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REPORT TO:	COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	2 <sup>nd</sup> NOVEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR - 595715 <a href="mailto:ardip.kaur@south-derbys.gov.uk">ardip.kaur@south-derbys.gov.uk</a>	DOC:
SUBJECT:	CONSULTATION – DISQUALIFICATION CRITERIA FOR COUNCILLORS & MAYORS	REF: AK/Council
WARD(S) AFFECTED:	ALL	

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## **1.0 Recommendations**

- 1.1 Members consider and note the consultation document titled 'Disqualification criteria for Councillors and Mayors', attached as **Appendix 1** to this report.
- 1.2 If minded to respond, Members consider a response on behalf of the Council to the questions set out in the consultation document and delegate the Monitoring Officer to submit a written response to the Department for Communities and Local Government.

## **2.0 Purpose of Report**

- 2.1 To consider a response to the consultation paper 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.

## **3.0 Detail**

- 3.1 The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority Member, directly-elected Mayor or Member of the London Assembly. The consultation began on 18<sup>th</sup> September and will run for 12 weeks, closing on Friday 8<sup>th</sup> December. The consultation is open to everyone however, views are sought from members of the public, prospective and current Councillors and those bodies that represent the interest of local authorities and Councillors at all levels.
- 3.2 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.

- 3.3 Currently anyone convicted of an offence carrying a prison sentence of more than 3 months is banned from serving as a local councillor. The proposals seek to include those 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; or
  - A Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.4 The proposals outlined would apply to Councillors and Mayors in parish, town, local county and unitary councils, combined authorities and the Greater London Authority.
- 3.5 The proposals will not apply retrospectively. Any incumbent local authority Member, directly-elected Mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal behaviour Order at the time the changes come into force would not be affected. Such individuals would of course be prevented from standing for re-election after the changes come into force.
- 3.6 The questions being asking with regards to the proposals are as follows:
- Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. 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?*
- 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 the London Mayor?*
- 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?*
- Q4. 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?*
- Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?*
- Q6. Do you have any further views about the proposals set out in this consultation paper?*

#### **4.0 Financial Implications**

4.1 None arising from this report.

**5.0 Corporate Implications**

5.1 The Council is committed to good corporate governance and considers an ethical framework as essential to that process.

**6.0 Community Implications**

6.1 The proposals seek to ensure those that represent their communities are held to the highest possible standards.

**7.0 Background Papers**

7.1 Consultation Document – Disqualification criteria for Councillors and Mayors