



Standards Committee

Date Monday 10 December 2018
Time 10.00 am
Venue Committee Room 1A - County Hall, Durham

Business

Part A

**Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's agreement.**

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 5 October 2018 (Pages 3 - 6)
4. Committee Work Programme (Pages 7 - 14)
5. Code of Conduct Update (Pages 15 - 30)
6. Standards Committee Hearing Panel - Alleged Breaches of Durham County Council's Code of Conduct - COM 134 (Pages 31 - 40)
7. Standards Update (Pages 41 - 46)
8. DCLG Consultation - Disqualification Criteria for Councillors (Pages 47 - 82)
9. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
30 November 2018

To: The Members of the Standards Committee

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke,
E Huntington, B Kellett, J Nicholson, A Savory and D Stoker

Town Councillor T Batson and Parish Councillor R Harrison

Contact: Jill Errington

Tel: 03000 269 703

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1B - County Hall, Durham on **Friday 5 October 2018 at 10.00 am**

Present:

Councillor B Kellett (Chairman)

Members of the Committee:

Councillors J Atkinson, A Bainbridge, J Clark, M Clarke, E Huntington (Vice-Chair), J Nicholson and A Savory

Co-opted Members:

Town Councillor T Batson and Parish Councillor R Harrison

1 Apologies for Absence

Apologies for absence were received from Councillors E Bell and J Bell.

Prior to the commencement of business the Chairman announced that Governance Solicitor Laura Renaudon was leaving the Authority and that this was her last attendance at a meeting of the Standards Committee. On behalf of Members the Chairman thanked Laura for the assistance and support she had given to the Committee, and conveyed best wishes for the future.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of the Meeting held on 7 June 2018

The Minutes of the meeting held on 7 June 2018 were agreed as a correct record and were signed by the Chairman.

4 Code of Conduct Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided Members with an update on activity since the last meeting in respect of complaints received by Durham County Council (for copy see file of Minutes).

Members were informed by the Governance Solicitor that there had been an increase in the number of complaints received compared with the last period, although it should be noted that seventeen of these were in respect of one Town Councillor, one referred to the full membership of a Parish Council and five Councillors had made individual complaints about one Town Councillor. Additionally the period under consideration was four months rather than the usual three, as the meeting date had been changed and delayed by a month. Since the report had been circulated Members were informed that a Decision Notice had been issued in respect of complaint ref: COM 179, the details of which would be included in the update for the next meeting, and three new complaints had been received, two of which were concerning one Councillor.

In response to a question from Councillor Harrison who asked if there was any particular pattern to the complaints, such as age or length of experience of the subject members, the Governance Solicitor advised that although no formal analysis of complaints had been undertaken there were no specific patterns emerging.

Councillor Clarke noted the seriousness of the allegations in respect of the complaints received in respect of one Town Councillor ref: COM 158-165, 169, 171-178 and suggested that it would be useful if additional information could be included in future reports where the outcome of assessment was no further action. The Governance Solicitor advised that the Decision Notices were available for inspection by the Committee but would explore including more detail in the report, such as whether the Code had been found to be engaged at all in the complaints resulting in no further action.

Resolved:

That the report be noted.

5 Local Assessment Procedure for Code of Conduct Complaints

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which presented a revised draft of the Council's Local Assessment Procedure for Code of Conduct complaints following consultation with the Constitution Working Group (for copy see file of Minutes).

Following a question from Councillor Clark it was clarified that the Procedure now made it clear that the subject Member was entitled to receive a full copy of the complaint against them.

Resolved:

That the amended Local Assessment Procedure, as presented, be adopted with immediate effect.

6 Social Media Guidance

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which discussed and sought approval to draft Social Media Guidance, following consultation (for copy see file of Minutes).

The report set out the responses to the consultation exercise and the changes made as a result. The consultees had also been asked if the document should be adopted as Guidance rather than Policy. On balance this was the view of the respondents and Members agreed with this.

During discussion, the Committee was informed that the Guidance would be rolled out across all Councils with member training sessions arranged. Members were concerned that training was not mandatory, given the number of complaints received regarding the use of social media and given that there may be some members who would not attend. The Committee was informed that a subject Councillor would not be able to use lack of training as a defence to a complaint against them concerning the alleged inappropriate use of social media, and a failure to have attended training might be taken into account when the complaint was assessed.

Resolved:

That the amended draft Social Media Guidance be agreed and adopted, having the status of Guidance.

7 Standards Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the 'national picture' on standards issues affecting Local Government (for copy see file of Minutes).

In discussing the report Members noted the outcomes of a NALC survey and were particularly concerned that it found that almost 40% of Local Councils had stated that their Members had not received training. The Committee supported the Chairman of NALC's request to the Government for a review of the standards regime, and for investment in a national training programme.

Resolved:

That the report be noted and Officers continue to monitor the progress of the matters referred to and keep the Committee updated.

8 Annual Report of the Standards Committee 2017/2018

The Committee considered a report of the Head of Legal and Democratic Services regarding the Annual Report of the Standards Committee for 2017/2018 which informed of the work of the Committee during the year and set out the direction it intended to take in 2018/2019 (for copy see file of Minutes).

Resolved:

That the report be noted and presented to the County Council on 31 October 2018.

Standards Committee

10 December 2018

Committee Work Programme



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

- 1 To inform the Committee of progress against the Work Programme agreed in December 2017.
- 2 To propose a new work programme for 2019.

Executive summary

- 3 There is no requirement for the Committee to have a work programme. However, it is considered good practice to have one as it helps demonstrate the work done by the Committee in promoting and maintaining high standards of ethical conduct throughout the year.
- 4 In December 2017, the Standards Committee approved a work programme in relation to the roles and functions of the Committee. This report updates the Committee on progress in relation to that work programme and proposes a new work programme for 2019.

Recommendation(s)

- 5 To note the progress against the work programme approved in 2017.
- 6 To consider and approve the proposed work programme for 2019 making any changes that the Committee considers appropriate.

Background

- 7 The terms of reference of the Standards Committee are set out in Article 7 of the Constitution. They are as follows:
- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
 - (b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
 - (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
 - (e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
 - (f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
 - (g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
 - (h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
 - (i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
 - (j) overview of the Officers' Code of Conduct; and
 - (k) overview of the Protocol on Member/Officer Relations

- 8 In December 2017, the Committee approved the work programme, which is consistent with the above Terms of Reference. A copy of the Programme, which has been updated to reflect the work done by the Standards Committee is attached at Appendix 2 to this report.

Work Programme 2018

- 9 The Committee will note that the majority of the programme has been completed. However, some items were considered earlier or later than intended to allow for them to be considered by other meetings of the Council.
- 10 The Employee Code of Conduct is the only piece of work not reviewed by the Committee. However, this was reviewed and approved by full Council in September 2018 to coincide with the introduction of the Council's new Values and Behaviours Framework.
- 11 The Autumn meeting of the Committee was held in October rather than September and therefore it was not possible to bring the draft Code before the Committee. It is therefore proposed that it is added to the work programme in time for its annual review in September 2019.
- 12 The Planning Code of Conduct has also not been reviewed in accordance with the anticipated timescale. However, the Code is contained within the Constitution so it is suggested that this is reviewed by the Committee to coincide with the Annual Review of the Constitution in 2019.

Draft Work Programme 2019

- 13 A draft work programme for the Committee for 2019 is attached at Appendix 3 for consideration. As with last year's work programme, it is designed to assist the Committee to meet its objectives set out in the Terms of Reference and to ensure that the Council complies with its obligations under S.27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted Members.
- 14 There continues to be standing items for each meeting in relation to local and national code of conduct issues. The work programme is intended to be flexible and can cover additional areas which the Committee is particularly concerned about, as they arise.

Background papers

- None

Other useful documents

- None

Contact: Helen Lynch

Tel: 03000 269732

Appendix 1: Implications

Legal Implications - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. It is anticipated that a planned work programme to deal with the specific roles and functions of the Committee, as set out in the Constitution, will assist compliance with this duty.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None

Procurement

None.

Appendix 2: Work Programme 2018

Meeting	Item	Date Considered.
Spring	1. Review of Code of Conduct	22 March 2018
	2. Review of Social Media Guidance (subject to later consideration on the agenda)	22 March 2018 7 June 2018 5 October 2018
	3. Review of national picture	22 March 2018
	4. Complaints update	22 March 2018
Summer	1. Review of Planning Code of Conduct	Deferred pending Annual Review Constitution
	2. Review of national picture	7 June 2018
	3. Complaints update	7 June 2018
Autumn	1. Annual Report	5 October 2018
	2. Review of Officers' Code of Conduct	not completed
	3. Review of national picture	5 October 2018
	4. Complaints update	5 October 2018
Winter	1. Review of Member/Officer Protocol	22 March 2018
	2. Review of national picture	10 December 2018
	3. Complaints update	10 December 2018

Appendix 3: Draft Work Programme 2019

Spring	1. Outcome of CISPL Consultation on Local Government Ethical Standards	
	2. Review of national standards picture	
	3. Complaints update	
	4. Review of Code of Practice for Members and Officers dealing with planning matters	
Summer	1. Review of national standards picture	
	2. Complaints update	
	3. Review of Code of Values, Behaviours and Conduct	
Autumn	1. Annual Report	
	2. Review of national standards picture	
	3. Complaints update	
Winter	1. Review of national standards picture	
	2. Complaints update	

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Standards Committee

10 December 2018

Code of Conduct Update

Ordinary Decision



Report of Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To provide the Committee with an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors.

Executive summary

- 2 The Council has a statutory duty to maintain and promote high standards of ethical conduct issues. Regular oversight by the Standards Committee of the complaints against County, Town and Parish Councillors helps the Council to discharge that duty.
- 3 The report provides at Appendix 2 a list of complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the Council's Local Assessment Procedure dated October 2018.
- 4 The report also informs the Committee of training provided by the Monitoring Officer.

