	61
London Boroughs	58	55
North Eastern	39	41
North Western	59	56
South East	50	46
South Western	38	28
Southern	56	46
Wales	41	33
West Midlands	63	45

ACSeS Annual Development Forum 2011

Attendance numbers as below show a very good response from delegates to the Annual Development Forum

	2011 Southampton to date	2010 Birmingham	2009 Leeds
Full conference	80	74	105
Wednesday only	40	32	24
Thursday only	28	29	25

Income generated

There has been a steady drop in sponsorship and exhibitor income over the past 3 years. The overall balance for the forum this year is looking likely to generate a small but positive profit.

	2011 Southampton to date	2010 Birmingham	2009 Leeds
Delegate	£45,325	£42,835	£54,565
Exhibitor/sponsorship	£33,810	£43,840	£52,270
TOTAL	£79,135	£86,675	£106,835

LGG Ltd
November 2011

ANNUAL REPORT OF THE COMMUNICATIONS OFFICER

Introduction

1. Since my appointment as Communications Officer in November 2009, key aims have been to heighten the profile of the Association with a view to enhancing its credibility, influence and reach and to improve the functionality and external reach of the Association's website.

Activities

Profile Heightening

2. Press releases have continued to be issued when appropriate. These have included:
 - Release following the 2010 Conference;
 - Highlighting each publication of the Leadership Publications, edited by Mirza Ahmad;
 - Publicising *Maintaining High Ethical Standards in Local Government* under the joint authorship of ACSeS and LGA;
 - Reactions to various aspects of the Localism Bill;
 - MJ Legal Awards;
 - Open Public Services White Paper;
 - Standards proposals;
3. ACSeS is periodically approached by national media organisations seeking comment on high profile topical issues. A recent example (in September 2011) was from BBC's 5 Live breakfast programme on the Dale Farm Traveller litigation.

Website

4. At the time of writing this report search functionality (requiring new hardware, software and hosting arrangements) is currently being put in place. This is expected to be operational by the time of the Forum. This should result in significant improvements for ACSeS website users in this key functionality area.

Going Forward

5. The Association has continued to be visible in various ways that have helped increase its profile and reach. These have included influencing the debate on standards as prospective proposals have been debated in Parliament, and continuing to support a variety of national corporate governance initiatives. The Association's series of leadership publications have also over the year continued to be driven energetically by Mirza Ahmad and have over their time made a significant contribution to the store of practical wisdom on leadership and corporate governance.
6. As previously mentioned, it is important for the Association to maintain its present impetus so that wherever possible it is recognised as the voice of legal corporate governance in local government. Whilst this should rightly include legal issues, we should remain confident as an Association in commenting on wider corporate governance issues. This will continue to grow in importance as new patterns and structures of service delivery emerge.

Since local authorities have a statutory constitutional base, legal corporate governance should be the natural preserve of senior local authority lawyers.

7. ACSeS members should therefore not be shy in sharing thoughts and initiatives with the wider world – local government, public sector generally and beyond. Examples of how members might contribute, include articles, public briefing notes and local initiatives of likely wider interest. A valuable local initiative is likely to be of interest to colleagues nationally.

Conclusion

8. ACSeS continues to build a sound reputation as an authoritative voice for senior lawyers and corporate governance officers in local government. There remains much to take forward and this will require continued impetus if credibility and reach are to grow in these rapidly changing times. Thoughts and contributions will therefore be gratefully received from all members.

Nicholas Dobson

Communications Officer

ANNUAL REPORT OF THE POLICY AND DEVELOPMENT OFFICER

The ACSeS Vision, Strategy and Business Plan has continued to provide steer and direction for the Association and a focus for my work as Policy and Development Officer.

Influence of the Association

Ensuring a continuing contact with Departments, agencies and other bodies has enabled views to be expressed and discussions to take place in a constructive climate. Contact has been maintained with NALC and SLCC, enabling exchange of views, particularly in relation to the Localism Bill. Meetings have taken place with Standards for England, the Local Government Ombudsmen and the Information Commissioner's Office dealing with a variety of issues. We continue to represent the interests of local government 'in-house' solicitors in relation to practising certificate fees, and more recently, the limitation on working for charitable bodies other than on a de bono basis. Discussion with LGA has inevitably concentrated on the land charges personal search restitution claims. Contact with CIPFA is usefully maintained by our involvement with the benchmarking clubs and the BGF Advisory panel.

