

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

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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

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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

Appendix 3: DCLG response to the consultation

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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October 2018

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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.

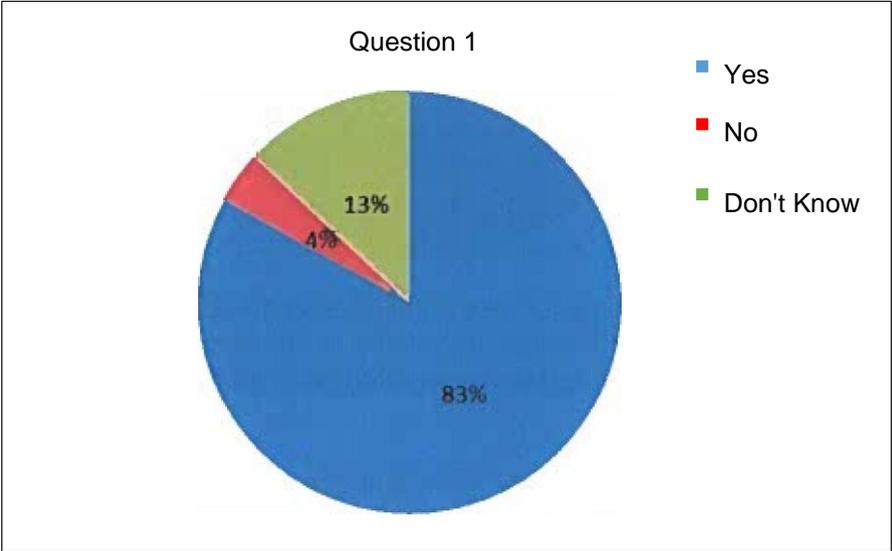
The consultation generated 178 responses, including from parish councils, district councils, London Councils, town councils, borough councils, county councils, membership organisations and individuals.

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)

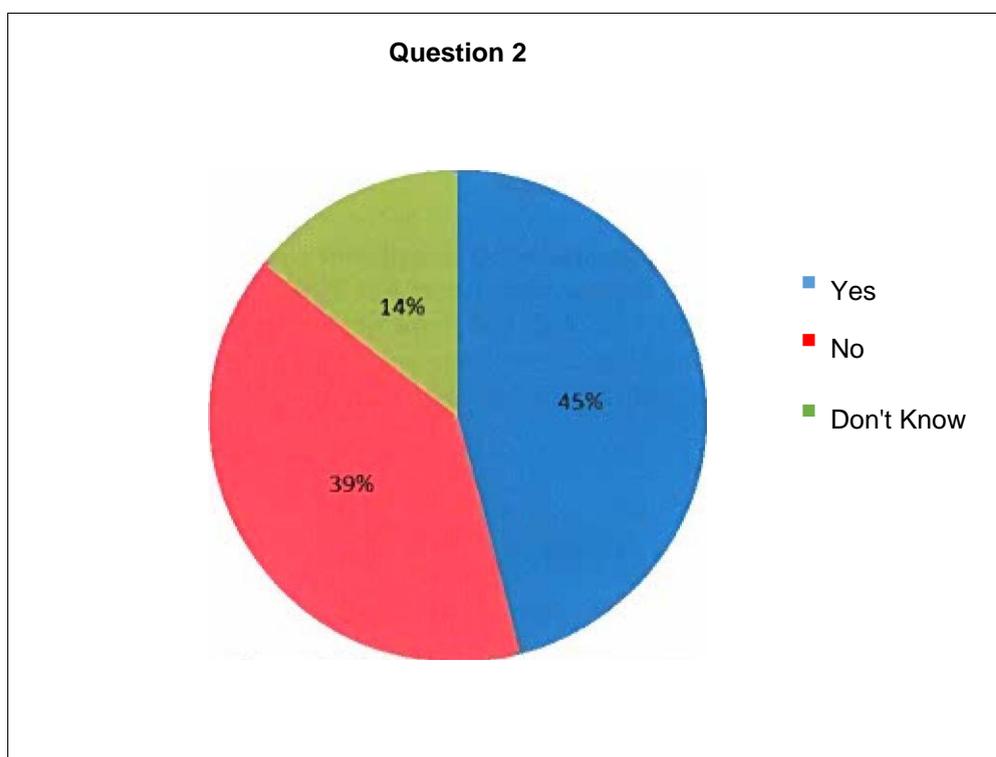
"The overriding concern of this council in considering these proposals was the protection of children and vulnerable adults." (response no 153)

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.

