



Stuart Young
Department for Communities and Local Government
2nd Floor, NE, Fry Building
2 Marsham Street
London
SW1P 4DF

Section80consultation@communities.gsi.gov.uk

31st October 2017

Our Ref:
Ask for:

Dear Mr. Young

THE PROPOSED DISQUALIFICATION CRITERIA FOR COUNCILLORS

Thank you for the opportunity for Worcestershire County Council to comment on the proposed disqualification criteria for councillors.

The Council's Standards and Ethics Committee considered the consultation paper on behalf of the Council. The Committee was broadly in support of the proposals, particularly in the context of the Council being a corporate parent. The specific responses on behalf of the Council are as follows:

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?

Yes.

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?

Yes. Members were sympathetic in principle to wider disqualification given the Council's role as corporate parent but given the significant impact upon the democratic process and risk of malicious complaint, it was considered that disqualification for sexual misconduct should flow only from the final outcome of

Simon Mallinson
Solicitor
Head of Legal and
Democratic Services

County Hall
Spetchley Road
Worcester
WR5 2NP

the criminal process and being placed on the sex offenders' register as proposed in question 1 and so the consultation proposals reflected the right balance.

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?

Yes.

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?

No. Although the Committee fully supported the proposals that disqualification should flow only from ASB court orders and not the administrative actions listed, it was considered there was also room to disqualify for criminal conviction for breach of an ASBO.

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?

No comment.

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

Yes. The Committee considered that:

- changes in the legal framework for disqualification should await and be informed by the forthcoming report from the Committee on Standards in Public Life
 - specific consideration should be given to the re-introduction of local sanctions for breach of the Member Code of Conduct, without which the standards regime is perceived as somewhat toothless
 - there was room to query whether the existing disqualifications for bankruptcy orders were still relevant in the modern age
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- there was a degree of tension whereby a person jailed for under 3 months (other than a sex offender) for a fairly serious criminal offence was not disqualified from office whereas non-criminal ASB leading to a court order would lead to disqualification.

I hope this assists consideration of the issues.

Yours sincerely

Simon Mallinson
Head of Legal and Democratic Services
Monitoring Officer