Much effort has concentrated on feeding views and information to Parliament, directly and indirectly on the standards clauses and the predetermination clause in the Localism Bill.

Formal consultation responses have been made to the Parliamentary Political and Constitutional Reform Committee on the relationship between central and local government, and to CLG on the review of statutory duties and the community 'right to buy'.

Skills, knowledge and expertise of members

The annual conference is the main training event of the year for the Association and contribution to its design is a main priority.

Communication between the Association and its members and relevant external parties

The main weekly task is the production of the bulletin, which with the weekly email, is the key means of communicating with members and keeping members up to date with Governmental and Parliamentary activity. The arrangements to provide ADSO

members with the bulletin are continuing and amount to a combined circulation of over 1200 readers.

Role and organisation of the Association

The annual review of the Strategy and business plan provides the opportunity to look to the future, and merging with Solicitors in Local Government to form a new single body is a logical and sensible approach. I look forward to supporting the Association towards achieving this objective.

Tony Kilner
Policy and Development Officer

ANNUAL REPORTS OF THE PORTFOLIO HOLDERS

Corporate Governance

Much of my work this year has involved reporting on the corporate governance issues in the Localism Bill to Central Government and to the Local Government Association. In addition I have also provided training on these issues on behalf of ACSeS including my first ever experience of a live webinar – an eerie experience when you feel you are talking to yourself but you know there is someone out there. In a sense this has felt like a metaphor of our engagement with regard current proposed legislative changes to corporate governance in local government!

Simon Aley

Ethical Governance

This year has been dominated by the Localism Bill and the proposed changes to the standards regime.

The Bill, as introduced, switched off the 2000 Act standards regime, abolished Standards for England, and largely left the issue of conduct to local councils, subject to an overarching duty to promote and maintain high standards of conduct and rules on interests which were to be enforced through criminal sanctions.

There was considerable criticism of the proposals at all stages of the Parliamentary process, but it took until Third Reading in the Lords, on 31 October, for the Government finally to relent and bring forward amendments so that there is now an obligation to have a code of conduct, although with no specific sanctions. While the role of independent members on standards committees has gone, there is a new role for one “independent person” who will become involved in complaints.

In parallel, ACSeS has been working on a model code of conduct which could be adopted by authorities. This is likely to become more important now that there will be an obligation to have a code. A draft has gone to ACSeS members for consultation, and some members have also sought views from their standards committees. At the annual development forum there will be a workshop to discuss both the very recently revised legislation and the draft code.

The Government’s original timetable was to implement these provisions from 1 April 2012, and it would appear they would need to stick to this if they are to abolish Standards for England and the rest of the national infrastructure for the start of the public sector financial year. If this date applies for commencement of all provisions,

this will leave very little time for authorities to adapt their constitutions to the new regime.

At the time of writing this – late – portfolio report, Commons consideration of Lords amendments has just happened, and the standards provisions remain unchanged. By the time of the AGM, we expect Royal Assent to have been given and the Bill to have become an Act, at which point the hard work for monitoring officers will really be beginning.

Deborah Collins

Information Management

ACSeS continues to liaise closely with the Office of the Information Commissioner and other key agencies to ensure that it has an influence on policy. During the year we have continued our dialogue with the Information Commissioner on the long running issue of individual councillor registration for data protection purposes, and put forward forcefully the concerns of members over the line taken by the Information Commissioner. It is hoped that the uncertainty in matter will be resolved in the not too distant future by councillors being given a similar exception to the one that has been given to judges, and we are liaising with the Department for Communities and Local Government on this issue.

John Tradewell

Management Development

Management Development: All personal development aspects relevant to legal and democratic services management, including the Monitoring Officer role, practice management, management development, performance development, management skills and practice standards.

Assisting LGG Ltd with developing a more specialised approach to the delivery of courses/training for Members and Officers.

Marie Kelly-Stone

ANNUAL REPORTS OF THE BRANCHES

EASTERN BRANCH

The past 12 months have been a busy and uncertain period for the Eastern Branch and the local government family as a whole. The branch has said farewell to Ian Rickard and Roy Reeves on retirement from active service and has lost a dear friend and colleague David White during 2011. There have been other changes in the branch membership as Councils have reorganised, merged services and reduced staff numbers with some members re-emerging in different capacities for different organisations following these internal changes.

