

 Standards Committee 14 November 2017		Agenda Item No. 5
Title	DCLG Consultation on the Disqualification Criteria for Councillors and Mayors	
For further information about this report please contact	Graham Leach Democratic Services Manager & Deputy Monitoring Officer graham.leach@warwickdc.gov.uk 01926 456114	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	DCLG consultation paper on Disqualification criteria for councillors and mayors	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No
The report sets out a proposed response to a consultation on a national policy.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	30/10/2017	Andrew Jones
Head of Service		
CMT		
Section 151 Officer	31/10/2017	Mike Snow
Monitoring Officer	30/10/2017	Andrew Jones
Finance	31/10/2017	Jenny Clayton
Portfolio Holder(s)	30/10/2017	Andrew Mobbs
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report brings forward a proposed response from this Council on the consultation by the Department for Communities & Local Government (DCLG) on the Disqualification Criteria for Councillors and Mayors.

2. **Recommendation**

- 2.1 That the Committee approves the response to the proposed new criteria for the Disqualification Criteria for Councillors and Mayors, as set out at Appendix 1 to the report.

3. **Reasons for the Recommendation**

- 3.1 The Department for Communities and Local Government is undertaking a public consultation on revising the criteria for the Disqualification Criteria for Councillors and Mayors.
- 3.2 It is considered appropriate that the Council makes a formal response to this consultation document (set out at Appendix 2 to the report) through its Standards Committee under its duty within the Constitution to promote and maintain high standards of conduct by members of the Council.
- 3.3 The proposals are sound and brought forward to further enhance the assurance the public can have in elected officials in their role as community leaders. The only associated concerns are around how these would be enforced to ensure they are adhered to. These proposals come forward with an implied presumption, in the same way as at present, that there is a duty for the Councillor to act appropriately and either not stand for election or resign if they have breached the statutory restrictions on being an elected representative. However the role of Councillor is not considered a reportable one, i.e. it has to be declared if a Councillor is arrested (the Police then have a duty to notify the relevant organisation). This can potentially put a Council in a difficult position and in a worst case, invalidate a decision taken because the individual was no longer a Councillor.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise,

		Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
The introduction of this proposal should enhance the public role of a Councillor and trust placed upon them in developing a cohesive community.	The introduction of this proposal would help to protect vulnerable people from harm.	Nil
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Nil	Nil	Nil

- 4.2 **Supporting Strategies** – This report does not relate to any of the supporting strategies within Fit for the Future.
- 4.3 **Changes to Existing Policies** – This report does not bring forward any proposals to amend Council Policies.
- 4.4 **Impact Assessments** – An equality impact assessment has not been undertaken because this is a response to a consultation document which, if implemented, would be the responsibility of the DCLG to undertake such an assessment.

5. Budgetary Framework

- 5.1 The report does not bring forward proposals that impact on either the Budgetary Framework or Budget.

6. Risks

- 6.1 There are no direct risks associated with the report as the Council is responding to Government consultation document. However, it is proposed that the Council responds highlighting some potential risks within the proposed new requirements.

7. Alternative Option(s) considered

- 7.1 The Committee could decide not to comment on the consultation however it is considered that it would be appropriate for them to do so with their responsibility under the Constitution to promote and maintain high standards of conduct by members of the Council.

- 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?**

This proposal is supported by Warwick District Council.

- 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?**

This proposal is not supported by Warwick District Council. This is because if there is such concern that the police of National Crime Agency apply to magistrates and the Court believes an individual poses a risk of harm to the public in the UK and/or children or vulnerable adults abroad then they should not be considered an appropriate individual for a public role. DCLG are reminded that the role of an elected representative could include contact with such individuals that they may pose a risk to and in some cases would require them to act in a safeguarding role.

- 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?**

This proposal is supported by Warwick District Council.

- 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?**

This proposal is supported by Warwick District Council.

- 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?**

Warwick District Council believes that this proposal will enhance its capabilities under Public Sector Equality Duties under the Equality Act 2010 by removing the risk from individuals who have been found in breach of such matters from being elected representatives.

Q6. Do you have any further views about the proposals set out in this consultation paper?

DCLG should consider how these proposals would be enforced. At present, the disqualification of a candidate is a matter for challenge and, once a Councillor, it requires them to notify the Council about the matter.

DCLG may wish to consider amending the legislation which requires candidates to provide a signed statement from the local Police Authority that they do not have any criteria which would disqualify them from holding the public position.

In addition DCLG may wish to work with the electoral commission in providing guidance to political parties on the selection of candidates overall, with a view to them determining if a candidate is suitable based on a similar principle to that used for Hackney Carriage & Private Hire drivers within Warwick District.

"Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?"

"Would I trust this person with sensitive information? i.e. that my house is empty, that I am on holiday for the next two weeks, that children are alone in the house?"

The Council seeks confirmation that a similar proposal will be brought forward for Police and Crime Commissioners, MPs and Lords (sitting in public office). This is because while appropriate legislation covering local authorities has been set previously, the same level of due diligence has not always been applied to protect the legislature in a similar manner.