

Disqualification criteria for Councillors

Standards Committee – 09/11/2017

Report Author	Timothy Howes, Director of Corporate Governance & Monitoring Officer
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	All wards

Executive Summary:

The Monitoring Officer seeks the views of the Standards Committee on the government's consultation for updating disqualification criteria for local authority members.

Recommendation(s):

The Committee consider the recommendations outlined at 3.0.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications to the Council.
Legal	Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.
Corporate	Any changes would not be retrospective and would have no immediate impact on Members.
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x
	Foster good relations between people who share a protected characteristic and people who do not share it.	x
There are no specific equality considerations identified from this report.		

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	x

1.0 Introduction and Background

1.1 The Government proposes to update the disqualifying criteria for councillors. Existing legislation prevents individuals from standing, or holding office, as a local authority member if they have, within 5 years of the day of election or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

1.2 The proposed update would extend the disqualifying criteria and would exclude those who are subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a civil injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under Section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

1.3 The proposed changes would not act retrospectively.

2.0 Consultation

2.1 The government's consultation document for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority members, is at Annex 1.

The Local Government Stewardship Division in the Department for Communities and Local Government is responsible for conducting the consultation which will run until 8 December 2017.

3.0 Recommendations

3.1 The committee support the update to the disqualification criteria for local authority members as proposed in Annex 1; or

3.2 The committee recommend alternative updates; or

3.3 The committee recommend that no change is made to the law.

Contact Officer:	Tim Howes, Director of Corporate Governance
Reporting to:	Madeline Homer, Chief Executive

Annex List

<i>Annex 1</i>	Disqualification criteria for Councillors and Mayors
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Corporate Consultation

Finance	<i>N/A</i>
Legal	<i>Tim Howes, Director of Corporate Governance</i>