

North East Derbyshire District Council

Standards Committee

14 December 2017

Disqualification Criteria for Councillors and Mayors

Report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To inform Members of the government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor.

1 Report Details

- 1.1 In September 2017, the Department for Communities and Local Government announced a proposal for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor.
- 1.2 The current rules prevent individuals from becoming a councillor if they are employed by the authority, subject to a bankruptcy order or 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.
- 1.3 The current proposal would 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, including councillors and mayors in parish, town, local, county and unitary councils and combined authorities.
- 1.4 Anyone holding such a position who is convicted of a serious offence, that results in an Anti Social Behaviour Injunction, a Criminal Behaviour Order or being put on the sex offenders' register, would have to step down.
- 1.5 The consultation period on this proposal ends on 8 December 2017. If Members would like to respond to the consultation individually, the information is available at the following website:

<https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors>

1.6 The Local Government Association has responded to the consultation. A copy of their response is attached to the report, at **Appendix 1**.

1.7 Members will be updated should this proposal be brought into force.

2 Conclusions and Reasons for Recommendation

2.1 This report is to make Members aware of the proposal updating the disqualification criteria for councillors and mayors.

3 Consultation and Equality Impact

3.1 The government has carried out a consultation on the proposal, which closes before the date of this meeting of Standards Committee.

4 Alternative Options and Reasons for Rejection

4.1 This report is for information only.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

5.2.1 None.

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That Members note the report.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Appendix 1	LGA response to consultation.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
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