

Report to Ethical Standards

21 June 2022

Subject:	Local Government (Disqualification) Act 2022
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
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1 Recommendations

- 1.1 Members note that the Local Government (Disqualification) Act 2022 (“the Act”) comes into force on 28th June 2022.

2 Reasons for Recommendations

- 2.1 On 28th April 2022, the Local Government (Disqualification) Act 2022 received Royal Assent. It comes into force 2 months after the date it has passed, being 28th June 2022.
- 2.2 The Act amends the current legislation to extend the disqualification criteria for Local Authority members (Councillors, Mayors of Combined Authorities, the Mayor of London and London Assembly Members).
- 2.3 Its provisions include disqualifying a person, depending on the status of the relevant order or notification, from being elected or being a member of a local authority or the mayor for the area of a combined authority in England, if they are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 or a sexual harm prevention order, sexual risk order or related relevant orders.



- 2.4 In relation to criminal activity (not related to election practices) the current disqualification criteria for Councillors, directly elected Mayors and London Assembly Members is that they are disqualified from standing for election or holding public office if they have been convicted 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.
- 2.5 As a result of new offences and new sentencing guidelines, some sexual offences do not result in a custodial sentence. Therefore, councillors convicted of offences, which previously would have resulted in disqualification, are now able to retain their role if elected or run for election even if recently convicted.
- 2.6 The Act now ensures that those who have unintentionally fallen out of scope are now included.
- 2.7 The Act ensures that those who hold public office are held to the highest standards of integrity and conduct in public life and supports the Nolan Principles.

3 How does this deliver objectives of the Corporate Plan?

		The Act ensures that those who hold public office are held to the highest standards of integrity and conduct in public life.
		
		It should give confidence to Sandwell residents that those who represent them are accountable for their own conduct.

4 Context and Key Issues

- 4.1 It is relevant for all Members to be aware of the new legislation.



5 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	This is a legislative update. Associated policies and guidance will need to be reviewed to include this provision.
Risk:	There are no risk implications arising from this report.
Equality:	There are no equality implications arising from this report.
Health and Wellbeing:	There are no health and wellbeing implications arising from this report.
Social Value	This ensures that Sandwell Councillors are held accountable for their conduct.

6 Appendices

None

7. Background Papers

N/A

