

## COMMITTEE REPORT

### CORPORATE AFFAIRS AND AUDIT COMMITTEE

2017

#### DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

#### HEAD OF LEGAL AND DEMOCRATIC SERVICES

##### PURPOSE OF REPORT

1. To provide details of a consultation by the Department for Communities and Local Government with regard to updating disqualification criteria for local authority members and to seek views / recommendations from the Committee on whether representations to the consultation should be made on behalf of the Council.

##### BACKGROUND

2. The Department for Communities and Local Government issued a consultation document setting out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly 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; or
  - A Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.
3. Existing legislation prevents individuals from standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Isles 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.
4. The Government considers that the law should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
5. The consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, 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.

6. This consultation does not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of this consultation, 'local authority member' also extends to directly-elected mayors and co-opted members of authorities, and 'local authority' means:
  - a county council
  - a district council
  - a London Borough council
  - a parish council
7. 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.
8. The proposed changes would not act retrospectively.
9. The closing date for the consultation is 5pm, Friday, 8 December 2017.
10. The following document is appended to the report:

Disqualification criteria for Councillors and Mayors consultation document.

## **FINANCIAL CONSIDERATIONS**

11. There are no financial impacts arising directly out of this report.

## **RECOMMENDATIONS**

12. It is recommended that the Corporate Affairs and Audit Committee members consider the proposed changes and determine whether the Council should submit comments in relation to the proposals by the Department for Communities and Local Government with regard to updating disqualification criteria for local authority members.

## **BACKGROUND PAPERS**

13. The Department for Communities and Local Government consultation document setting out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly

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