

New rules to strengthen standards for councillors

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1. Summary

- 1.1. This report sets out plans announced by the Government to plans to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils.
- 1.2. The Government has issued a consultation paper and is inviting comments by Friday 8 December 2017. Regarding the request for explanations of some of the terminology used, the County Solicitor has highlighted information contained in the Consultation paper (attached) at paragraphs 11 to 15 and 17.

2. Recommendations

2.1. The Committee is asked to:

- (a) **Consider the consultation document and advise on any comments that can be submitted as the Council's response to the consultation.**
- (b) **Delegate authority to the Monitoring Officer and Deputy Monitoring Officer in consultation with the Chairman to finalise the Council's response in line with comments received from the Committee and submit the response to meet the deadline.**

3. Background

- 3.1 The planned changes to criteria, are intended to ensure those who represent their communities are held to the highest possible standards.

Current rules make clear that anyone convicted of an offence carrying a prison sentence of more than 3 months is banned from serving as a local councillor.

However, the Minister said that while this may have prevented criminals from becoming councillors, it does not reflect modern sentencing practices.

New rules could mean anyone given an Anti Social Behaviour Injunction, a Criminal Behaviour Order or added to the sex offenders' register, would no longer be able to hold elected office in their communities.

The Minister added:

"Councillors hold an important position of trust and authority in communities across England. We need to hold them to the highest possible standards.

The current rules are letting residents and councils down by not preventing people who should never be considered for such roles from standing for

election.

The changes the government is proposing would help make sure anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor.”

3.2 Changes proposed to reflect modern day sentencing

Current barriers to becoming a councillor include being employed by the authority, being subject to a bankruptcy order or being convicted of an offence resulting in a prison sentence.

These restrictions were implemented in 1972, before the sex offenders register or other non-custodial orders existed. The new proposed measures would bring rules much more into the present day by including the alternatives to a prison sentence also becoming a barrier to being a councillor.

They would apply to councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.

It would mean a ban on standing to be elected or if once elected a councillor was subsequently convicted of a serious offence, that resulted in an Anti Social Behaviour Injunction, a Criminal Behaviour Order or being on the sex offenders' register, being forced to step down.

The Government feels that the changes would better reflect rules governing standards of MPs, where members face suspension from the House for anything that contravenes the parliamentary code of conduct.

3.3 The full consultation document can be accessed at [consultation](#)

The key questions which the consultation asks are repeated below for ease of reference. Members are asked for their responses to the questions posed

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?

3.4 The Council's response:

It is proposed that the Council's response is based on comments made by members at the meeting. Comments will be taken and consolidated into a response and the process for final sign-off is set out in the recommendation.

4. Implications

- 4.1. Legal & Risk: No implications to the Council.
- 4.2. Impact Assessment: No implications to the Council.
- 4.3. Financial: Not applicable
- 4.4. HR: Not applicable.

5. Background papers

- 5.1. None

Note: For sight of individual background papers please contact the report author.