

CORPORATE AFFAIRS AND AUDIT COMMITTEE

A meeting of the Corporate Affairs and Audit Committee was held on 2 November 2017.

PRESENT: Councillors D Rooney, (Chair), Brady, C Hobson, Lewis and Walkington

OFFICERS: J Bromiley, L Henman, D Johnson, S Lightwing, R Painter, S Reynolds, J Stuart

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Biswas and Hubbard.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest at this point in the meeting.

1 MINUTES - 28 SEPTEMBER 2017 - CORPORATE AFFAIRS AND AUDIT COMMITTEE

The minutes of the meeting of the Corporate Affairs and Audit Committee held on 28 September 2017 were taken as read and approved as a correct record, subject to one minor amendment: Councillor Higgins was present as an observer.

2 DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

A report of the Head of Legal and Democratic Services was presented to provide details of a consultation by the Department for Communities and Local Government (DCLG) with regard to updating the disqualification criteria for local authority members and to seek the views and recommendations from the Committee as to whether the Council should make representations to the consultation.

The DCLG 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 were 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.

Existing legislation prevented individuals from standing, or holding office, as a Local Authority Member, London Assembly Member or Directly-Elected Mayor if they had, 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 had received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

The Government considered that the law should be updated to reflect new options which existed to protect the public and address unlawful and unacceptable behaviour.

The consultation proposed updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 or 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 Members.

Any changes to the disqualification criteria would require changes to primary legislation and the proposed changes would not act retrospectively.

Members gave consideration to the six questions on page 16 of the consultation document, which formed the consultation response as follows:

Question 1 - there was agreement with the statement.

Question 2 - it was queried whether an individual who was subject to a Sexual Risk Order was a threat to vulnerable or young people, since they would have access to sensitive and personal information as part of their role.

Question 3 - it was highlighted that even peaceful protesting could lead to the issue of a Civil Injunction.

Question 4 - it was suggested that convictions against misuse of social media should be taken into account.

Question 5 - specific reference needed to be made as to how those characteristics should be protected.

Question 6 - a suggestion was made with regard to improved vetting at the time of standing for election.

The Chair also commented that she would like to see the Standards Committee strengthened with stronger sanctions made available.

The closing date for the consultation was Friday 8 December 2017.

AGREED as follows:

1. Additional information in relation to guidance for prosecutors would be circulated to the Committee.
2. The Members and Statutory Services Manager would produce a draft response and circulate it to Members for comment.
3. The Chair would approve the final submission on behalf of the Corporate Affairs and Audit Committee.

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ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED

A report of the Head of Legal and Democratic Services was presented to provide details of a consultation by the Boundary Commission for England (BCE) on their revised proposals for changes to Parliamentary constituency boundaries for England in 2018, and to seek views/recommendations from the Committee on whether representations should be made on behalf of the Council.

The Parliamentary Voting System and Constituencies Act 2011 required that the Boundary Commission conducted a review of the Parliamentary constituencies. The Act required that the current 650 constituencies in the UK was reduced to 600.

The initial proposals for new Parliamentary boundaries were published and consulted on in September 2016. Details of the written comments received and oral submissions made at public hearings held in each region were published, and a second consultation in relation to these comments was held in March 2017.

The BCE had now completed the next stage of the review process and published revised proposals. The revised proposals for the North East had resulted in a revision to the composition of 20 of the 25 constituencies that were proposed in September 2016.

After careful consideration the BCE had determined not to make any revisions to the composition of the remaining five constituencies. Under the revised proposals, three of the current constituencies in the North East would remain the same as they were under the existing arrangements.

In terms of the Cleveland (Middlesbrough, Stockton, Hartlepool and Redcar) and Darlington area, of the seven existing constituencies, Stockton South was the only constituency area currently within 5% of the electoral quota of 74,769. The rules contained in the legislation say that every constituency must have an electorate no smaller than 71,031 and no larger than 78,507 - that is 5% either side of the electoral quota.

The constituencies of Darlington, Hartlepool, Middlesbrough, Middlesbrough South and East Cleveland, Redcar and Stockton North, were all below the permitted electorate range.

A copy of the new proposals was attached to the submitted report at Appendix A, with a copy of the initial proposals from 2016 attached at Appendix B. In brief, the impact of the new proposals on Middlesbrough would be that the Middlesbrough constituency and the Middlesbrough South East Cleveland constituency would disappear and Middlesbrough would have two new Parliamentary constituencies - Middlesbrough and Eston and Middlesbrough South and Thornaby. Middlesbrough could become the Election Administering Authority for both the new Parliamentary constituencies, due to the size of the Middlesbrough electorate in each of the new constituencies.

The new proposals had a number of administrative implications for Election Services:

- Returning Officer - Middlesbrough for both constituencies.
- Staffing - reduced staffing to deal with elections.
- Changes to software system.
- Data transfer.
- The issuing of poll cards.
- The postal vote issue and receipt processes.
- The changes would take effect at the 2020 Combined Elections for the PCC, Combined Teesside Mayoral and Parliamentary General Election.

A briefing session had been scheduled for 9 November 2017 to seek Members' views on the revised proposals. Individuals, organisations and political groups could also submit their own representations. The closing date for submission of representations was 11 December 2017.

Once the consultation had closed, all representations would be considered by BCE, before making final recommendations to the Government.

AGREED as follows:

1. The Corporate Affairs and Audit Committee would submit a response to the consultation on behalf of Middlesbrough Council.
2. The Members and Statutory Services Manager would prepare a draft response and circulate it to Members of the Corporate Affairs and Audit Committee for comment.
3. The Chair would approve the final submission on behalf of the Corporate Affairs and Audit Committee.

4 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5 **SCHOOL GOVERNING BOARDS - APPOINTMENT OF LA SCHOOL GOVERNORS**

A report of the Executive Director of Children's Services was presented regarding vacancies for Local Authority appointed School Governors that had arisen as a result of resignations, the expiry of terms of office or the removal of Governors due to non-attendance and any vacancies deferred from previous meetings of the Corporate Affairs and Audit Committee. The nominations received for the vacancies were outlined in the submitted report.

It was noted that there were currently 3 vacancies out of a total of 19 Governorships for Local Authority representatives. There were no nominations for the vacancies at Newham Bridge Primary School and Beverley School.

ORDERED as follows:

1. That the following appointment be recommended for a four year term of office, subject to ratification by the full Governing Body of each school concerned:

Lingfield Primary School - Mr J Madden.