Recommendation

- 5 Members are asked to note the contents of the report.

Complaints

- 6 There continues to be a high volume of complaints against Councillors. Since the last meeting of the Committee held on 5 October 2018, 22 new complaints have been logged in the two month period. However it should be noted that of those received, separate complaints were made by individuals in respect of two Parish Councillors (COM 196, 198, 205-206 and COM 204, 208 and 210) and three complaints have been received in respect of one Town Councillor (COM 211-213).
- 7 Decision notices have been issued in the period in respect of complaints COM 179, COM 189-190 and 192-194, COM 195, COM 197, COM 207 and COM 209. In relation to complaints COM 195, COM 207 and COM 209, it was considered that the conduct complained of did not engage the Member Code of Conduct and therefore no further action was taken. A Decision Notice has also been issued following a local investigation in respect of complaint COM 137 which found that there had been no breach of the Code of Conduct.
- 8 A Standards Committee Hearing Panel has been held in relation to complaint COM 134, which is the subject of a separate report to this Committee.
- 9 Further details as to the outcome of these complaints is set out in Appendix 2 to the report.

Training

- 10 On 14 November 2018 the Monitoring Officer provided training to Members of Stanley Town Council on the Code of Conduct for Members, in accordance with Decision Notice COM 138.
- 11 Training was also arranged in response to the outcome of the Standards Committee Hearing Panel (COM 134) but this was postponed due to unforeseen circumstances. The Monitoring Officer will endeavour to deliver this training before the next meeting of the Standards Committee in March 2019 and update the Committee accordingly.
- 12 In addition to providing training in response to specific complaints, the Monitoring Officer has offered training to Town and Parish Councils where queries/issues have been raised but no formal complaints received. Two such sessions are being arranged for early in the new year.

Conclusion

- 13 The report is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

Background papers

- Local Assessment Procedure dated October 2018.
- Decision Notices.

Contact: Helen Lynch

Tel: 03000 269732

Appendix 1: Implications

Legal Implications

The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the Council's own members and of members of Parish/Town Councils for which the Council is the Principal Authority.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Code of Conduct Complaints - Update

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 134	County	4 December 2017 Local Resident	<p>The complainant complained that the Councillor had failed to complete his register of interests within 28 days of election, and when published on 6 December 2017 the complainant noted that it was undated and that the Councillor had not declared that he owned a farm, which he had stated as part of an ongoing planning inquiry.</p> <p>In addition it was noted by the Solicitor with conduct of the planning inquiry that the Councillor's representations at the Inquiry were critical of Council Officers and their actions.</p>	Part 1 paragraphs 4 and 6, Part 2 paragraph 11	29 January 2018, 29 March 2018, 30 July 2018 and 18 October 2018	<p>Referred to Standards Committee Hearing Panel on 9 October 2018 which agreed:</p> <p>Censure of the Councillor; training on the Code of Conduct and Protocol on Member/Officer Relations; Letter of apology to Chief Executive for comments made about Council Officers at a Planning Inquiry</p>
COM 137	Town	25 January 2018 Member of the public	<p>The complainant complains that the Councillor in his capacity as Chairman has signed a lease Agreement that was dated 1 January 2017. The complainant asserts that on that date he was neither a Councillor nor an authorised signatory to the Agreement. The complainant asserts that the Agreement has since been used to support eviction proceedings. He complains that the Agreement has been backdated without lawful authority. He further complains that the Council's Standing Orders</p>	3, 4	16 February 2018 8 November 2018	<p>Investigation - No Further Action. The decision to evict was not taken by members of the Town Council. The subject Councillor's only involvement was to request that the eviction was put on hold.</p>

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			require such an agreement to be made under seal, and that this did not happen.			<p>Whilst there is conflicting evidence as to when the current Agreement was completed, it is clear from the evidence that an earlier Agreement continued to operate after its expiry.</p> <p>The subject Councillor was entitled to rely on the advice of the Clerk as Proper Officer to the Council when signing the Agreement.</p>
COM 138	Town	1 February 2018 Town Councillor	The complainant complains that in October 2017 the Councillor argued aggressively with him in a public house about a council decision. He also complains that on 25 January 2018 he was with 2 constituents when the Councillor interrupted him to accuse him of corruption. He complains of a pattern of aggressive behaviour by the Councillor at council meetings.	1, 2	19 April 2018	Local Resolution – Code of Conduct training for all members delivered on 14 November 2018.
COM 179	County	12 July 2018 Member of the public and on behalf of 2 other residents	The complainant complains that on 3 occasions between April and June 2018, on Saturday mornings, garden materials (appearing to be compost and garden bark) were delivered to the Councillor's private property by council employees using council trucks. The complainant questions whether it is	4.2(a)	1 October 2018	No Further Action – the Councillor had acted in good faith. The materials which the Councillor also arranged to be given to the church

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			ethical for a Councillor to be using council vehicles and employees for their own personal use, and asks whether this cost is being met by council tax payers.			and allotments would otherwise have been disposed of and he believed that this would save the Council money, as had the council official. Measures will now be taken to advertise the availability of surplus materials and to introduce a fair system of distribution.
COM 189 – 190, 192- 194	Town	20 July 2018- COM 189 26 July 2018- COM 190 30 July 2018- COM 192 31 July 2018- COM 193-194 4 Town Councillors and 1 County Councillor	The complainants allege that during a Council meeting of 18 July 2018, chaired by the subject Councillor, he refused to take advice from the Clerk and was abrasive and abrupt towards him. The Complainants complain that one of the Councillors present was warned that she would be asked to leave the meeting after complaining about the Chair's behaviour during the proceedings. The Complainants found his conduct towards the Clerk to be bullying and upsetting. A further Councillor complains that the subject Councillor has a vendetta against the Clerk.	1, 2	9 October 2018	Local Resolution – Training sessions for all members and the Mayor; CDALC to review Council's Standing Orders and Constitution; Mayor to meet with Monitoring Officer to discuss acceptable conduct and behaviour.
COM 195	Parish	10 September 2018 Parish Councillor	The complainant complains that on 6 September at approximately 7.00pm, the Councillor parked outside his home and engaged in aggressive behaviour towards him. He says that the Councillor was sounding his car horn, demanded of the complainant that he moved his car, and then proceeded to move a	1	17 October 2018	No Further Action – Code of Conduct not engaged. No evidence that the Councillor was acting or appeared to be acting in his

