

# We called them the chaps

New requirements imposed by Whitehall bureaucrats in the name of the nation's safety will suck the blood out of local life in villages across Britain, says **Richard Barr**

It happened long ago when I was involved in some cases that occasionally made it into the news. Regularly our telephone reception became poor and there would be extraneous noises on the line.

"Chaps" is no part of my normal vocabulary, any more than char or chum or even chump, yet our vision of the listeners identified them quite firmly as chaps. Men from the Ministry sitting in their tweed coats and cavalry twill trousers probably with flat caps on their heads – certainly when they went outside to smoke their pipes. If you saw them together you would probably use another word I do not: prats.

I remember on one occasion having difficulty hearing what a client said and asking if she could use her land line as the mobile reception was so poor.

She said: "I am talking on my landline but I thought you were on a mobile".

I said: "If you are listening chaps, could you please make less noise about it as we cannot hear ourselves speak." Instantly the line went quiet and the client and I had crystal clear reception.

At about the same time one of our experts was having problems with his home burglar alarm. He called in the alarm company, who informed him that the problems were being caused by someone intercepting his calls.

Now you would say that these glitches were simply caused by the poor quality of the telecommunications connections in this country; to which I would reply: "Just because you are not paranoid it does not mean they aren't out to get you."

These fond memories of past litigation experiences were brought home to me by two recent efforts on the part of the government – the Localism Act 2011 and the Communications Data Bill.

## Snoopers' charter

Dealing first with the latter, the bill (also known as the snoopers' charter) will give the police, HM Revenue and Customs, the security services (and of course the chaps) the right to know every time I send a message to my son or daughter on Facebook, every time I order something on line from Amazon and every time I receive a generous message from some displaced army of-

ficer in Africa offering me several million pounds if only I would give him my bank details.

But it is perfectly alright because Theresa May says "the only people who have anything to fear from this are the criminals"

Yet it isn't alright because a whole new raft of information about our daily lives will become available to the authorities on the mere say so of a "designated officer" who "believes" that it is necessary to obtain data for the purpose investigation.

I don't have anything to hide but I would not, for instance, appreciate someone rifling through my desk, opening my post before it gets through the letterbox or having one of the chaps overhearing me having an altercation with my wife (and losing!). It is a feeling of being tainted or invaded. Electronically exactly the same thing is about to happen to us if the bill becomes law.

And it will not come cheap. According to various newspaper reports the scheme will cost £1.8bn over 10 years – paid for by the government (which means us). What I have said here is just a taster. If this sticks in your craw, go to fellow *Solicitors Journal* contributor Sophie Kahn's blog: (<http://www.solicitorsjournal.com/blog/beat-total-surveillance>)

## The Vicar of Localism

So we turn to the Localism Act and a pint of small beer that is likely to have a serious impact on local life all over the country. It concerns parish councils (of the kind that is not very accurately portrayed in episodes of the Vicar of Dibley) – the lowest and least funded level of local government in the country. I know for a fact that many who are reading this are members of parish councils – because that is the sort of unsung public service that as a profession we give.

It would appear that someone in Whitehall has become concerned that corruption must be rife in parish councils because under the Localism Act all parish councillors must file (in fact, should have already filed) comprehensive declarations of interests giving details of "any employment, office, trade, profession or vacation [sic]" carried on for profit or gain, along with details of property owned or occupied in the parish. As if that were not enough, we are also required to give the same information for our



spouses of partners. Failure to comply could result in a fine of £5,000 - and all this for most organisations whose annual budgets are so small that they would not support one family on benefits.

As if that were not bad enough, section 29(7) of that Act requires parish councils which have websites (most do) to publish their register of interests, thus giving fraudsters world-wide additional ammunition with which to perpetrate identity theft and other frauds.

Apart from the Queen's jubilee the most exciting thing that has been exercising our parish council recently is the length and quality of the grass cutting on the playing field. The scope for widespread corruption among parish councils is virtually zero and yet our nuts are about to be smashed by the heavy sledge hammer of legislation. Already the Act has led directly to one resignation from the parish council on which I serve. I predict that when the full force of the legislation is realised, there will be mass resignations. Most spouses or partners will not want their details to be published in registers of interest. Why should they? It is hard unpaid work – often thankless because we are inevitably blamed for everything that goes wrong in our villages. Many parish councillors will not want the hassle and will walk away.

I am sure that Theresa May is a most upright citizen who is beyond reproach or suspicion, but she is exceedingly naive if she believes that everyone in the employ of the government or its agencies has the same standards. There is almost unlimited scope for abuse in the name of the authorities under the snoopers charter and for abuse by others of beleaguered parish councillors through the effects of the Localism Act – and all from a government that promised us less not more interference.

So, chaps, I hope you are happy with your achievements. Keep up the good work and happy listening.



Richard Barr is a consultant with Scott-Moncrieff & Associates LLP ([richard.barr@paston.co.uk](mailto:richard.barr@paston.co.uk))