In the Eastern Region we have seen the development of the Public Law Partnership into a vibrant and strong inter authority formation with considerable input from

ACSeS members, the creation of LGSS Law, an innovative shared legal service for the public sector established by Cambridgeshire and Northamptonshire County Councils and the existence of a single legal team to provide legal services to Babergh and Mid Suffolk District Councils. We have also seen the emergence of Norfolk Public Law (NPL) otherwise known as nplaw, which offers a full range of professional services to Norfolk based authorities and other public sector clients. These noble endeavours would not be possible without the expertise and knowledge and management skills of our ACSeS Branch Members.

During the year the Branch has met on four occasions commencing with the Annual Meeting held on 1 November 2010 at Harlow when, in addition to dealing with the election of officers, we also heard from a past president Mike Kendall from Blake Laphorne who gave us his early impressions regarding the future of standards in local government.

On 11 February 2011 at the offices of Suffolk County Council in Ipswich when Dr Ben Worthy, a Research Associate from The Constitution Unit at University College London gave a resume of the impact of Freedom of Information on public bodies and of likely future trends.

On 13 May 2011 at the new council offices of Huntingdonshire District Council where a late cancellation by our invited guest Julie Towers from Tribal Resourcing meant that the Branch was able to consider ACSeS Council business in fuller detail. We hope to persuade Julie to reschedule her visit at a later date.

On 8 July 2011 at Forest Health District Council Offices in Mildenhall when after an exhausting and expensive cross country journey in a taxi from Ely Jessica Crowe Executive Director at the Centre for Public Scrutiny gave an account of differing scrutiny techniques and the secrets of how to add extra value to the scrutiny role.

The branch is grateful for the contributions and thoughts of all our invited guests on the various subjects and they add enormously to the discussions and themes of the regular branch meetings. Our 2011 AGM was again held at Harlow on 14 October when we were delighted to receive a visit from our President Susan Tovey. Susan gave us a resume of her year in office and her thoughts on the future of local government following the enactment of the Localism Bill.

Our outgoing branch Chairman, Andrew Smith had attended each of the Council meetings during the year and provided feedback to the branch meetings. He was also fortunate to be part of the SLG party which visited the Irish Lawyers in Local Govt Group in Dublin last December and he also attended a SOLACE "gathering" in Cambridge where the future of that group's local branch was discussed in great detail but to no final conclusion.

As he prepared to relinquish his role as Chairman, Andrew thanked the members for their loyalty and contributions to the business of the branch. He reminded them that the future of the Association lay in all our hands and that the Eastern Branch was a building block and centre of excellent practice, crucial to the well being of the whole organisation. A merger with SLG was imminent and this union should strengthen the organisation and give us more clout on the national stage and within local government circles. He asked all members to listen to and lend support to the proposals soon to be revealed by the ACSeS Council which would ensure the continued survival and development of our professional organisation. This topic was to be discussed in fuller detail at the forthcoming ACSeS Annual Development Forum to take place in Southampton on 15-17 November and he encouraged all members to try to be present at this important event.

The Branch had seen a depletion in the number of members attending meetings over the last year, due to a number of reasons including increasing work schedules, staff reductions and retirements, and funding restrictions. Andrew encouraged all branch members to renew their allegiances and alliance to the Eastern Branch and ACSeS and continue to promote our activities and common aims and encourage other colleagues to be part of the branch.

Chris Hall
Branch Secretary

EAST MIDLANDS BRANCH

Introduction

1. This report covers the period 4 November 2010 to 3 November 2011. The branch has met 4 times in this period, the last 3 of which have been joint meetings with the East Midlands branch of Solicitors in Local Government. These joint meetings have been a great success.

Branch Meeting 5 November 2010

2. The AGM at Kelham Hall, near Newark, saw the appointment of Simon Aley as Chairman, Karen White as Vice-Chairman, Frances Fernandes as Honorary Treasurer and me as Honorary Secretary.
3. 19 people attended and Jane Eatock, of Wilkin Chapman Goolden, gave a presentation on "Employment Issues in an Age of Austerity". Kirsty Cole then provided a presentation on localism, which she had delivered to her local parish councils.

Branch meeting, 25 February 2011

4. This meeting was held at Leicestershire Fire and Rescue Service's offices in Glenfield. Dave Webb, Chief Fire and Rescue Officer welcomed everyone to the site and provided an interesting introduction to the meeting. We had 2 speakers from Weightmans, Claire Lefort and Simon Charlton, tell us about the Localism Bill and Information Governance , respectively. Local trainee solicitor Robert Pearson then gave us his reflections on being a trainee solicitor in local government. 11 ACSeS colleagues and several SLG colleagues were in attendance.