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			<p>number of stones from the village green onto the road before driving off across the village green. The complainant considers that this behaviour is inappropriate and unacceptable for a Parish Councillor.</p> <p>The complaint amounts to an allegation that he has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct.</p>			capacity as a Councillor at the time of the incident.
COM 196, 198, 205-206	Parish	COM 196 26 September 2018, COM 198 2 October 2018, COM 205 30 October 2018 COM 206 5 November 2018 Members of the public	<p>The complainants complain about the disrespectful and aggressive behaviour of the Councillor towards them when questioning issues around the maintenance of the old recreation ground and the emptying of the bins on the field. Complainant COM 198 alleges that the Councillor blamed him for the state of the field, potentially damaging the reputation of his business.</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct, and that their behaviour was bullying and intimidatory, contrary to paragraph 2 . In respect of COM 198 it is alleged that the Councillor has sought to convey a disadvantage on a person, contrary to paragraph 3.</p>	1, 2, 3		Currently being considered by the Governance Solicitor.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 197	Town	25 September 2018 Town Clerk	<p>The complainant refers to a social media post in which a member of the public commented that “it is disrespectful for Officers of the Council and for Councillors to go along with the renaming of a public structure”. The complainant says that these alleged facts are inaccurate. Other comments were also made in the post including that “Officers and Councillors are now hurriedly backtracking”.</p> <p>The subject Member posted a reply to the comment, to say “Not all councillors I’ll add”. The complainant asked the subject Member to retract the post and issue an apology, stating that she considered it inferred that he believes that some Councillors and Officers have acted disrespectfully. The subject Member declined to do so, saying that he has not been disrespectful to Officers and that his comment referred to the ‘backtracking’ part of the post rather than to the ‘disrespectful’ part.</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct.</p>	1	8 October 2018	No Further Action – the Councillor appeared to have commented on his own behalf and cannot reasonably be said to have endorsed the opinion expressed by the member of the public in relation to any other Councillors or Officers. The comments amounted to political expression and the Councillor did not express any comments about the Clerk or other Officers in the thread.
COM 199	County	9 October 2018 Member of the public	The complainant says that on Tuesday 2 October 2018, she was a passenger in a car trying to find a parking space. She says she witnessed the Councillor in a state of agitation, walking out into the road and sometimes gesticulating. The driver of the car she was in then parked near the junction, at which point the Councillor approached the vehicle and indicated to the driver to wind down the	4.3(b), 4.3(j)		Currently being considered by Solicitor.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			<p>window. The Councillor then said that residents had been complaining about inconsiderate parking, and proceeded to berate the driver, asking that the car be moved, and threatening to take photographs and to report the driver to the police.</p> <p>The complainant considers that the Councillor attempted to give the appearance of having power over parking enforcement matters by reason of being a Councillor, and considers that this is disrespectful and disreputable. The complainant considers that it is inappropriate for a Councillor to be standing on street corners, berating members of the public, acting strangely and making threats.</p> <p>The complaint amounts to an allegation that the Councillor has not dealt with the complaints from residents fairly, appropriately or impartially, contrary to paragraph 4.3(b) of the DCC Members' Code of Conduct, and has failed to treat people with respect, contrary to paragraph 4.3(j).</p>			
COM 200	Parish	15 October 2018 Parish Councillor	The complainant states that the Councillor instructed an Officer of Durham County Council to remove rocks from three areas of the village. The complainant says that this work has not been tabled or minuted at any recent Parish Council meeting, and that the Councillor has recently asked the Clerk to place it on the Agenda for the meeting of the Council, after the work was authorised, and started and completed in two locations.	3		Currently being considered by Solicitor.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			<p>It is alleged that this is the second time that the Councillor has made a decision when the placement of a rubbish bin was done without a Council decision.</p> <p>The complaint amounts to an allegation that the Councillor has behaved in such a manner that could be regarded as likely to bring the Council into disrepute, contrary to paragraph 3 of the Code of Conduct.</p>			
COM 201-202	2 Parish	15 October 2018 Parish Councillor	<p>The complainant alleges that at a meeting of the Parish Council the Councillors' behaviour towards the complainant was threatening, contrary to paragraphs 1 and 2 of the Code of Conduct.</p> <p>It is also alleged that in respect of complaint COM 202 the Councillor failed to declare an interest at a meeting in a matter which related to a Partnership of which he was a Director.</p>	1, 2 and Declarations of Interests at meetings		Currently being considered by Solicitor.
COM 203	Town	15 October 2018 Town Councillor	<p>The complainant says that at a Committee of the Town Council on 21 May 2018 the Councillor made defamatory statements against her and was upset by the bullying and intimidating manner the Councillor used in front of other Councillors and members of the public, without apology.</p> <p>The Councillor had also authorised the felling of a tree without Council approval.</p> <p>The complaint amounts to an allegation that the Councillor has breached paragraphs 4.1.1 and 4.1.2 of the Code of Conduct, which are respectively the respect and bullying/intimidation provisions, and has</p>	4.11, 4.12, 4.13		Currently being considered by Solicitor.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			behaved in such a manner that could be regarded as likely to bring the Council into disrepute, contrary to paragraph 4.1.3.			
COM 204, COM 208, COM 210	Parish	COM 204 15 October 2018 COM 208 8 November 2018 COM 210 13 November 2018 Members of the public	<p>The complainants allege that the Councillor:</p> <ol style="list-style-type: none"> 1) tries to influence decisions of the Allotment Association by using their position as a Parish Councillor; 2) persuaded the local PCSO to issue Harassment Orders to the members of the Allotment Association which were then revoked. 3) tried to have the complainants evicted from the Allotment Association; 4) circulated details of a spent criminal conviction of one of the complainants around the village. <p>The allegations amount to a breach of paragraphs 1 and 2 of the Code of Conduct which are the respect and bullying/intimidation provisions, and also 4 and 6, that the Councillor has disclosed information prohibited by law and has sought to improperly confer a disadvantage on the complainants.</p>	1, 2, 4, 6		Currently being considered by Solicitor.
COM 207	County	29 October 2018 Member of the public	The complaint concerns a boundary fence between the properties of the complainant and the Councillor. The complainant states that the Councillor is in dispute with him over the positioning of the boundary fence, and that on two occasions the Councillor has removed the fence and vandalised his property and gardening equipment. The complainant also states that the Councillor has threatened to pull down his greenhouse and has accused him of stealing a greenhouse.		1 November 2018	No Further Action – Code not engaged – the Councillor appears to have been acting in a personal capacity.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 209	Parish	2 November 2018 Member of the public	The complainant, who is also a Parish Councillor states that, as a parishioner, he had requested a letter to be published in the Village News regarding the Parish Council's decision to remove boulders from the area known as the REC. The complainant received a response from the Editor of the newsletter which advised that communications from a Parish Councillor which referred to the business of the Council should be approved by the Chair of the Parish Council. As approval had not been obtained the editing group had decided not to publish the letter. The complainant feels that the Parish Council and the Chair are blocking his right of speech as a member of the public.		12 November 2018	No Further Action – Code not engaged. No evidence that the Parish Council and/or the Chair were involved in making the decision not to publish the letter and/or blocking the complainant's right of speech.
COM 211-213	Town	13 November 2018 Members of the public	<p>The complainants complain about the conduct of the Councillor at 'The Lighting of the Beacon of Hope Service' as part of Remembrance Day activities on 11 November 2018. The complainants allege that the Councillor was under the influence of alcohol, showed no respect throughout the service and could not fulfil his duties as part of the Order of Service.</p> <p>The complaints amount to an allegation that the Councillor has failed to behave in such a way that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct, and has behaved in a manner which could be regarded as bringing the Council, or office as a member of the Council into disrepute, contrary to paragraph 6.</p>	1, 6		Currently being considered by Solicitor.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 214	Town	13 November 2018 Member of the public	<p>It is alleged that the Councillor commented on a post on social media which was designed to damage the charity's reputation of which the complainant is a Director, and which discredited their work.</p> <p>The complaint amounts to an allegation that the councillor has breached paragraph 4 of the Code of Conduct, that the Councillor has sought to confer a disadvantage on a person.</p>	4		Currently being considered by Solicitor.
COM 215	Parish	19 November 2018 Member of the public	<p>The complaint alleges that the Councillor:</p> <ol style="list-style-type: none"> 1) behaved in a disrespectful manner towards the complainant and others at a meeting of the Allotment Association on 3 September 2018; 2) behaved in a bullying manner at an allotment inspection in August 2018 towards the Chair of the Association; 3) used his position as Parish Councillor to inappropriately influence the management of the Association by requesting the complainant to call an extraordinary meeting to consider a 'vote of no confidence' against the Association's Committee members; 4) is a friend of one member of the Association who has tried to disrupt a meeting, produced a petition with forged signatures and flouted rules; 5) has sided with members of the Association who are the subject of disciplinary action by the Committee, failing to inspect allotments impartially, thereby improperly conferring an advantage on those persons. 	1, 2, 3, 4		Response awaited from the subject Member.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			<p>The complainant alleges that the Councillor has failed to behave in such a way that a reasonable person would regard as respectful (paragraph 1), has behaved in a way that a reasonable person would regard as bullying or intimidatory (paragraph 2), has sought to improperly confer an advantage on persons (paragraph 4), and his actions are likely to bring the Parish Council or his office as member into disrepute (paragraph 3).</p>			
COM 216 - 217	2 Town	22 November 2018 Town Councillor	<p>The complainant advises that on 22 October 2018 a post was made on a public Facebook page by one of the subject Councillors. This post was a screenshot of a private and confidential e-mail that he had previously sent to one of the Councillors as a member of the same group where he had mentioned in full confidence that he was considering resigning from the group. It is alleged that the post was edited in such a way that the context of the original e-mail was also misrepresented.</p> <p>The complainant states that this post was made without his knowledge or permission, and as such has caused undue stress to the complainant and his family which ultimately resulted in his resignation from the group, as he had felt that he was left with no option.</p> <p>The complaint amounts to an allegation that the Councillors have breached paragraphs 1 of the Code of Conduct (respect provision), 5 as they have shared confidential information about the complainant, and 6 as they have not complied with the Council's policies and procedures (ie the social media policy).</p>	1, 5, 6		Response awaited from the subject Members.

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Standards Committee

10 December 2018

**Standards Committee Hearing Panel-
Alleged Breaches of Durham County
Council's Code of Conduct – COM
134**



Ordinary Decision

**Report of Helen Lynch, Head of Legal and Democratic Services and
Monitoring Officer**

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To inform Members of the outcome of a hearing to consider a complaint concerning the alleged conduct of Councillor Stephen Hugill of Durham County Council.

Executive summary

- 2 In accordance with the Council's Local Determination Procedure a Standards Committee Hearing Panel was convened following the decision of the Monitoring Officer that an investigation was appropriate to consider alleged breaches of the Code of Conduct for Members by Councillor Stephen Hugill. The Investigation was conducted by a Governance Solicitor appointed by the Monitoring Officer who concluded that Councillor Hugill had breached the Code of Conduct.
- 3 This report informs Members of the decision of the Hearing Panel.

Recommendation

- 4 The Standards Committee is requested to note the outcome of the Standards Committee Hearing Panel attached at Appendix 2 of the report.

Background

- 5 On 9 October 2018 a Standards Committee Hearing Panel was convened to consider allegations that Councillor Hugill had failed to register a personal interest within 28 days of his appointment as a member, contrary to Part 2 of Paragraph 11 of the (then) Code of Conduct, and regarding representations made about Council Officers to a Planning Inquiry, contrary to Part 1 Paragraph 4 (disrepute provision), and Part 1 Paragraph 6 (Protocol on Member/Officer Relations).
- 6 The Standards Committee Hearing Panel were unanimous in their decision that Part 1 Paragraphs 4 and 6, and Part 2 Paragraph 11 of the (then) Code of Conduct have been breached.
- 7 The Standards Committee determined that the following sanctions were appropriate:
 - Censure of Councillor Hugill;
 - training to be undertaken in the Council's Code of Conduct for Members including the Protocol on Member/Officer Relations;
 - a written apology be provided to the Chief Executive for the inappropriate comments made about Council Officers to the Planning Inquiry.
- 8 A letter of Censure was issued to Councillor Hugill on 29 October 2018 and published on the Council's website, and the Councillor sent a written apology to the Chief Executive on 23 October 2018. A date had been arranged for the Monitoring Officer to provide training on the Code of Conduct for Members, however this was postponed due to unforeseen circumstances. It is anticipated that it will now take place in early 2019.

Background papers

- The Council's Local Determination Procedure dated July 2016.
- Investigation Report of the Governance Solicitor completed 20 July 2018.
- Decision Notices dated 19 December 2017, 29 March 2018 and 30 July 2018.

