

STANDARDS COMMITTEE ***Agenda***

Date Thursday 16th March 2023

Time 6.00 pm

Venue Crompton Suite, Civic Centre, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT details for this meeting are available from Constitutional Services: telephone – 0161 770 5151, or email – constitutional.services@oldham.gov.uk

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12.00 noon on Monday, 13th March 2023.

4. FILMING - The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE STANDARDS COMMITTEE

Councillors K Phythian, Williamson, M Bashforth, Byrne and Williams

1 Apologies For Absence

2 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes (Pages 1 - 2)

The Minutes of the meeting of the Standards Committee, held on 20th October 2022, are attached for approval.

6 Local Government (Disqualification) Act 2022 (Pages 3 - 6)

Report of the Director of Legal Services



STANDARDS COMMITTEE
20/10/2022 at 3.30 pm

Present: Councillor Williams (Chair)
Councillors K Phythian, M Bashforth and Byrne

Independent Members: Karen Williams

Parish Councillors: Beeley (Saddleworth Parish Council)

Also in Attendance:

Paul Entwistle	Director of Legal
Laila Chowdhury	Constitutional Services
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Williamson.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

A Public Question had been received from Mr Neil Wilby which asked:

“How many Standards complaints against elected Members are arising from June's Extraordinary and July's Full Council meetings.

If there are any, and to avoid any risk of jigsaw identification of subject Members, please state the number of complaints against members of the ruling Labour Group and the number, in total, of members of the three opposition parties.

Please also distinguish where a Member is the subject of multiple complaints, where applicable.”

The Chair provided the following response:

“It was not appropriate to advise of live complaints.”

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 12th July 2022 be approved as a correct record.

6

PROCEDURES UNDER THE STANDARDS FRAMEWORK

Consideration was given to a report of the Director of Legal which advised the Committee of the Procedure under the Standards Framework.

Members were advised that, Under the arrangements for dealing with complaints under the Members Code of Conduct, a Standards sub-committee was established to consider hearings where an investigator had found breach or breaches of the code and referred assessments. The standards sub-committee currently comprised three members, (one from each group represented on the Standards Committee), one independent person and one Parish Councillor if the matter referred to a Parish Council matter. The sub-committee considered whether a breach of the code had taken place and what sanction, if any to apply. The sub-committee also considered whether a referred complaint should be investigated. Members were provided with a breakdown of the sanctions available at section 1.1 of the report.

Members were informed that it was appropriate for the Committee to consider the procedure outlined at section 1.3 to be adopted by the sub-committee. Members were also requested to consider a position when a standards complaint had not been concluded when a member ceased to be in office. A finding may not be made against a former member however there were some authorities that had decided that a complaint or investigation can be reinstated if the former member was re-elected within a certain period of time.

Members felt that the position would stop contentious issues and would help the complainant understand the issues would not just cease and would pick up where the complaint left off. The position would give Members the ability to review complaints before the assessment.

RESOLVED that:

1. The procedure for a local hearing and composition of the sub-committee be approved.
2. The position outlined in section 1.4 of the report be approved for a period of two years.

The meeting started at 3.45 pm and ended at 4.03 pm

Report to Standards Committee

Title: LOCAL GOVERNMENT (DISQUALIFICATION) ACT 2022

Report of: Director of Legal Services

Date: 16th March 2023

1 Background

- 1.1 The Local Government (Disqualification) Act 2022 (“the 2022 Act”), which came into force in June 2022, introduces new grounds on which a person is disqualified from being elected to, or holding, the position of a member of the Council. This new disqualification relates to individuals who are subject to certain notification requirements or orders relating to sexual offences. There was already a disqualification that applied to individuals who within five years before the day of election, or since their election, had been convicted of any offence and had been sentenced to imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.
- 1.2 In 2017 the Government consulted on proposals to update the disqualification criteria for councillors, London Assembly members and elected mayors to bring them into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of members. Subsequent to the consultation the Government gave a commitment to seek to legislate to ensure that the disqualification criteria would be amended to also include individuals who are subject to either the notification requirements set out in the Sexual Offences Act 2003 (commonly known as ‘being placed on the sex offenders register’) or a Sexual Risk Order made under section 122A of the Sexual Offences Act 2003.

2. The new legal provisions

- 2.1 The 2022 Act introduces a new disqualification. A person is disqualified from being elected to, or being a member of, a local authority in England if the person is subject to: a) any relevant notification requirements, or b) a relevant order.
“Relevant notification requirements” means the notification requirements of Part 2 of the Sexual Offences Act 2003.

“Relevant order” means: a) a sexual harm prevention order under section 345 of the Sentencing Code; b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003; c) a sexual offences prevention order under section 104 of that Act; d) a sexual risk order under section 122A of that Act; e) a risk of sexual harm order under section 123 of that Act.

- 2.2 A person who is subject to any relevant notification requirements referred to at paragraph 2.1 above is not to be regarded as disqualified until: a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- 2.3 Similarly, a person who is subject to a relevant order referred to above is not to be regarded as disqualified until: a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- 2.4 The disqualification introduced by the 2022 Act does not operate retrospectively. Therefore, it does not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force on 28 June 2022.
- 2.5 Changes to the rules for administering elections have also been made, including to the prescribed consent to nomination form. Candidates are now required to declare when standing that they are not disqualified under the newly inserted Section 81A of the Local Government Act 1972.
- 2.6 It should be noted that during any election or post-election period or during a term of office, any claim that a person is disqualified cannot be investigated by the Council or the Returning Officer but is a matter for the police or an election court.

3. Recommendation

- 3.1 The Committee are asked to note the legislative change.

4. Financial Implications

- 4.1 There are no financial issues arising from this Report

5. Legal Services Comments

- 5.1 Included within the body of the report

6. Human Resources Comments

- 5.1 N/A

7. Risk Assessments

7.1 N/A

8. IT Implications

8.1 N/A

9. Property Implications

9.1 None

10. Procurement Implications

10.1 N/A

11. Environmental and Health & Safety Implications

11.1 N/A

12. Equality, community cohesion and crime implications

12.1 N/A

13. Implications for Children and Young People

13.1 No direct implications arising from noting the change to the legislation

14. Key Decision

14.1 No

15. Key Decision Reference

15.1 N/A

16. Background Papers

16.1 The following is a list of background papers on which the report is based in accordance with the requirements of Section 100(1) of the Local Government Act.

None

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