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SK/LH	(01709) 822770	22770	Sharon Kemp

9<sup>th</sup> December 2016

Mr Steve McAllister  
Department for Communities and Local Government  
2<sup>nd</sup> Floor North East  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Dear Mr McAllister

At its meeting on 7 December 2016 the Council resolved that I should raise with you its concerns about the limitations of the current national standards regime in the context of the recent resignation of Councillor Andrew Roddison.

Councillor Roddison was re-elected as a district councillor in the May 2016 local elections. Following an incident at a formal Council event later that month he was charged with an indecent assault on a female aged over 16. He was convicted of the offence on 22 November 2016, was sentenced on 1 December 2016 to a Community Order with a curfew and resigned on 5 December 2016. Due to the circumstances of the case the court did not require his name to be placed on the Sex Offenders' Register.

The issue which concerned councillors was that the Council would have had no ability to remove him as a councillor had he not chosen to resign. As he did not receive a custodial sentence of three months or more, the provisions of section 80 of the Local Government Act 1972 would not have applied to disqualify him automatically. This could have resulted in a person convicted of a sexual offence, whose offence was committed while on duty as a councillor, continuing to hold the office of councillor until the local elections in May 2020. Given the history of this Council that would have been particularly damaging.

In order for a councillor to remain in office and to continue to receive their Basic Allowance under the Local Authorities (Members' Allowances) (England) Regulations 2003 all that is required is that they attend one meeting every six months in order to avoid disqualification under section 85 of the Local Government Act 1972. Again the likely public perception were a councillor convicted of a sexual offence continued to receive public money merely by attending one meeting every six months would have been entirely negative and damaging to the reputation of the Council.

The underlying issue is that while Part 1, Chapter 7 of the Localism Act 2011 creates various criminal offences relating to disclosable pecuniary interests, it makes no provision for sanctions for other breaches of the relevant code of conduct. This means that where a councillor is found to be in breach of the code of conduct the options available to the Council are limited to censuring the councillor or using its administrative powers to remove a councillor from a committee, panel or outside body or recommending to the Leader of the Council that a councillor who is a member of the Executive be removed from that role.

There may be a wide range of councillor misconduct which would not warrant sanctions but the current regime, by removing the possibility of sanctions for breaches of the code which do not involve disclosable pecuniary interests, creates a gap which could be exploited by councillors who commit criminal offences which do not attract the term of imprisonment required for automatic disqualification but which are of a nature or seriousness that the public would regard them as incompatible with public office.

I would therefore request that you consider whether the Localism Act regime for standards should be reviewed to see what could be done to avoid circumstances in which an individual convicted of a sexual offence could remain in office as a councillor.

Yours sincerely



**Sharon Kemp**  
Chief Executive