Contact: Helen Lynch

Tel: 03000 269732

Appendix 1: Implications

Legal Implications

The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its Members and to adopt a code of conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the Council's own members and of members of Parish/Town Councils for which the Council is the Principal Authority.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Report of the Standards Committee Hearing Panel

Durham County Council Standards Committee Panel Hearing in relation to possible breaches of the Code of Conduct (COM 134)

Name of Member: Durham County Councillor Stephen Hugill

Names of the Standards Committee members:

Chairperson: Councillor Bill Kellett

Member: Councillor June Clark

Member: Parish Councillor Ralph Harrison

Name of independent person consulted: John Dixon-Dawson

Preliminary Information

On 19 December 2017 the Monitoring Officer considered a complaint from Janet Sewell concerning the alleged conduct of Durham County Councillor Stephen Hugill in accordance with the Council's Procedure for Local Assessment of Complaints ("the Procedure"). A general summary of the complaints is set out below:-

On 24 November 2017, the Clerk to Evenwood and Barony Parish Council enquired on behalf of a resident as to whether Councillor Hugill had completed a declaration of interest on his election in May 2017 as it was not available to view on the Council's website.

On 4 December 2017, Janet Sewell wrote to the Council asking for confirmation that Councillor Hugill had completed his declaration on taking office. She referenced the requirement for Councillors to declare interests within 28 days of election. Failure to do so could mean that he is "*in receipt of financial and other information without the council being fully aware of any potential interests and therefore a breach of policy*".

The Monitoring Officer was handed Councillor Hugill's completed declaration on 6 December 2017. It was published on the Council's website and a link was provided to Janet Sewell in response to her email dated 4 December 2017.

On 7 December 2017, Janet Sewell acknowledged receipt of the declaration but noted that it was undated. She also noted that Councillor Hugill had stated that he owned a farm but that this had not been declared on his register. It is understood that Councillor Hugill provided this information as part of an ongoing Planning Inquiry.

The Monitoring Officer made enquiries with the Solicitor with conduct of the Planning Inquiry to confirm whether Councillor Hugill made such representation and if so whether the farm was within County Durham and therefore needed to be disclosed. The representations did not provide that level of detail but the representations were critical of Council Officers and their actions during events which led to the planning inquiry and appeared to contravene the Council's Member Officer Protocol.

The Monitoring Officer considered potential breaches of Durham County Council's Code of Conduct as follows;

Part 1 paragraph 4 of the Code which requires members not to conduct themselves in a manner which could reasonably be regarded as bringing the Council, or the office of councillor into disrepute.

Part 1 paragraph 6 of the Code which requires members to comply with any Protocol adopted by the Council which seeks to regulate the conduct of elected members.

Part 2 paragraph 11 which relates to the registration of disclosable pecuniary interests.

The Monitoring Officer determined that the complaints regarding Councillor Hugill's alleged failure to declare his disclosable pecuniary interests within 28 days of his election and in a farm he owns should be referred to the police in the first instance. The allegation was referred to the police in December 2017 to investigate. Councillor Hugill admitted the failure to declare his interests. However, the police concluded that it was not in the public interest to take any further action. They considered that it should be dealt with in accordance with the Council's procedures.

On 29 March 2018 the Monitoring Officer further considered the complaint and made a determination that the matter should be investigated.

The complaints were referred for investigation by Stephen Pearson, Partner at Freeths LLP who concluded that breaches of the Code of Conduct had occurred. A Hearing Panel of the Standards Committee met on 9 October 2018 to consider the complaints where the Investigating Officer had found a breach to have occurred.

Oral and written submissions (procedural)

The Standards Committee Panel's decision on procedural matters was as follows;

Hearing to be in public or private

The Investigating Officer and Councillor Hugill were invited to make representations on whether the Hearing should be heard in public or private. The Investigating Officer made no representation. Councillor Hugill submitted that the Hearing should be heard in private as he felt that as there were no nasty feelings in the whole situation there was no basis for it to be heard in public. The Committee conferred and took advice from the Independent Person and a decision was made to hold the Hearing in public so as to enable a transparent process. It was however, decided to

redact some of the information provided by Councillor Hugill so as to preserve sensitive, confidential information.

Findings of Fact

The Chair invited the Investigating Officer to present his report and address the issue of whether there had been a breach of the Code of Conduct. The Investigating Officer confirmed that he had no witnesses to call but that as part of his investigation he had spoken to Councillor Hugill, Terry Collins, Durham County Council's Chief Executive Officer and Joanne Waller, Durham County Council's Head of Environment, Health and Consumer Protection.

In respect of the allegation about failure to declare interests the Investigating Officer explained that the matter was straightforward and not only is the matter a breach of the Code of Conduct but also a criminal offence under section 34 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The Investigating Officer highlighted that upon re-election in May 2017 Councillor Hugill would have received a note from the Council's Acting Monitoring Officer requiring registration of interests within 28 days. Councillor Hugill did not complete his registration and a number of reminders were sent from the Monitoring Officer. A declaration form was then completed on 6 December 2017 which recorded Councillor's Hugill home address only, no other property was mentioned.

The Investigating Officer highlighted that there was a long difficult history involving a planning application for a farm. During this process Mrs Sewell noted that Councillor Hugill appeared to have failed to make a declaration. Councillor Hugill owns a farm which is a few miles away from the property involved in the planning dispute. Councillor Hugill did not declare his interest in this farm, the farm is tenanted and he has not personally operated it for a number of years. The Investigating Officer explained that failure to disclose interests is strict liability and that Councillor Hugill did not comply with his requirements in respect of the land he owns. The declaration containing both properties was done on 30 July 2018.

In respect of the allegation about representations made about Council Officers to a Planning Inquiry the Investigating Officer explained that Councillor Hugill was heavily involved in lobbying and supporting residents around the application for planning. This issue is how he conducted himself in the representations he made to the Planning Inquiry and whether the conduct amounted to a breach of the Code of Conduct around showing respect and courtesy to Council Officers. The Investigating Officer explained that some of the representations made were fair comments but that a number of comments amounted to serious accusations about the conduct of Council Officers. Councillor Hugill had accused the Council of deceit and removing documentation, the document in question subsequently was the subject of a police investigation.

The Planning Inquiry was a public forum and for Councillor Hugill to accuse the Council of deceit and removing information would make the Council look disorganised. Councillor Hugill was also suggesting that Council Officers were deceitful, possibly in a criminal way. The Investigating Officer expressed his view that Councillor Hugill has failed to conduct himself in a way that was respectful and courteous to Officers and that he had acted in a manner likely to put the Council into disrepute.

In accordance with the Council's Local Determination Procedure the Standards Committee Panel considered the verbal presentation of the investigation report by the Investigating Officer. The panel and the Independent Person then asked questions of the Investigating Officer.

The Standards Committee Panel then invited verbal representations from Councillor Hugill in order to allow him to challenge any factual findings in the report which he disputed and to address the issue of whether there had been any breaches of the Code of Conduct.

In respect of the first allegation Councillor Hugill explained that he did not receive the declaration form when he was elected in 2017. When he was elected as a Durham County Councillor first time round (prior to 2017) he received the form and duly completed it. When elected the second time he did not receive the form until September 2017, he experienced a lot of problems with his health and completely forgot to disclose the farm as he does not manage the land. Councillor Hugill explained that he had apologised to the police. Councillor Hugill stated that the farm land was handled by an agent, he declared it at the first election and did not believe he had to declare it a second time.

In respect of the second allegation Councillor Hugill explained that he was asked to attend a meeting with Mr Collins and Ms Waller during which he was asked to ask the residents to refrain from sending so many emails about the planning dispute as the Officers could not get on with what they needed to get on with. Councillor Hugill stated that he was not disrespectful at all.

The panel and the Independent Person then asked questions of Councillor Hugill.

Having considered the evidence presented to them the Standards Committee Panel accepted the findings of fact made by the Investigating Officer.

Whether or not Durham County Councillor Stephen Hugill has failed to follow the Code of Conduct

The investigation had explored potential breaches of Part 1 Paragraph 4 of the Council's Code of Conduct which requires members not to conduct themselves in a manner which could reasonably be regarded as bringing the Council, or their office as a member into disrepute. Part 1 Paragraph 6 which requires that members must comply with any Protocol adopted by the Council which seeks to regulate the conduct of members, in this instance the Protocol on Member Officer Relations. Part

2 Paragraph 11 which requires members to register the information about registrable personal interests within 28 days of appointment as a member.

The Standards Committee Panel's decision on whether or not there had been a breach of the Code of Conduct

The Standards Committee were unanimous in their decision that Part 1 Paragraphs 4 and 6 and Part 2 Paragraph 11 of Durham County Council's Code of Conduct for members had been breached.

In respect of the first allegation the Standards Committee found that Councillor Hugill had breached Part 2 Paragraph 11 of the Code of Conduct. Councillor Hugill should have declared his interest in the farm property owned since the 1980's. It was accepted that Councillor Hugill does not run activities at the farm however, he is still in receipt of an income from it and as such there is a clear pecuniary interest. It is clear that Councillor Hugill was aware previously when elected as a Durham County Councillor that his interest in the farm had to be disclosed.

In respect of the second allegation the Standards Committee found that Councillor Hugill had breached Part 3 of the Council's Protocol on Officer Member Relations in that he had failed to show respect and courtesy to Council Officers during a public Planning Inquiry. The Standards Committee found that the language used was inappropriate and unacceptable and as such Councillor Hugill had breached Part 1 Paragraph 6 of the Code of Conduct. Given that the comments were raised in a public forum this resulted in a breach of Part 1 Paragraph 4 of the Code of Conduct as this had the potential to bring the Council into disrepute.

Sanctions

In accordance with the Council's Local Determination Procedure the Standards Committee Panel invited representations from the Investigating Officer, Councillor Hugill and the Independent Person as to whether action should be taken and if so what form the action should take.