Branch meeting, 27 May 2011

5. For this meeting, at Grantham, 13 ACSeS members attended together with a number of colleagues from SLG. We had 2 speakers from Anthony Collins LLP. Baljit Basra spoke about combating anti-social behaviour and Heath Thomas provided an update on licensing law.

Branch meeting, 9 September 2011

6. We had 2 speakers from Nabarro LLP at our meeting on 9 September 2011 at Kettering, which was attended by 17 people. Gerard Khoshnaw and Tim Shaw spoke to us about the use of mediation in judicial review cases.

Other

7. In between these meetings the branch has been represented at national ACSeS Council meetings. The branch AGM is taking place at Leicestershire Fire and Rescue Service's offices in Glenfield on 4

November 2011, when we hope to welcome both Susan Tovey, ACSeS President, and Bev Cullen, SLG national Chair.

Robert Swinfield
Branch Secretary

LONDON BRANCH

The ACSeS London Branch held 4 well-attended meetings in various venues around the capital from December 2010 to September 2011. A range of speakers with a great deal of experience in their areas of expertise gave interesting and useful talks to members on topics of particular relevance to lawyers and managers in Local Government. In addition, members were afforded the invaluable opportunity to exchange best practice on all matters, and to obtain updates on topics of interest. A number of legal teams have merged or considered merger during the year, and branch members explored the underlying issues.

The December meeting was hosted by Wragges, where Mark Greenburgh gave a presentation on the Localism Bill. The March meeting was held at McGrigors. Anna Forge presented a session on the general power of competence within the Localism Bill. The venue for May was Eversheds, where Judith Barnes from Eversheds led a discussion on the Equality Act and the likelihood of challenges. Mark Rhys Jones, also from Eversheds, discussed Renegotiating Contracts and possible challenges. At the same meeting, Christina Michalos of counsel and Rupert Earle (Bates Wells & Braithwaite Solicitors) made a presentation on the Clift case and defamation by a local authority. Nabarro LLP hosted the July meeting. Glen Flannery, of Nabarro's led a discussion on the insolvency of contractors. The September meeting was held at Pinsent Masons, where Celia Cullen led a session on the Localism Bill and the likely timetable for implementation, and Winston Brown gave an overview of the Sharon Shoemith CA judgement.

Yinka Owa
Branch Secretary

NORTH EASTERN BRANCH

1. While it has been a rather mixed year in terms of branch meetings and attendance. I am pleased to report that over the past year we have had (an unprecedented) six new members join the North Eastern Branch since September 2010:
 - Gill Cooper (Craven DC)
 - Liam Henry (Northumberland CC)
 - Melanie Perara (York City)
 - Vanessa Redfern (Kirklees MBC)
 - Andrew Hodson (Leeds)
 - Moira Beighton (N Yorks CC)
2. The AGM at Ryedale District Council in September saw the appointment of Alison Dennett (Hull City) as Chair and Paddy Gascoigne (Northumberland) as Vice-Chair, and included a presentation by Lorraine Heard of Dickinson Dees on addressing the impact on the workforce of reductions in local

authority funding. Lorraine gave what was a very informative and timely presentation, much appreciated by the Branch.

3. Unfortunately, the December meeting fell foul of the atrocious weather conditions last year, which caused such disruption to public transport.
4. Usual business was restored in February, when the Branch met at Northumberland County Hall and received a presentation from past service member Nick Dobson, of Pannone, on the Localism Bill. Nick covered a great deal of ground in his very interesting presentation, but focussed in particular on the issues of competence, predetermination, standards and governance.
5. Unfortunately, the meeting scheduled for June at Hull City Council was cancelled.
6. On behalf of the Branch I should like to thank Ryedale, Northumberland and York City for the hospitality they have extended to the Branch over the last year. As ever, invitations from other authorities to host future meetings would be most welcome.
7. I should also like to thank Alison and Paddy for their chairmanship and vice-chairmanship, and Rachel Dooris and Nick Dobson for representing the Branch at ACSeS Council. As Rachel and Nick were taking up portfolio roles on the Council (Communications and Procurement respectively), the Branch appointed members Colette Longbottom (Durham CC) and Andy Thom (Northumberland) as our new Branch Representatives, who also take the roles of director and alternate director on the ACSeS board.
8. Finally, I should also like to thank Helen Conway of Gateshead's Democratic Services team for the support she has very ably given to the Branch.