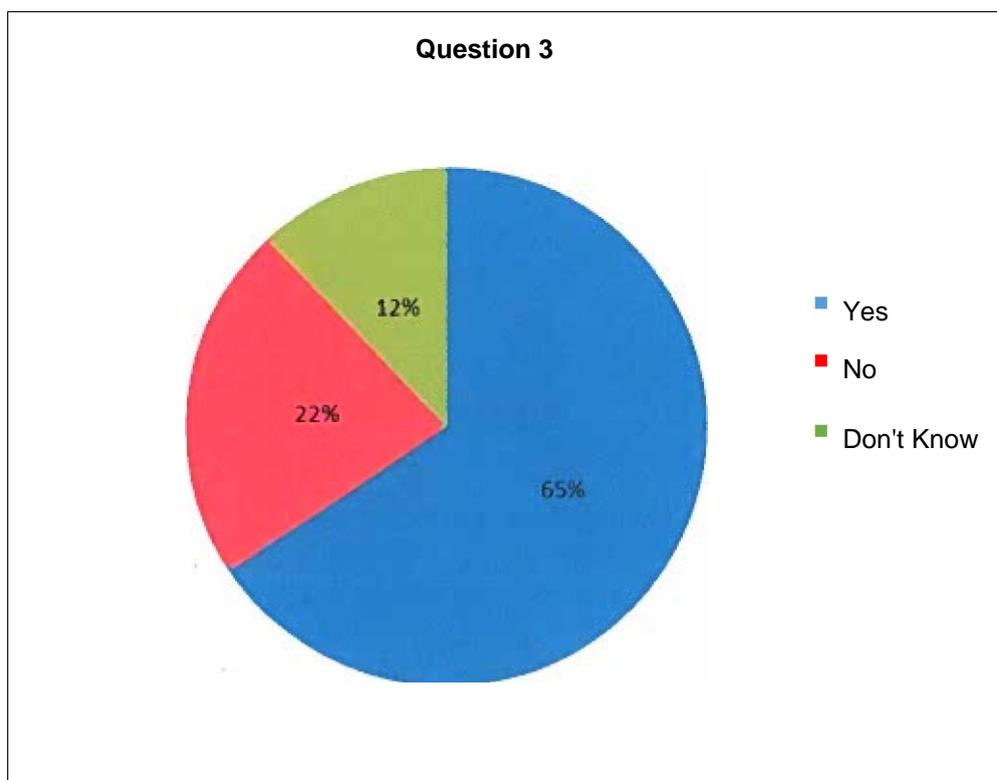
Their disqualification period would end once they were no longer subject to these notification requirements.

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)

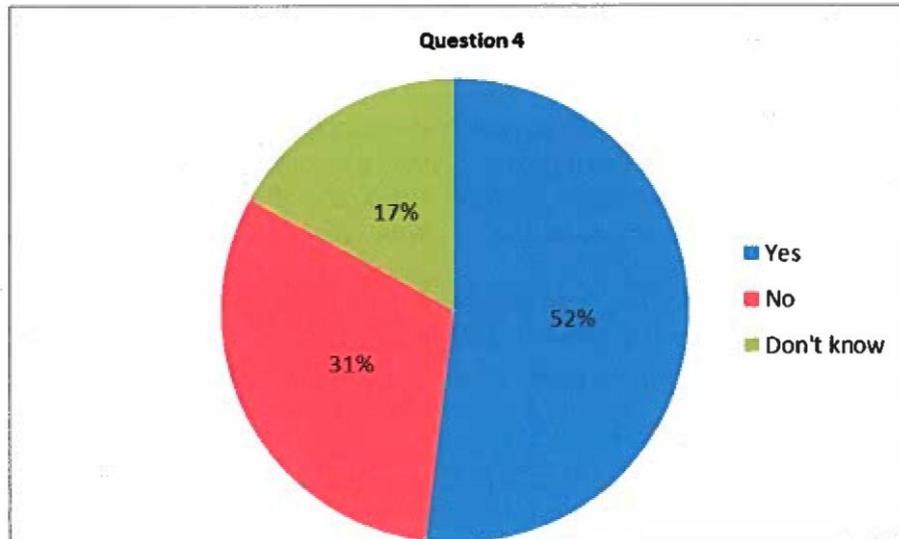
The Government supports the rights of a local councillor to participate in a peaceful protest where they are directly representing the views of their electorate. However as a Civil Injunction is only issued by the courts in response to anti-social behaviour, defined in the legislation as behaviour which 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)

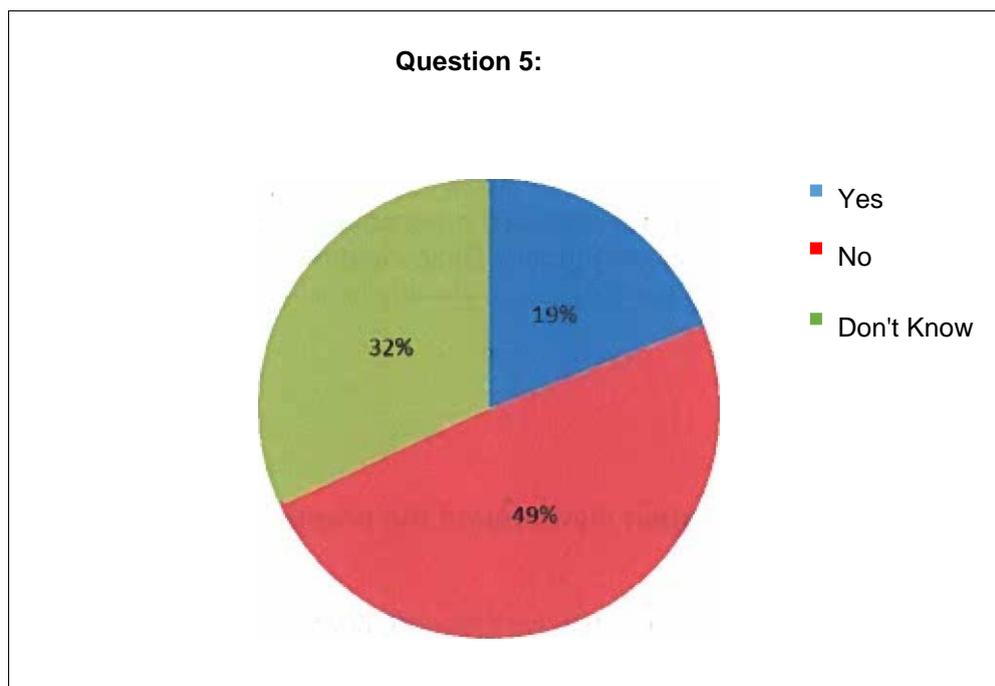
"..The public quite rightly expect individuals within public service, whether elected representatives or officers, to demonstrate high standards of conduct. Individual failings can weaken confidence across the sector. Where an individual is named within a Notice or Order then they should also be prohibited 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.