The Panel were disappointed that Councillor Hugill's behaviour had caused them to have to be so critical of his behaviour amounting to a breach of the Code of Conduct. The Panel were concerned that it took Councillor Hugill a significant period of time to update the register of interests after becoming aware of the requirement to declare the interest in the farm he owns. The Panel were also concerned that upon reflection of the comments made at the public Planning Inquiry he did not accept that his behaviour was inappropriate and that the comments were disrespectful. In accordance with the Council's Local Determination Procedure the Standards Committee Panel concluded that the following sanctions were appropriate;

- Censure of Councillor Hugill.
- Training to be undertaken in the Council's Member Code of Conduct including the Protocol on Officer Member Relations.

- A written apology to be provided in writing to Terry Collins and copied to the Standards Committee for the inappropriate comments made about Council Officers to the Planning Inquiry.

Right of Appeal

There is no right of appeal from this decision which is final.

.....

Chair of the Standards Committee Panel

18 October 2018

.....

Date

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Standards Committee

10 December 2018

Standards Update



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

- 1 To inform Members of the 'national picture' on standards issues affecting Local Government.

Executive summary

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting.

Recommendation(s)

- 3 The Standards Committee is recommended to:
 - i) to note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated.
 - ii) Consider any recommendations it wishes to make arising out of the content of the report.

Background

- 4 As agreed by the Committee in December 2017, as part of the annual work programme, this will be a standing agenda item with a quarterly update to the Committee.

Consultations

DCLG: Consultation on the Disqualification Criteria for Councillors

- 5 The Committee will recall that between September and December 2017, the Department for Communities and Local Government (now Ministry of Housing Communities and Local Government (MHCLG)) consulted on proposals to widen the disqualification criteria for councillors to include notification requirements under the Sexual Offences Act 2003 and civil injunctions or Criminal Behaviour Orders under the Anti-Social Behaviour, Crime and Policing Act 2014. The Government's response to the consultation has been published indicating that the criteria will be amended as proposed. A separate report detailing the outcome of the consultation is elsewhere on this agenda.

Committee in Standards in Public Life: Consultation on Local Government Ethical Standards

- 6 The Committee will recall that it considered the above consultation earlier this year. The Committee in Standards in Public Life are expected to publish their response to the consultation before the end of the year. The outcome will be reported to a future meeting of the Standards Committee.

Code of Conduct Complaints

- 7 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public.

Peacehaven Town Council

- 8 Earlier this year, the Town Manager of Peacehaven Town Council submitted a complaint to Lewes District Council's Monitoring Officer, alleging 3 Town Councillors had failed to comply with the Member Code of Conduct in relation to bullying, acting without proper authority,

improper use of their position and breaches of data protection and confidentiality.

- 9 The Monitoring Officer referred the complaint for investigation, which was conducted by an external investigator.
- 10 The investigation established that the majority of allegations were supported by evidence, and to varying degrees, represented likely breaches of the Town Council's Code of Conduct.
- 11 It identified wide ranging Code of Conduct issues, linked mainly to underlying problems concerning:
 - a. longstanding personal conflict and poor working relations between certain elected members and town council officers; and
 - b. a lack of understanding of the norms for officer/member relations and their respective powers and responsibilities:
- 12 Since the findings pointed to wider issues of governance affecting the entire town council and because two out of the three councillors complained of had resigned, it was agreed that the most effective resolution would be for the town council to adopt an action plan to address the governance issues identified.
- 13 Lewes District Council's Audit and Standards Committee approved this recommendation and requested updates at three and six months to assess the success or otherwise of the implementation of the action plan.

Coventry City Council

- 14 On 6 November 2018, the Ethics Committee at Coventry City Council considered an investigation report in relation to allegations that a Councillor had failed to declare disclosable pecuniary interests in relation to business interests. The investigator found and the subject member accepted that there had been a failure to declare the DPIs, which amounted to a breach of the Member Code of Conduct.
- 15 The investigation report covered a further allegation, which arose during interview between the investigating officer and the subject member in the course of the investigation. The investigator reported that the subject member had said in relation to the complainant that he would "stamp on him" and "take him to the cleaners" for bringing what he considered to be a politically motivated, unjustified complaint. The investigator concluded that these comments amount to a failure to treat others with respect, particularly since he had concluded that the

complaint was justified.

- 16 The Ethics Committee found that the Councillor had breached the Member Code of Conduct in relation to his failure to declare his DPs. However, it found no breach in relation to the comments made by the Councillor in respect of the complainant. The Committee considered that the comments had been made in a private meeting with the investigator and not directly to the complainant. Therefore, the threshold for establishing a failure to treat others with respect had not been met.

Wyre Borough Council

- 17 In this case complaints had been made by four other councillors about the behaviour of a Councillor at a meeting of the council's Planning Committee. The Councillor was alleged to have made derogatory comments about fellow Planning Committee members following a heated debate regarding a controversial planning application. The main issue was around the Councillors behaviour towards her fellow committee members, the perception that those comments would give to members of the public and to all those present at the meeting (including applicants and objectors) and, ultimately, the impact that this would have on the council's reputation.
- 18 The Councillor argued that the Code of Conduct comprised "general guidelines" for councillors and there was a degree of subjectivity about what constituted "inappropriate behaviour". She also argued that it was the part of the role of an elected councillor and an essential element of free speech in a democracy, to argue passionately for the things they believed in.
- 19 The Standards Committee concluded however that she had breached the Code of Conduct by failing to meet her requirement to "promote and support high standards of conduct when serving in your public post". The Councillor was required to make a written apology to read out at the next meeting of Planning Committee.
- 20 This case is interesting since it deals with the question of where the line between legitimate political speech and unacceptable behaviour should be drawn. The Standards Committee in this case considered that in making the remarks that she did, which implied that the planning decision had been made improperly, the councillor had stepped over that line.

Background papers

- None

Other useful documents

- <http://democracy.leweseastbourne.gov.uk/documents/s8667/Outcome%20of%20Code%20of%20Conduct%20Investigation%20at%20Peacehaven%20Town%20Council.pdf>
- <http://democracy.leweseastbourne.gov.uk/documents/s8668/Appendix%201%20Investigation%20Report%20by%20chi%20associates.pdf>
- http://www.coventry.gov.uk/downloads/file/28459/final_decision_notice_clr_a_-_6_november_2018
- https://wyre.moderngov.co.uk/documents/s1849/Minutes_Hearin1_ES_140318.pdf

Contact: Helen Lynch

Tel: 03000 269730

Appendix 1: Implications

Legal Implications - The Council has a duty under s.27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards Issues is expected to facilitate compliance with this duty.

Finance

None

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None

Crime and Disorder

None.

Staffing

None

Accommodation

None

Risk

None.

Procurement

None.

Standards Committee

10 December 2018

**DCLG Consultation – Disqualification
Criteria for Councillors**

Ordinary Decision



**Report of Helen Lynch, Head of Legal and Democratic Services and
Monitoring Officer**

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To advise the Standards Committee of the outcome on the consultation by the Department for Communities and Local Government (“DCLG”) on updating disqualification criteria for local authority members.

Executive summary

- 2 In 2016, the Minister for Local Government indicated that there would be a review of the provisions in the Local Government Act 1972 relating to the disqualification of local authority members and whether the provisions of the Localism Act 2011 have any implications for any new rules on this matter.
- 3 The Department for Communities and Local Government (DCLG) consultation to the current disqualification criteria was published on 18 September 2017 and closed on 8 December 2017. Respondents were invited to reply by email or to post written responses to the Department for Communities and Local Government. The County Council responded having consulted through the Constitution Working Group and the Standards Committee. A copy of the Council’s response is attached at Appendix 2 and the DCLG response to the consultation is attached at Appendix 3.

Recommendation

- 4 The Standards Committee is asked to note the government’s response to the consultation.

Background

Existing Disqualification Criteria

- 5 Section 80 Local Government Act 1972 provides that a person is disqualified from standing as a candidate or being a member of a local authority in certain circumstances, including if they:-

Have, within 5 years before being elected, or at any time since being elected, been convicted of an offence and received a sentence of imprisonment (suspended or not) for not less than 3 months without the option of a fine.

Any changes to the existing criteria would therefore require changes to the primary legislation.

DCLG – Consultation on updating the disqualification criteria for local authority members

- 6 Publishing the consultation paper, the Local Government Minister said:-

“Councillors hold an important position of trust and authority in communities across England. We need to hold them to the highest possible standards. The current rules are letting residents and councillors down by preventing people who should never be considered for such roles from standing for election.

The changes the government is proposing would help make sure anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor.”

- 7 The DCLG consultation paper states that councillors “should be community champions” and it is therefore “vital that they have the trust of the electorate”. The Government considers “there should be consequences where councillors fall short of the behaviour expected of anyone in a free, inclusive and tolerant society that respects individuals and society generally, and where this has led to enforcement action against an individual.” It therefore considers that the existing law on disqualification “should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour”.
- 8 The Government therefore proposed that a person would be disqualified from standing for, or holding office as a councillor or an elected Mayor, if he/she is subject to:-
- (i) the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’);
 - (ii) a civil injunction granted under s.1 Anti-Social Behaviour, Crime and Policing Act 2014; or

- (iii) a Criminal Behaviour Order made under s.22 Anti-Social Behaviour, Crime and Policing Act 2014.

9 The detailed proposals were set out in the consultation paper, and there were a number of questions to the consultation.

General Comments on the consultation paper

10 The proposals would not apply retrospectively. This means an existing councillor who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order when the changes come into force would not be affected. However, they would be prevented from standing for re-election after the changes come into force.

