

**CONSULTATION ON UPDATING
DISQUALIFICATION CRITERIA FOR LOCAL
AUTHORITY MEMBERS**

Portfolio:	ALL
Ward(s) Affected:	ALL

Purpose:

The Department for Communities and Local Government is consulting on proposals to update the criteria that bar individuals from being a local councillor.

1. Background

- 1.1 The Department for Communities and Local Government (DCLG) has published a consultation on updating the disqualification criteria for local authority members. This consultation is to run from 18th September 2017 for a period of 12 weeks, closing on Friday 8th December 2017 and the Committee is asked to provide a response to the consultation to be collated by the Head of Legal and Property Services in consultation with the Chairman and Vice Chairman.

2. Current Position

- 2.1 Currently, anyone convicted of an offence carrying a prison sentence of more than three months is banned from serving as a local councillor. Whilst this would prevent criminals from becoming councillors, it does not reflect modern sentencing practices.
- 2.2 The proposed measures would bring the rules to modern day standards by including the alternatives to a prison sentence becoming a barrier to being councillors. The changes, if implemented, will apply to all councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.
- 2.3 The new criteria would prevent an individual from standing in an election and if they are already councillors, require them to stand down.
- 2.4 It is proposed that the disqualification criteria be amended so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence will not be able to serve as a councillor. Individuals will be banned from standing from office if they are subject to:
- a. The notification requirements set out in the Sexual Offences Act 2003;
 - b. A civil injunction granted under s.1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
 - c. A Criminal Behaviour Order made under s.22 of the 2014 Act.
- 2.5 The consultation paper is attached at Annex 1 and it sets out the background in more detail. It is seeking views on 6 questions set out on page 16. Members are invited to share any views they may have about the proposed changes, which will then be collated as mentioned above.

3. Options

- 3.1. To provide feedback on the consultation to the Head of Legal and Property, who in consultation with the Chairman, will provide a formal response which will be submitted to the Department for Communities and Local Government prior to the deadline.
- 3.2. To note the item and agree to not comment.

4. Resource Implications

- 4.1. None

5. Recommendation

- 5.1. To provide feedback on the consultation to the Head of Legal and Property Services, who in consultation with the Chairman, will provide a formal response which will be submitted to the Department for Communities and Local Government prior to the deadline.

Background Papers:

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