

**CORPORATE GOVERNANCE COMMITTEE – 17 NOVEMBER 2017****REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE****DCLG CONSULTATION PAPER – DISQUALIFICATION OF COUNCILLORS  
HOLDING OFFICE****Purpose**

1. The purpose of this report is to draw attention to the consultation paper issued by the Department for Communities and Local Government (DCLG) concerning an update to the criteria that bar individuals from standing to become councillors and holding office.

**Background**

2. Section 80 of the Local Government Act 1972 sets out a number of circumstances in which a person will be disqualified from standing for or holding office as a local authority member or directly elected mayor. One such disqualification applies if a person has, within five years of the day of the election, or since their election, been convicted in the UK of any offence and has received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.

**Consultation proposals – Summary**

3. The Government is proposing to broaden the disqualification criteria such that individuals will be barred from standing for office if they are subject to:-
  - The notification requirements set out in the Sexual Offences Act 2003 (commonly known as the being on the sex offenders register). This would be anyone cautioned or convicted of a sexual offence, or issued a Sexual Harm Prevention Order or a Notification Order. The period of bar would end once they were no longer subject to these notifications;
  - A civil injunction granted under Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014. This would be someone who has had an anti-social behaviour sanction issued by a Court;
  - A criminal Behaviour Order made under Section 22 of the Anti-Social Crime and Policing Act 2014. This is another sanction that can be issued by the Court for anti-social behaviour.
4. The new rules will apply to councillors and mayors in parish, district, county and unitary councils, combined authorities and the Greater London Assembly. The proposed changes will not be retrospective.

5. The consultation was launched in September and the deadline for responses is 8<sup>th</sup> December, 2017. The full consultation is attached as Appendix 1 to this report.

### **Comments of the Monitoring Officer**

6. The proposals set out in the consultation paper are to be welcomed. If implemented they would strengthen the ethical agenda and ensure that individuals who wish to hold office are of good character. The proposals would help to foster public confidence in local government.

7. The responses to the consultation questions are set out in Appendix 2 to this report. With regard to Question 6 – ‘Do you have any further views about the proposals set out in this consultation paper?’ the following is suggested as a response:-

*‘The Localism Act 2011 removed most of the meaningful sanctions which could previously be imposed following a finding of poor conduct. Local Authorities are no longer able to suspend or disqualify members who bully, are rude, disclose confidential information or bring the Authority into disrepute. Unless members commit a serious criminal offence the sanctions available are in the main ineffective to deter such behaviour. The Government may wish to take this opportunity to revisit this void in terms of sanctions’.*

### **Recommendations**

8. The Committee is asked to consider the proposed responses to the consultation papers as set out in Appendix 2 and at paragraph 7 of the report.

### **Background Papers**

DCLG consultation paper – Disqualification criteria for Councillors and Mayors

### **Circulation under the sensitive issues procedure**

None at this stage. If the proposals are enacted members will be advised.

### **Officer to contact**

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### **Appendices**

Appendix 1 – DCLG Consultation document on updating disqualification criteria for local authority members.

Appendix 2 – Consultation Questions and answers