11 The proposals would also apply to co-opted members.

Government Response to the Consultation

12 The Department for Communities and Local Government (DCLG) response to the consultation is summarised below.

Sexual Offences

- (a) Having considered the responses received, the Government believes that where an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 they should be barred 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. Their disqualification period would end once they were no longer subject to these notification requirements.
- (b) Having considered the responses received, the Government believes that 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, mayor of a combined authority, member of the London Assembly or London Mayor. Their disqualification period would end once they were no longer subject to these notification requirements.

Anti-social behaviour

- (a) The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they were no longer subject to the injunction or Order.

- (b) The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they were no longer subject to the injunction or Order.

Public Sector Equality Duties

The Government has considered the views expressed in the consultation and does not consider that the proposals will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010.

- 13 It is noted from the governments response that the proposals that it consulted upon remain supported by it, with the amendment that 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, mayor of a combined authority, member of the London Assembly or London Mayor. Their disqualification period would end once they were no longer subject to these notification requirements.

Main implications

Equality and Diversity / Public Sector Equality Duty

- 14 There are no specific equality and diversity/public sector equality duty implications in relation to this report. However, one of the questions within the consultation paper asked “Do you consider that the proposals set out in the consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?” with the response from the government being no effect.

Consultation

- 15 Consultation was undertaken through the Constitution Working Group and the Standards Committee. The consultation closed on 8 December 2017.

Conclusion and Next Steps

- 16 Any changes to disqualification criteria for a member of a local authority will require changes to primary legislation. Government will look to identify a suitable legislative opportunity when parliamentary time allows.

Background papers

Report to Constitution Working Group 17 November 2017.

Report to Standards Committee 1 December 2017.

DCLG – Consultation on updating the disqualification criteria for local authority members.

Contact: Helen Lynch

Tel: 03000 269732

Appendix 1: Implications

Legal Implications

None.

Finance

None.

Consultation

As outlined in the report.

Equality and Diversity / Public Sector Equality Duty

As outlined in the report.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Council's Response to the Consultation

Contact: Helen Lynch

Direct Tel: 03000 269732

email: helen.lynch@durham.gov.uk

Your ref:

Our ref: HL/JR

Mr Stuart Young

Dept. for Communities and Local Government

2nd Floor NE Fry Building
2 Marsham Street

London

7 December 2017

Dear Sirs,

Consultation — Disqualification Criteria for elected Members

The above consultation paper was considered by the Council's cross-party Constitution Working Group (CWG) and the Standards Committee. Their responses to the consultation are set out below:

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?

The CWG and the Standards Committee were supportive of this proposal. However, the expressed concern that the criteria is to be limited to sexual offences. They consider that there are other equally serious offences such as fraud/"white collar crime" which go to the heart of whether or not a person is suitable to hold public office which should also be included.

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?

Members disagreed with this proposal. They consider that disqualification criteria should only apply to criminal matters, which are subject to the higher standard of proof. Members are often subject to vexatious complaints and the lower burden of proof required to obtain a Civil Injunction could unreasonably prevent Members from serving their residents. Members of the



Standards Committee also commented that Councillors who supported peaceful protest could inadvertently become subject to an Order under the Anti-Social Behaviour, Crime and Policing Act 2014. It would be wrong for an individual to be

Resources

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disqualified from holding public office on such grounds, particularly where the protest may have significant public support. Such criteria may infringe on an individual's freedom of expression.

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

Members observed that similar criteria do not apply to Members of Parliament or the Lords. They considered that the disqualification criteria for all elected office holders should be the same, regardless of the office held.

Finally, Members considered that public confidence in elected Members would be better served/improved by a thorough review of the Standards Regime, particularly the sanctions available to Standards Committees for dealing with persistent low level bad behaviour and/or one off serious breaches of the Code of Conduct

Yours faithfully

Helen Lynch
Head of Legal and Democratic Services

Ministry of Housing,
Communities &
Local Government

Consultation on Updating the Disqualification Criteria for Councillors and Mayor

A summary of consultation responses and the Government
response

October 2018

Ministry of Housing, Communities and Local Government



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Ministry of Housing, Communities and Local Government

Fry Building

2 Marsham Street

London

SW1P 4DF

Telephone: 030 3444 0000

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Ministerial Foreword

The Government consulted on proposals to update the disqualification criteria for councillors and Mayors to bring it into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them.

The Government considers there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected in an inclusive and tolerant society. Where behaviour has led to a conviction or enforcement action resulting in an individual being subject to one or more of the following: the notification requirements in the Sexual Offences Act 2003; a Sexual Risk Order; a Civil Injunction; a Criminal Behaviour Order we will seek to legislate to ensure that they are disqualified from standing for office as local authority members or Mayors.

As a result, councils across England will have the power to prevent individuals from standing as a councillor or Mayor at the point they trigger the revised disqualification criteria. These proposals will not apply retrospectively.

I am grateful to all those individuals, councils and organisations who took the time to respond to this consultation.

Elected members play a crucial role in town halls across the country, and are the foundations of local democracy. They are community champions, and have a leading role to play in building a better society for everyone.

Rishi Sunak

Minister for Local Government

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Introduction

Local authority members and directly elected Mayors are the heartbeat of local democracy in communities across England. They are entrusted by the electorate to make important decisions for the communities they represent, and on behalf of vulnerable groups, including children and young people. They also have a broad role representing their communities, engaging with local MPs and ensuring the views of their constituents are heard.

The Government believes the proposed revised criteria better reflects 21st century sentencing practices. It will encourage continued public confidence in elected members, and signals the importance we attach to the conduct of elected members.

This consultation proposed updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy,

Economic Development and Construction Act 2009, and section 21 of the Greater

London Authority Act 1999 to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.

This consultation did not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of the consultation, 'local authority member' also extended to directly-elected mayors and co-opted members of authorities, and 'local authority' means:

- a county council
- a district council
- a London Borough council
- a parish council

The disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 do not cover the Council of the Isles of Scilly or the Common Council of the City of London. Therefore, the consultation did not extend to these councils.

Overview

The consultation on changes to the current disqualification criteria (summary details at Appendix 1) was published on 18 September 2017 and closed on 8 December 2017. Respondents were invited to reply by email or to post written responses to the Department for Communities and Local Government.

The consultation sought views on whether individuals should, or 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 London Mayor if they are subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as being on the sex offenders register');
- a Sexual Risk Order;
- a civil injunction granted 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

This consultation was open to everyone. We particularly sought the views of individual members of the public, prospective and current councillors and those bodies that represent the interest of local authorities and councillors at all levels.

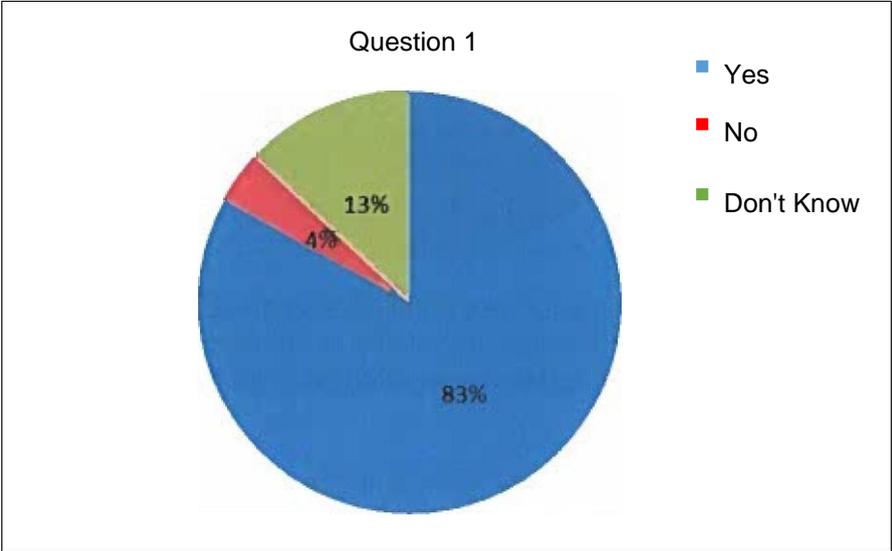
The consultation generated 178 responses, including from parish councils, district councils, London Councils, town councils, borough councils, county councils, membership organisations and individuals.

Consultation responses

Sexual offences

The two questions posed were 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. who 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?



There was strong majority of respondents (83%) in agreement, 4% against and 13% who didn't know. There were few additional comments on this question — those received were in the following vein:-

"The Committee unanimously agreed that those on the Sex Offenders Register should be prohibited from standing for election". (response no 088)

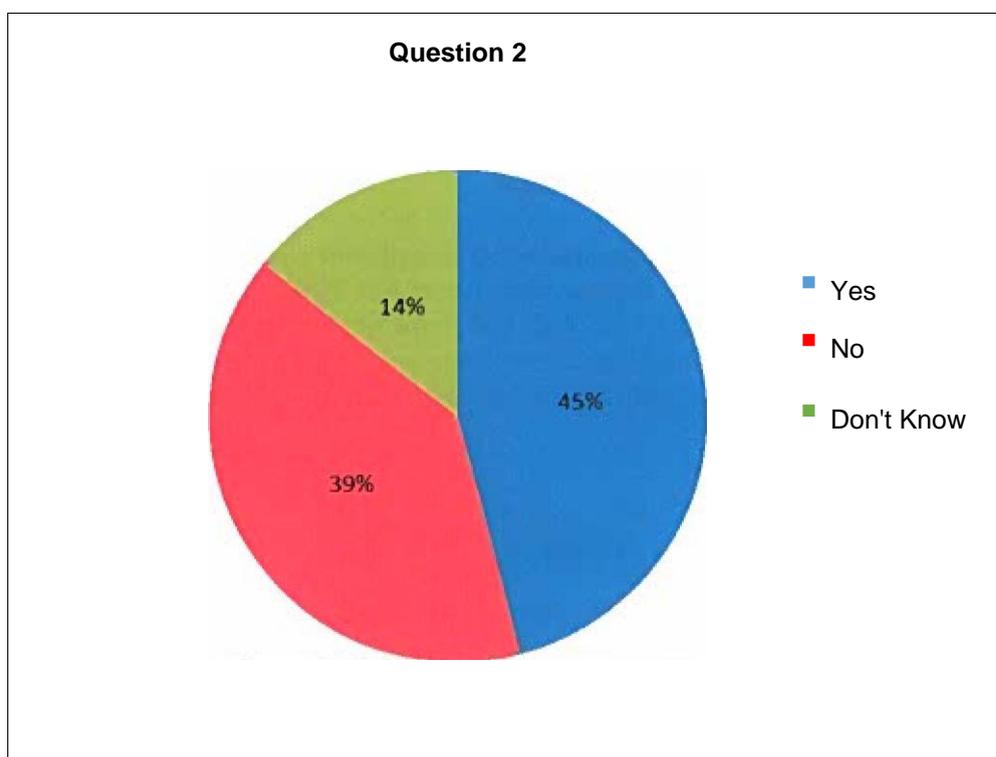
"The overriding concern of this council in considering these proposals was the protection of children and vulnerable adults." (response no 153)

Government response

Having considered the responses received, the Government believes that where an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 they should be barred 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.

