

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

LOCAL GOVERNMENT (DISQUALIFICATION) BILL

Wednesday 1 December 2021

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CLAUSES 1 TO 6 agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Sunday 5 December 2021

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The Committee consisted of the following Members:*Chair:* DR RUPA HUQ

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|---|---|
| † Badenoch, Kemi (<i>Minister for Levelling Up Communities</i>) | Hillier, Dame Meg (<i>Hackney South and Shoreditch</i>) (Lab/Co-op) |
| † Beresford, Sir Paul (<i>Mole Valley</i>) (Con) | Howell, John (<i>Henley</i>) (Con) |
| † Blackman, Bob (<i>Harrow East</i>) (Con) | † Jenkyns, Andrea (<i>Morley and Outwood</i>) (Con) |
| † Brown, Mr Nicholas (<i>Newcastle upon Tyne East</i>) (Lab) | † Morris, David (<i>Morecambe and Lunesdale</i>) (Con) |
| † Bryant, Chris (<i>Rhondda</i>) (Lab) | † Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab) |
| Carmichael, Mr Alistair (<i>Orkney and Shetland</i>) (LD) | † Robinson, Mary (<i>Cheadle</i>) (Con) |
| Coutinho, Claire (<i>East Surrey</i>) (Con) | Shannon, Jim (<i>Strangford</i>) (DUP) |
| † Hardy, Emma (<i>Kingston upon Hull West and Hessle</i>) (Lab) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Wednesday 1 December 2021

[DR RUPA HUQ *in the Chair*]

Local Government (Disqualification) Bill

2.37 pm

The Chair: Before we begin, I have a few preliminary reminders. Members are reminded to use masks and face coverings, and to maintain distancing as far as possible, in line with current Government guidance and NHS advice and that of the House of Commons Commission. Please also give each other and members of staff space when seated and when entering and leaving the room. People coming on to the estate are supposed to be tested twice a week—there is a testing venue in Portcullis House. Please switch electronic devices to silent. Our colleagues at *Hansard* would be grateful if Members sent speaking notes to hansardnotes@parliament.uk.

My selection and grouping for today's meeting is available online and in the room. No amendments were tabled. We will have a single debate covering all six clauses.

Clause 1

MEMBERS OF LOCAL AUTHORITIES IN ENGLAND ETC

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clauses 2 to 6 stand part.

Sir Paul Beresford (Mole Valley) (Con): We are particularly delighted to see you in the Chair, Dr Huq.

The Chair: I am sorry. You can't get the staff these days, Sir Paul.

Sir Paul Beresford: We were tempted to chair the Committee ourselves, but we were ruled out of order.

The Chair: I need some dental work done, as well.

Sir Paul Beresford: Absolutely. We were tempted to move the Bill formally, just to save you the trip, but there was an objection.

The Chair: Okay—let the process continue.

Sir Paul Beresford: I am delighted that we are putting the clauses together so that we can discuss them quickly. I think there is universal support for the contributions that follow to be short. I am aware that a number of supporters, on both the Government and the Opposition side, are keen to leave as soon as feasible, so I will be quick.

Like many people, I was very surprised to hear that there is a loophole in the legislation on disqualification of local government elected members who are convicted of a sexual offence. That conviction means that they are subject to the relevant notifications commonly known as the sex offenders list. If the individuals are subject to

a custodial sentence, they are automatically disqualified from their elected post. If they are not subject to a custodial sentence, even though they are put on the sex offenders list, they are not automatically disqualified. That really took me by surprise, as it did other people.

The reality, therefore, is that such individuals can stand in an election to become a local government member, and in a few cases over the past few years that has happened. I believe that is absolutely unacceptable. It is degrading. It means that people who should be looking out for the vulnerable, especially children, are in a position where one might doubt that they are actually doing so.

This tiny but somewhat complex Bill will remove that loophole. To hasten proceedings, I have sent all Committee members a copy of the Bill and the explanatory notes, so that they already have the matter covered.

