

5. CONSULTATION ON NEW DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

REPORT OF: Tom Clark
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Wards Affected: All
Key Decision N/A

Purpose of the Report

1. To draw to the Standards Committee's attention the consultation issued by the Department of Communities and Local Government on the expansion of disqualification criteria for councillors and mayors to include sexual offences and certain anti-social behaviour.

Summary

2. Annexed to this report is the consultation issued by the Department of Communities and Local Government in September 2017 on the expansion of disqualification criteria for councillors and elected mayors. The Committee is asked to give its views on the consultation questions at page 16 of the consultation document and the proposals in general so these can be fed back ahead of the closing date on 8th December 2017.

Recommendations

3. **To note the consultation and to give any views on the proposals for submission to the Department of Communities and Local Government.**
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Background

4. At page 9 of the attached consultation document the present disqualification criteria are set out. These date back some years and do not take into account the rise in actions for sexual offences and for anti-social behaviour.
5. The proposals make it a disqualification issue if someone is on the Sex Offender's Register both in standing for election and continuing to be an elected member. The proposals do not cover a sexual risk order and members are asked to consider whether the proposal should be only for Sexual Offences Act matters or extend to the sexual risk orders.
6. The proposal in relation to anti-social behaviour is only to cover civil injunctions and criminal behaviour orders issued by a Court. It would not cover the matters that can be dealt with by police. We are asked to comment whether we believe these proposals are proportionate or whether they should also cover matters dealt with by the police.
7. At page 16 the consultation document sets out a number of specific questions on the proposals but question 6 gives the opportunity to make more general points. These proposals would come into operation but would

not act retrospectively and hence the eligibility restrictions on being a candidate would apply to the next elections in May 2019 and to behaviour from the date the proposals come into operation.

8. At your last meeting you considered a scenario where the parish councillor had been convicted of a sex offence and was put on the Sex Offender's Register but under the current regime could not be forced to resign from the Council. If these proposals had been in force when the member had been convicted and put on the Sex Offender's Register he would automatically have been disqualified from continuing to serve as a parish councillor.

Policy Context

9. The District Council is required under the Localism Act 2011 Sections 26-37 inclusive to promote good standards in its area. There has been some feedback that the current legislation does not provide the District Council with powers to deal with issues that the public would expect to be dealt with. These proposals would effectively extend the powers to control who could be and who could continue to be a councillor but only in the areas of sex offences and anti- social behaviour. Some commentators have suggested that these proposals are incorporated in a statutory National Code of Conduct applicable at all levels of Local Government.

Financial Implications

10. Any disqualification could result in a by-election being held which would be a cost to the relevant District or Parish/Town Council.

Risk Management Implications

11. Members seeking public office must recognise that their behaviour will be scrutinised by the general public.

Equality and customer service implications

12. These provisions will apply to all councillors.

Other Material Implications

13. Given the procedure of disqualification is immediate it should not add to the work load of the Standards Committee.

14. APPENDIX

The Consultation from the DCLG of September 2017.