Their disqualification period would end once they were no longer subject to these notification requirements.

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 London Mayor?



With 45% of respondents answered yes (individuals should not be prohibited from standing) 39% answering no (i.e. they should be prohibited from standing) and 14% answering don't know, there is a less clear outcome from the consultation in respect of this question. .

A Sexual Risk Order is not necessarily the result of a conviction, but individuals are subject to this Order because they are deemed by a court to

pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

Below is a selection of consultation responses received on this subject:-

"those individuals subject to a Sexual Risk Order should also be prohibited from standing as they are still considered to pose a potential risk to the public, and may also become more exposed to situations to abuse their position of trust and take advantage" (response 009);

"a Sexual Risk Order is given to those who pose a risk of harm to the public and/or children or vulnerable adults. Elected councillors have access to sensitive and personal information" (Response 147).

"an individual who is subject to a Sexual Risk Order poses a safeguarding risk" (Response 163).

"Members were uncomfortable with someone who is the subject of such an Order holding office, particularly as this would seem to conflict with the corporate parenting responsibility that is part of every elected Member's role. Members felt that residents would not want such individuals representing them.

It was acknowledged, however, that such individuals will not have been found guilty in a court of law and it could be potentially harmful to the democratic process to disqualify people from standing for election, or holding office, who had not committed any crime" (Response 85).

In response to the balance of consultation responses the Government believes that individuals who are subject to a Sexual Risk Order have not modelled the behaviour and values that befit the expectations of those whom we elect into public office, and they will not command the respect and confidence of their electorate.

Government response

Having considered the responses received, the Government believes that 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, mayor of a combined authority, member of the London Assembly or London Mayor.

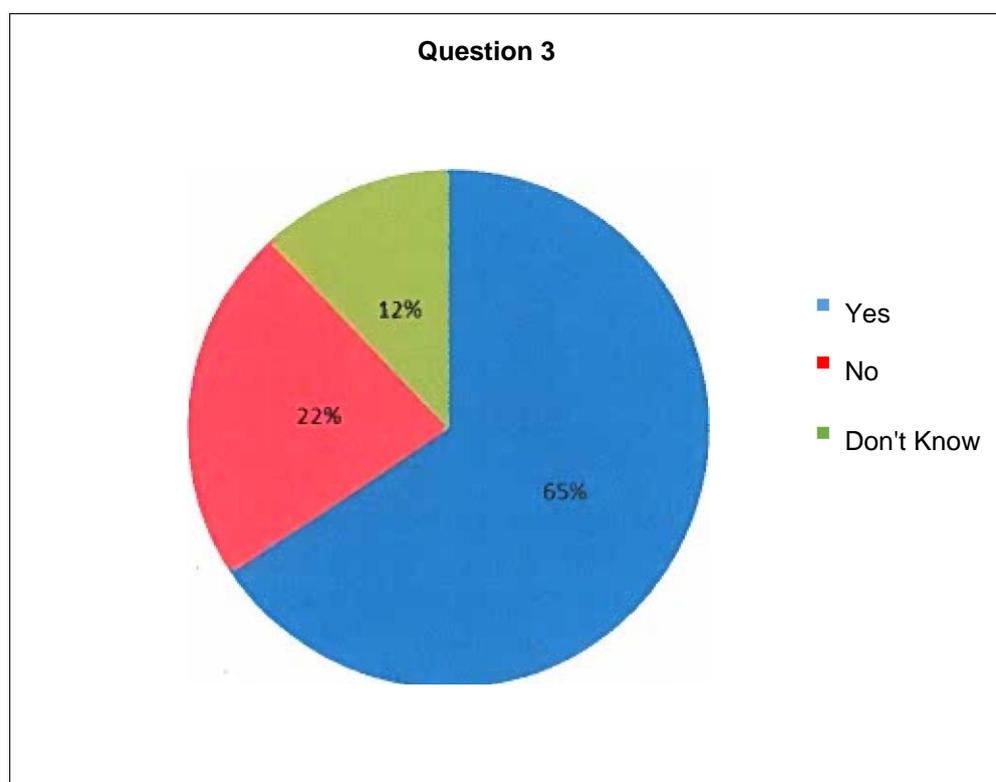
Their disqualification period would end once they were no longer subject to these notification requirements.

Anti-social behaviour

Questions 3 and 4 related to anti-social behaviour.

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?

The two anti-social behaviour orders in question i.e. a Civil Injunction or a Criminal Behaviour Order are the only ones that relate to an individual (rather than, for example, restriction in respect of a location or premises) and crucially are issued by the court, rather than the Police or a local authority.



There were 65% of respondents who agreed with this proposal, 22% against and 12% didn't know. Below is a flavour of the responses received:-

" We agree on the basis that the period of time for which they would be barred would end once they are no longer subject to the injunction or order. "

(response n0125)

"...individuals who have been issued with a Civil Injunction or Criminal Behaviour Order should be prohibited from standing for election, or holding office" (response 009)

"...it would not be considered acceptable for people to stand for or hold office where they have been issued with certain Civil Injunctions and Criminal Behaviour Orders" (response 013)

Whilst the majority of respondents were clearly in favour, there were concerns flagged up by some that individuals who had participated in peaceful protest and issued with a Civil Injunction would then be disqualified from local elections. The comment extracted below is representative of those views:-

"We believe that there is a clear risk that individuals who have been involved in persistent but non-violent protest could be subject to these measures, thereby preventing them from seeking or holding elected office despite the fact they may have been protesting a cause that has significant local support.....

It is possible that there are some specific categories of anti-social behaviour — such as hate crime — for which there may be justification for excluding individuals found guilty of them from the democratic process" (response 103)

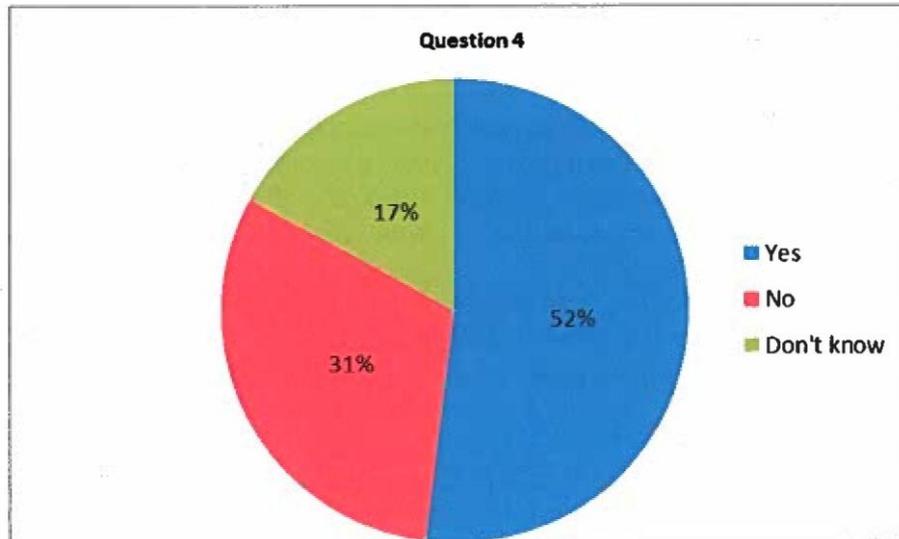
The Government supports the rights of a local councillor to participate in a peaceful protest where they are directly representing the views of their electorate. However as a Civil Injunction is only issued by the courts in response to anti-social behaviour, defined in the legislation as behaviour which causes harassment, alarm or distress, and such behaviour would have no place in a peaceful protest we believe this is a moot point.

Government response

The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they were no longer subject to the injunction or Order.

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?



