

TELFORD & WREKIN COUNCIL**STANDARDS COMMITTEE – 31 OCTOBER 2017****REVIEW OF DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
CONSULTATION ON UPDATING DISQUALIFICATION CRITERIA FOR LOCAL
AUTHORITY MEMBERS****REPORT OF THE ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT &
COMMISSIONING****PART A) – SUMMARY REPORT****1. SUMMARY OF MAIN PROPOSALS**

For the Standards Committee to be informed on the Department for Communities and Local Government consultation on updating disqualification criteria for local authority members attached at Appendix 1.

2. RECOMMENDATION

- 2.1** That the Standards Committee consider the proposals in the consultation paper (appended at Appendix) and decide whether it wants to make a response. If the Standard Committee wants to make a response they shall agree the substance of a response to be made to DCLG and asks the Monitoring Officer to send a written response in accordance with the Committee's decision.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The Committee is part of the Council's decision making framework and therefore contributes to all of the Council's priorities.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	The consultation closes at 5pm on Friday 8 December 2017.	
FINANCIAL/VALUE FOR MONEY IMPACT	No	Adopting the recommendations of this report will not have any financial implications
LEGAL ISSUES	Yes	The consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1072, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 to prohibit those subject to

		the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	There are no other specific impacts arising from this report.
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 On the 18 September 2017 the Department for Communities and Local Government published a consultation on the government's proposals for disqualifying individuals from being elected, or holding office as a local authority member, directly-elected mayor, or member of the London Assembly.
- 4.2 The consultation document sets out the plans to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils.
- 4.3 Currently, individuals cannot stand for, or hold, office as a local authority member, London Assembly member or directly-elected mayor if they have, within the previous five years or since their election, been convicted of an offence that carries a prison sentence of at least three months without a fine and whether suspended or not.
- 4.4 The government is proposing to amend the disqualification criteria so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor.
- 4.5 The changes, if implemented, will apply to councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.
- 4.6 It would mean a ban on standing to be elected or if once elected a councillor was subsequently convicted of a serious offence, would be forced to step down.
- 4.7 The proposals in the consultation would not apply retrospectively i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offences register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force will not be affected. However such individuals would be prevented from standing for re-election after the changes came into force.

- 4.8 The government seeks views on its proposals to update the disqualifying criteria in section 80 of the Local Government Act 1972, so that individuals are disqualified if they 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 granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (ABCPA).
 - Civil injunctions are civil in nature and are available in the County Court or High Court. They are intended to tackle low-level anti-social behaviour. Civil injunctions replace drinking banned orders, individual support orders and intervention orders.
 - A criminal behaviour order (CBOs) made under section 22 of the ABCPA 2014.
 - CBO’s are intended to tackle more serious anti-social behaviour and can be used post-conviction. CBOs can be applied for by the prosecution on conviction for any criminal offence in a criminal court.
- 4.9 The consultation closes at 5pm on 8 December 2017, and responses can be submitted online at: Section80consultation@communities.gsi.gov.uk

5. Monitoring Officer Comments

- 5.1 The proposals set out in this consultation document are to be welcomed as strengthening local government’s ethical agenda and ensuring that individuals wishing to hold elected office are of good character. This may be seen as particularly relevant given the limited powers of a local authority to impose sanctions (such as suspension) on members in breach of the Member Code of Conduct.
- 5.2 The proposed additional disqualification criteria are, in the Monitoring Officer’s view, proportionate to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
- 5.3 The Monitoring Officer is of the view in relation to Question 1 (Page 12 of the consultation paper) is Yes

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

- 5.4 The Monitoring Officer is of the view in relation to Question 2 (Page 12 of the consultation paper) is No
- Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**
- 5.5 The Monitoring Officer is of the view in relation to Question 3 (Page 14 of the consultation

paper) is Yes

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made 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) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

5.6 The Monitoring Officer is of the view in relation to Question 4 (Page 14 of the consultation paper) is Yes

Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

6. BACKGROUND PAPERS

Department for Communities and Local Government consultation on updating disqualification criteria for local authority members

***Report prepared by Suzanne Dodd, Service Delivery Manager – Governance & Legal
01952 380014***

Appendix 1