Mike Barker
Hon. Secretary

NORTH WESTERN BRANCH

Once again, membership of the Branch, although constant in terms of numbers, continues to show a large number of changes over the year. The effect of the Government reductions has clearly had a major effect on the membership and the ability of members to support Branch meetings. Without the regular attendance of past service members, meetings would be difficult to sustain.

The Branch meetings were ably chaired by Surjit Tour, Wirral MBC, and the training session topics covered a Strategic Approach to Employment Issues; Shared Services; CLG Review & Barrier Busting/LA Powers During Austerity; and Meeting the Management of Change. In particular our thanks go to Denis Cooper, Eversheds, and Graeme Creer, Weightmans, for their support in either making presentations on the topics involved or being able to provide someone else to do so.

We continue to meet at various venues in the North West and we thank South Lakeland District Council, Cheshire East Council and Eversheds and Weightmans for their hospitality.

Mike Dudfield
Branch Secretary

SOUTHERN BRANCH

Howard Bone (Winchester) was re-elected chair of the Branch in September for a second year, ably assisted by Stephen Taylor who continues his apparently immortal reign as Branch Secretary.

Meetings have continued to take place across the Southern Branch area during the year, and have been well-attended despite the size of the branch area and demands on members' time, with an average of 20 members participating.

Our Christmas meeting took place immediately after the heavy snowfalls. Despite this (driven perhaps by the promise of Christmas lunch afterwards?), 16 members made it to our traditional December venue of Basingstoke, and were treated to a "Christmas Pot Pourri" from Peter Keith-Lucas of Bevan Brittan. The plan to have Peter talk on the Localism Bill was based on the fatally-flawed assumption that the Bill would have been published before the meeting, but in the absence of this he expertly reworked his presentation to cover a wide variety of topics instead.

The March 2011 meeting at Winchester received a presentation from Dr Nick Dobson of Pannone, Solicitors. Nick gave us an excellent whistle-stop tour of current topics and cases across the whole local government spectrum, delivered with his customary wit and eye to detail.

We traditionally visit the seaside for the summer meeting, but this year the usual Bournemouth sunshine had been replaced by rain. However, Dr Jane Martin, the LGO for our area, brightened our spirits with an interesting talk on changes to jurisdiction, complaints in the Southern Branch, and the level of complaints and enquiries dealt with across the UK (an eye-watering 95,000 in 2010/11).

Our final meeting of the year was back to Trowbridge, where a well-attended meeting heard a particularly timely talk from a representative of the SRA, who sought to explain the rationale behind the new code of conduct and dealt with probing questions from members on the issues around provision of legal services to academies and similar bodies.

Throughout the year, regular topics have included land charges, the ethical framework and benchmarking, and members have taken the opportunity to network with colleagues to explore issues of the day.

Retirements, and changes in service delivery (we now have four examples of shared legal services in the area) have meant we have said farewell to several long-standing members of the Branch - we wish them well for the future.

Howard Bone
Branch Chairman

SOUTH EASTERN BRANCH

The current Branch Representatives are:

Chair/Director	Marie Kelly-Stone (Dartford)
Secretary/alternative Director	Ann-Maria Brown (Crawley)
Treasurer	Ann-Maria Brown (Crawley)

The meetings for 2010/2011 since the last report.

- 17 December 2010
Joint meeting with Kent Secretaries, Hosted by Kent County Council
The guest speaker was Warren Foot, Senior Partner, at Blake Laphorn Solicitors whose presentation was on "The Proceeds of Crime Act – A Local Authorities Overview". Warren was supported by David Ingram a Management Receiver from Grant Thornton UK LLP.
15 Members attended
- 25 March 2011
This meeting was to have been held at Guildford Borough Council, hosted by Richard Lingard but was cancelled as not many Members could attend.
- 10 June 2011
Tandridge District Council, hosted by Clive Moore, Assistant Chief Executive.
The meeting was attended by the ACSeS President Susan Tovey who updated the Group on various issues including the new ACSeS web site, Localism Bill, Modular Constitution, Round Table Forum, LGG Ltd, ACSeS relationships with other organisations, and The Excellence in Legal Services Awards.