The grounds for disqualification are set out in clause 1, which is entitled

“Members of local authorities in England etc”,

to whom this change will apply. Similarly, the Acts to which the changes will apply are set out. Clause 2 applies to Mayors of combined authorities. Clause 3 applies to the Mayor of London and London Assembly members. The supplementary and final provisions are set out in clauses 4 to 6. Clause 4 contains references to Channel Islands or Isle of Man legislation. Clause 5 deals with transitional provision. Clause 6 addresses the extent, commencement and short title.

Having quickly summarised the Bill, I must thank and congratulate the Minister and her officials, who put together this small but extraordinarily complex Bill, covering all the bases of local government legislation in England and Wales.

Jess Phillips (Birmingham, Yardley) (Lab): I shall be briefer than I think I have ever been in Parliament and simply say that I and the Labour party fully endorse the Bill, and we congratulate the hon. Member for Mole Valley on his efforts in bringing it forward. In my view, it is important that this change is made in relation to all representatives, but with a special focus on those who act as corporate parents. The Labour party supports the Bill.

The Minister for Levelling Up Communities (Kemi Badenoch): I have a very long speech that I am keen for all members of the Committee to go through with me over the next 25 minutes.

I thank my hon. Friend the Member for Mole Valley (Sir Paul Beresford) for picking up this private Member's Bill and helping us to close this loophole. It has been an absolute pleasure to work with him in progressing the Bill to Committee stage, and I look forward to supporting it over the upcoming legislative hurdles, of which no doubt there will be very few for what is a common-sense and necessary measure for the statute book.

It is clear that people must be given confidence that the individuals they elect to represent them are of good character, worthy of trust and beyond reproach. Mayors and local councillors are responsible for the delivery of vital services, including for children and vulnerable adults, and good character in the people making decisions about such services should be the minimum expectation.

It goes without saying that the vast majority of councillors and Mayors are driven by a deep sense of public duty, and they deserve our respect for the excellent

job they do. However, perhaps inevitably when there are 120,000 councillors serving all tiers of local government in England, there are rare occasions when the behaviour of individuals falls below the standards that the public rightly expect.

Two such cases have shone a sharp light on the need for reform, including a particularly notorious incidence that involved a parish councillor downloading indecent images of children soon after their election to public office. Despite being placed on the sex offenders register, this individual refused to do the decent thing by stepping down and he then went on to serve his full term. This intolerable situation was made possible by our current legislation on disqualification not having kept pace with our sentencing regime, as our rules disqualified someone only if they received a custodial sentence of three months or more.

My hon. Friend the Member for Mole Valley has already described the clauses that are to stand part of the Bill, so I will not repeat them, but it is important to mention the devolved Administrations, as they are not represented in the room. There is a commitment to support Northern Ireland implementation, and clause 6 sets out that the Act will come into force two months after the day on which it is passed. The clause also confirms that the provisions apply to England only.

Local government functions are devolved, which means the Bill is specifically for England. That being said, the Welsh Government have recently legislated on the matter and the Scottish Parliament may wish to make corresponding provision, because the UK Government, unlike in the devolved nations, retains general responsibility for local government elections. The Government will

work with the Northern Ireland Executive to seek to extend these measures to Northern Ireland in a comprehensive package, addressing candidates and sitting councillors.

This Government believe that it is absolutely right for councillors, Mayors and members of the Greater London Assembly to face consequences if they fall short of the behaviour we all expect in an inclusive and tolerant society. This private Member's Bill will help us uphold standards in public life and deliver on our commitment to legislate on this issue. Updates to the disqualification criteria are timely and, many would say, long overdue, and I am pleased to commend the Bill to the Committee.

Sir Paul Beresford: I am delighted but not surprised that there is general support. I am conscious that Members want to get out of here, so I will be very quick. Before you put the question, Dr Huq, I wish to thank you and all who have attended, having been dragged out of the coffee room. I ask the Minister to convey my thanks to her officials who put the Bill together, because it is much more complicated than it looks—I remember struggling with local government legislation when I was a local government Minister. I thank those who have spoken for being succinct, and I also thank those who did not speak.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 6 ordered to stand part of the Bill.

Bill to be reported, without amendment.

2.47 pm

Committee rose.