There were 52% of respondents who agreed with this proposal. The comments extracted below are representative of respondent's views:-

"..we understand the reasoning behind the proposals, and believe that those appointed to public office should not have current "control" orders/injunctions in place, in respect of their behaviour, at the time they are seeking election. Our Members seek reassurance however, that orders which are no longer current (like spent convictions), will not prevent a person seeking office during a subsequent period of time.. (response no 127)

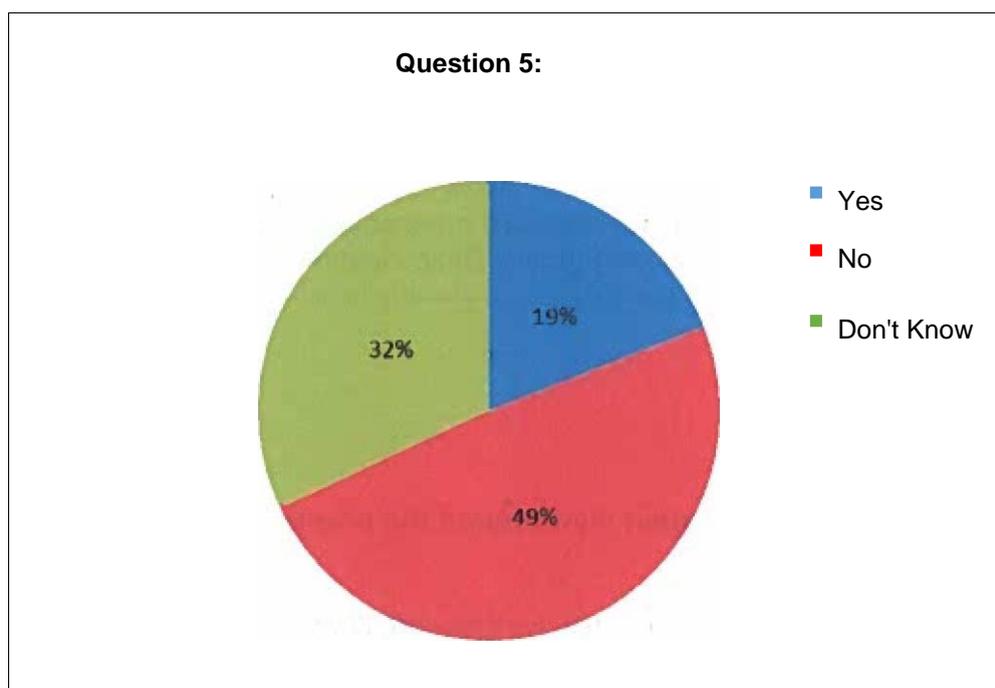
"..The public quite rightly expect individuals within public service, whether elected representatives or officers, to demonstrate high standards of conduct. Individual failings can weaken confidence across the sector. Where an individual is named within a Notice or Order then they should also be prohibited from standing for election or holding office" (response no 160)

Government response

The Government considers that an individual who is subject to an anti-social behaviour sanction issued by the court, i.e. 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 barred from standing for election, as a local authority member, directly-elected mayor or member of the London Assembly. Their disqualification period would end once they were no longer subject to the injunction or Order.

Public Sector Equality Duties under the Equality Act 2010

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?



Some 49% considered that the proposals set out in this consultation paper would not have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010.

There were very few comments received in respect of this question, an example being:-

"The Public Sector Equality Duties require local authorities to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between those with and those without protected characteristics. As with existing Disqualification Criteria the proposals are universally applicable and therefore do not affect the ability of local authorities to discharge their equality duties. "
(response no 058)

Some respondents expressed concern that the proposals would affect the equality duties and were discriminatory in that they singled out individuals for

adverse treatment which does not affect other groups and for reasons which do not relate to their conduct as councillors.

The Government's Equality Impact Assessment on the proposed changes to the Disqualification Criteria for Councillors and Mayors notes that as more men rather than women are subject to Sexual Risk Orders and the notification requirements set out in the Sexual Offences Act 2003 there is a potential indirect impact on men in relation to these proposed policy changes. The assessment concludes that were such an impact to be found to exist, there would be countervailing public interest considerations for Councillors and Mayors to be demonstrably of good character, capable of being trusted by the electorate to make important decisions for the communities they represent, and on behalf of vulnerable groups including children and young people. In application of this policy will apply to people who share protected characteristics and people who don't.

Government response

The Government has considered the views expressed in this consultation and does not consider that the proposals will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010.

Other views

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

This question provided an opportunity for respondents to provide any additional views on the proposals.

The most frequently occurring views given in response to this question are either covered elsewhere in this document, e.g. the right to peaceful protest (see page 10), or relate to issues that were out of scope of the consultation.

Next steps

Any changes to disqualification criteria for a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor will require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 2009.

Government will look to identify a suitable legislative opportunity when parliamentary time allows.

List of respondents

180 respondents as of 14 December 2017

31 Individuals (names withheld)

15 Organisations I Bodies

Association of Green Councillors

Bedfordshire Association of Town & Parish Councils

Cornwall Association of Local Councils

Kent Association of Local Councils

Lawyers in Local Government

Local Government Association

Middlesbrough Labour Group

Muslim Women's Network UK

National Association of Local Councils

Northumberland Association of Local Councils

Public Law Partnership

Society of Council Clerks (Cornwall)

Society of Local Council Clerks

Suffolk Association of Local Councils

Unlock

37 Parish Councils

Anstey Parish Council

Barrow Gurney Parish Council

Borough Green Parish Council

Brockley Parish Council

Burham Parish Council

Butterow, in parish of Rodborough

Cam Bria Parish Council

Chelveston-cum-Caldecott Parish Council

Cubbington Parish Council

Comberton Parish Council

Cringleford Parish Council

Crockenhill Parish Council

Eastington Parish Council

Effingham Parish Council

Horsmonden Parish Council

Hythe and Dibden Parish Council

Kettleburgh Parish Council

Kingswood Parish Council

Kea Parish Council

Laken Heath Parish
Little Gaddesden Parish Council
Little Paxton Parish Council
Luxulyan Parish Council
Nempnett Thrubwell Parish Council
Reymerston & Thuxton Parish Council
Rodborough Parish Council
Snettisham Parish Council
South Wooten Parish Council
St Just in Roseland Parish Council
St Agnes Parish Council
Trowell Parish Council
Walmer Parish Council
Warboys Parish Council
Westerleigh Parish Council
Wiggenhall St Mary Magdalen Parish Council
Westerleigh Parish Council
Yaxham Parish Council

22 District Council

Breckland District Council
East Hertfordshire District Council
East Lindsey District council

Mansfield District Council
Mendip District Council
Mid Devon District Council
Newark & Sherwood District Council
North Hertfordshire District Council
Selby District Council
South Holland District Council
South Lakeland District Council
Staffordshire Moorlands District Council
Tandridge District Council
Teignbridge District Council
Tendring District Council
Thanet District Council
Torrige District Council
Uttlesford District Council
Warwick District Council
Wealsden District Council
West Lindsey District Council
Wyre Forest District Council

14 Town Councils

Beccles Town Council

Bodmin Town Council

Camborne Town Council

Corsham Town Council

Hednesford Town

Littlehampton Town Council

Newark Town Council

New Romney Town Council

Ollerton & Boughton Town Council

St Blaise Town Council

Stowmarket Town Council

Trowbridge Town Council

Winchcombe Town Council

Yate Town Council

8 City Councils

Brighton & Hove City Council

Chelmsford City Council

City of York Council

Exeter City Council

Leeds City Council

Manchester City Council

Newcastle City Council

Sheffield City Council

21 Borough Councils

Blackburn with Darwen Borough Council

Bournemouth Borough Council

Cheltenham Borough Council

Chesterfield Borough Council

Corby Borough Council

Doncaster Borough Council Fylde Borough Council

Hartlepool Borough Council

High Peak Borough Council

Kettering Borough Council

Middlesbrough Council

Nuneaton and Bedworth Borough Council

Redar and Cleveland Borough Council

Ruscliffe Borough Council

South Ribble Borough Council

Surrey Heath Borough Council

Swindon Borough Council

Watford Borough Council

West Lancashire Borough Council

Wirral Borough Council

Wyre Borough Council

15 County Councils

Devon County Council

Durham County Council

East Sussex County Council

Gloucestershire County Council

Hertfordshire County Council

Lancashire County Council

Leicestershire County Council

Nottingham County Council

Norfolk County Council

Somerset County Council

Staffordshire County Council

Suffolk County Council

Warwickshire County Council

West Sussex County Council

Worcestershire County Council

5 London Councils

Brent Council London Borough Council

Camden London Borough Council

Ealing London Borough Council

Lewisham London Borough Council

Sutton Council

8 Metropolitan Borough Council

Barnsley Metropolitan Council

Gateshead Metropolitan Borough Council

Kirklees Metropolitan Borough Council

Oldham Metropolitan Borough Council

Sandwell Metropolitan Borough Council

Trafford Metropolitan Borough Council

Wigan Metropolitan Council

Wakefield Metropolitan District Council

2 Unitary Authorities

North Lincolnshire Council

Telford and Wrekin Council

1 Fire Authority

Cleveland Fire Authority

1 National Park Authority

Peak District National Park Authority

Appendix 1: summary of current disqualification criteria

Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority if they:

- are employed by the local authority;
- are subject to bankruptcy orders;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
- are disqualified under Part II of the Representation of the People Act 1983;
- are employed under the direction of various local authority committees, boards or the Greater London Authority; or
- are a teacher in a school maintained by the local authority

Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority. A person is disqualified from being elected or holding office as the mayor of a combined authority if they:

- hold any paid office or employment (other than the office of mayor or deputy mayor), including any appointments or elections made by or on behalf of the combined authority or any of the constituent councils of the combined authority;
- are subject to bankruptcy orders;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine; or
- are disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983.

Section 21 of the Greater London Authority Act 1999 disqualifies someone from being the Mayor or an Assembly member if they:

- are a member of staff of the Authority;
- hold an office that disqualifies the holder from being Mayor or an Assembly member;
- are subject to bankruptcy orders are bankrupt or have made a composition agreement with creditors;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
- are disqualified under section 85A or Part III of the Representation of the People Act 1983 from being the Mayor or an Assembly member; or
- are a paid officer of a London borough council who is employed under the direction of:
 - a council committee or sub-committee whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a joint committee whose membership includes a member appointed on the nomination of the council and a member appointed on the nomination of the Authority;
 - the council executive, or one of its committees, whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a member of the council's executive who is the Mayor or someone appointed on the nomination of the Authority.

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