

Standards Committee – 2 October 2017

Review of Cases of Interest and Proposed Changes to the Disqualification Criteria for Councillors

Summary of report:

The report is to provide Members of the Committee with an update relating to recent cases of interest and proposed changes to the Disqualification Criteria for Councillors under s80 Local Government Act 1972.

Background papers:

1. DCLG – Consultation Paper Disqualification criteria for Councillors and Mayors September 2017
2. Hussein V Sandwell Metropolitan Borough Council [2017] EWHC 1641 (Admin)

Recommendation:

1. To note the content of the report.

1.0 Background

- 1.1 The High Court have recently handed a down a judgement in relation to Hussein and Sandwell MBC. The case is of interest because it examines the right of a local authority to investigate alleged wrongdoing by elected members. It also touches upon allegations concerning organisational culture and the relationship between officers and elected members.
- 1.2 The second part of the report relates to a consultation currently being carried out by the DCLG in respect of the criteria for the disqualification of Councillors and Mayors. The government are proposing 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.
- 1.3 The DCLG are considering amending the primary legislation concerning the criteria for the disqualification of elected members to incorporate:
 - The notification requirements set out in the Sexual Offences Act 2003 (referred to as “being on the sex offender register”);
 - A civil injunction granted under s1 of the Anti-Social Behaviour, Crime and Policing Act 2014; or

- A Criminal Behaviour Order made under s22 of the Anti Social, Behaviour, Crime and Policing Act 2014.

1.4 It is important to note that any change to the legislation will not apply retrospectively.

1.5 Para 1 of the consultation emphasises that councillors “decide how to make best use of taxpayers money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is vital, therefore that they have the trust of the electorate.” This consultation also endorses the stance taken by the standards committee in respect of criminal disclosure.

2.0 Resource and legal considerations:

There are no specific financial implications arising from this report. The council will monitor any changes to the primary legislation.

3.0 Performance and Risk Management issues:

The council has an obligation to uphold high standards in public office under the Localism Act 2011. The council does this through its adopted code of conduct and arrangements for reviewing complaints. It is important to maintain high standards in public office to reduce risk of legal non-compliance and breaches of governance. Part of managing risk is to keep updated in relation to potential changes in legislation and the standards regime.

4.0 Equality Implications:

None arising from this report.

5.0 Consultation:

5.1 There is no requirement to consult on this report.

Author:

Tony Cox
Head of Legal and Democratic Services
Change & Governance Directorate
☎ 01922 654822
✉ AnthonyCox@walsall.gov.uk