

Non-Executive Report of the: Standards (Advisory) Committee 25 April 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Updating the Disqualification Criteria for Councillors and Mayors	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Summary

This report updates the Advisory Committee on the proposals for revisions to the disqualification criteria for Councillors and Mayors.

Recommendations:

- (1) That Members of the Advisory Committee consider and note the Government proposals contained in Appendix 1.

1. REASONS FOR THE DECISIONS

1.1 This report does not require a decision.

2. ALTERNATIVE OPTIONS

2.1 This report does not require a decision.

3. DETAILS OF REPORT

3.1 As previously noted by the Advisory Committee, the Government recently consulted on updating the disqualification criteria for Councillors and Mayors to better reflect current sentencing practices. The Government has now published a summary of the consultation responses and its proposals for updating the disqualification criteria.

3.2 The proposed revisions as detailed in the Government publication attached to this report as Appendix 1 are summarised below:

- Where an individual is subject to the notification requirements set out in the Sexual Offences Act 2003, they should be prohibited from standing for election, or holding office, as a member of a local authority for the period they are subject to the notification requirements.
- Where an individual is subject to a Sexual Risk Order, they should be prohibited from standing for election as a member of a local authority for the period they are subject to the Order.
- Where an individual is subject to an anti-social behaviour civil injunction by a court or a Criminal Behaviour Order they should be prohibited from standing for election as a local authority member for the period they are subject to the injunction or Order.

4. EQUALITIES IMPLICATIONS

4.1 The Government considers that the proposals contained in Appendix 1 will not affect the discharge by the Council of the Public Sector Equality Duties under the Equality Act 2010.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,

- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The proposed revisions to the disqualification criteria Code are designed to better reflect current criminal sentencing practice.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications arising from this report.

7. LEGAL COMMENTS

7.1 The disqualification criteria which apply to a London borough council are contained in section 80 of the Local Government Act 1972 and amendments to the 1972 Act will be required in order to implement the Government's proposals. It is important to note that when implemented the proposal will not have retrospective effect.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – Ministry of Housing, Communities and Local Government - summary of consultation responses and Government response – October 2018.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A