The guest speakers were Jenny Thorp and Frank Jennings from DMH Stallard LLP. They provided an update on "The Bribery Act 2010" and "Procuring Services to Generate Revenue".
19 Members attended.
- 23 September
Dartford Borough Council, hosted by Marie Kelly-Stone, Head of Legal Services

The guest speaker was Andrew Fraser-Urquhart of Counsel (4-5 Grays Inn Square) on "New Planning Issues and Judicial Review Update".
7 Members attended.
- 2 December 2011
Crawley Borough Council, to be hosted by Ann-Maria Brown, Head of Legal and Democratic Services

Speaker to be confirmed

Ann-Maria Brown
Branch Secretary

WALES BRANCH

Branch membership remains strong, with good attendance at meetings held in Llandrindod Wells. Much work is undertaken by the following sub groups:-

§ Legislation

§ Training

§ FOI

§ Collaboration and Governance

§ Coroners

providing detailed information and guidance for all Members.

In addition to dealing with the separate arrangements for Local Government in Wales, under the devolution settlement, the application of Westminster legislation to Wales is providing some interesting problems. Only parts of the Localism Bill apply to Wales, e.g. (predetermination but not the general power of competence), but those provisions that do apply, may be implemented on dates different to England as commencement will be by Order of Welsh Ministers. As a result, the Territorial Application Table Annex, is now required reading in Wales.

The extent of topics covered during the year is clearly illustrated below:-

§ December 2010

A wide array of issues on the Agenda. The Proposed Local Government Measure in Wales formed the main subject of our meeting however and a Welsh Assembly Official attended in order to take questions from the group. A number of the provisions have caused concern, including the requirement to set up a Democratic Services Committee, the requirement to appoint a Head of Democratic Services and a provision in relation to remote attendance of meetings by Members. The Official agreed to take our views back to the Minister.

§ March 2011

Again, a busy Agenda. In the Welsh Code of Conduct there is a controversial provision 10(2)(b) which states that there is a personal interest in business of the authority where “a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division”. The Secretary reported back on a three day case before the Adjudication Panel which had considered this provision. Unfortunately the hearing had generated more heat than light. An up-date on the collaborative arrangements being undertaken between legal services in Wales formed a second major topic

§ July 2011

ACSeS Chairman, Susan Tovey kindly made the long journey to Llandrindod Wells and highlighted some of the national issues currently being discussed including the Localism Bill, relationship with the SLG, and the Modular Constitution. The Public Services Ombudsman for Wales representative provided an update in relation to current Code issues. A further up-date was provided on collaboration. Filming of Council meetings was also a topical subject in Wales!

§ October 2011

At the AGM, Mrs Dilys Phillips was elected as Chair and Mr Paul Lucas as Secretary for the period of two years. The Ombudsman (Mr Peter Tyndall) as well as the representative of the WLGA attended the Branch meeting to discuss possible changes to the Code and to consider local resolution as a potential way forward in relation to certain cases. As usual, a packed agenda, including feedback from the “Standards Conference Wales”, a presentation from by Eleanor Hoggart on Shared Services in Lincolnshire, legislation update, Measure Implementation Group report, Local Land Charges and EIR, recent Adjudication Panel and Standards Committee decisions and discussion on the all-Wales Model Public Service Complaints Scheme.

The commencement of the Wales Local Government Measure in May 2012 and beyond, will be significant and the Branch will endeavour to ensure that standard documents and detailed guidance, will be provided to assist in implementation.

Paul Lucas
Secretary

WEST MIDLANDS

Members of our branch met on 4 occasions during the year ending with our annual general meeting on 9 September 2011. Three were dedicated to the usual business and training (3/12/10 10/6/11, 9/9/11), whilst on one occasion (4/7/11) the ASCes network was used to facilitate a day of training on the "Practicalities of being a Monitoring Officer". This training was a full day and was well received, facilitated by Bevan Brittan and hosted by Staffordshire County Council at nominal cost.

The meeting in September was also the annual general meeting which saw a change in the chair and vice chair role. Alistair Welch from Stafford Borough Council having undertaken the chairman's role for 2 years resigned was thanked. John Tradewell of Staffordshire County Council took up the role. Christine Forde of Coventry City Council was nominated and accepted the role of vice chair. We received our treasurers' report (Nigel Snape from Malvern Hill District Council) which recorded a healthy balance for a group of this nature of a surplus on 1 September 2011 of £1,477.98. It was therefore agreed that such surplus should be spent on training and that a further levy was not required for the forthcoming year.

The branch particularly welcomed the addition again of regular training to the branch meeting and had interesting sessions on the Local Enterprise Partnership's, the Localism Bill and Social Enterprises.

Jean Evans
Secretary