

Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 1

Submitted by Councillor Duffin

Thurrock Council calls upon the government to introduce legislation to provide for a right of "Real Recall" of underperforming local government councillors on grounds similar to those put before parliament when MPs debated "Real Recall" in 2014.

If such legislation passes, Thurrock Council could then work to implement 'Real Recall' along the lines debated by parliament in 2014 as laid out below:

- That Recall should be a mechanism for political accountability, not a judicial or disciplinary process.
- A recall petition should require 20% of the number of registered voters. Recall campaigns should have 90 days to collect the signatures.
- Signatures for the petition should only be collected by volunteer canvassers
- A recall petition should trigger a recall referendum, where a simple majority recalls the politician. If the recall referendum is successful, the councillor seat is vacated and a by-election is held.
- There should be a grace period of six months before and after election and six months after a recall referendum or by-election when no recall petition can be triggered.

There are four key examples of situations in which full recall could strengthen the individual accountability of councillors:

- Misconduct
- Failure to Represent
- Crossing the Floor
- Breaking Electoral Promises

A properly designed system of recall, with appropriate safeguards, introduced by parliament through legislation would minimise disruption while ensuring that it promotes accountability. Recall should be difficult, but not impossible.

Monitoring Officer Comments:

Currently no statutory right of recall exists for elected councillors in local government nor any option of suspension from office for a breach of the Code of Conduct since the enactment of the Localism Act 2011. Any such recall scheme therefore would require parliamentary legislation to be passed.

This motion calls on the government to consider enacting such legislation which if passed would require the Authority to write to the government indicating that

Thurrock Council was in favour of such legislation and asking the government to consider this option.

A limited right of recall of MPs was recently passed into law under the Recall of MPs Act 2015.

There are no direct legal implications at this stage as the matter is a decision of Parliament which has the necessary power to enact such change on such terms as it may consider appropriate.

Beyond this an elected Member will cease to be an elected councillor if any of the following occurs:

- Non-Attendance: Section 85(1) of the Local Government Act 1972 provides that if a member of an authority fails, throughout a period of 6 successive months from the date of their last attendance, to attend any meeting of the authority, they shall cease to be a member of the authority, unless the non-attendance was for a reason approved by the authority before the expiry of the 6 month period.
- Employed by the local authority or holds a paid office under the authority (including joint boards or committees but certain limited exceptions).
- Holds a politically restricted post.
- Bankruptcy restrictions order or interim order (subject to detailed rules).
- Sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine.
- Disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations).
- Disqualification upon conviction in court for failing to register or declare a DPI or participating or voting with a DPI.
- Ceasing to be a registered local government elector when only ground to stand as a candidate. If this was the only qualification claimed by the Member their name must appear on the register at the time of their nomination and throughout their term of office - this is an ongoing qualification.

Section 151 Officer Comments:

There are no financial implications at this stage as the motion simply asks for government action. Should legislation be passed, there will undoubtedly be costs associated with investigating any concerns but these are not known at this stage.

Is the above motion within the remit of Council to approve?

Yes