



**THE JOINT COMMITTEE ON HUMAN RIGHTS
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Local Government and Public Involvement in Health Bill

The Joint Committee on Human Rights is considering the compatibility of the Local Government and Public Involvement in Health Bill with the United Kingdom's human rights obligations. Having carried out an initial examination of the Bill, the Committee would be grateful if you could provide a fuller explanation of the Government's view that the proposals in the Bill are compatible with the Convention rights guaranteed by the Human Rights Act 1998.

The Bill would remove the words "in performing his functions" from the relevant provision of the Local Government Act 2000 and make clear that provisions in codes of conduct are not limited in their application to the conduct of local authority members in an official capacity. This would appear to subject local authority members to codes of conduct covering their behaviour when not performing their functions as a member. The effect of the change will therefore be that sanctions can be applied to a member in respect of actions taken or statements made in their private life.

The Explanatory Notes state that "it is possible" that this provision may engage Articles 8 and 10 of the Convention, but assert that the clause "is considered to be capable of being exercised compatibly with the rights set out in the Convention."¹ The Notes say nothing more about the reasons for introducing the provision, other than that it is being introduced "following comments made by the court in a recent case (*Ken Livingstone v the Standards Board for England*)".²

There was nothing in the judgment of the High Court, in that case which suggested that in the court's view the current restriction should be removed. On the contrary, Collins J. made clear that in his view the link between the conduct in question and his membership of the authority was necessary: "it is important that the flamboyant, the eccentric, the positively committed – one who is labelled in the somewhat old fashioned terminology, a character – should not be subjected to a Code of Conduct which covers his behaviour when not performing his functions as a member of a relevant authority."

The Committee would be grateful if you could:

¹ EN paras 330 and 467.

² EN para. 467.

**(a) explain the Government's reasons for introducing the change;
(b) and provide a more detailed explanation of why, in the Government's view, the interference with the Article 8 and 10 ECHR rights of local authority members is justified.**

I would be grateful for your response by 5 February 2007

ANDREW DISMORE MP
Chair, Joint Committee on Human Rights

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