

Qualification and disqualifications to be a Labour Councillor

1.1 Introduction

There are both party requirements and also certain legal provisions about who can and cannot be a local councillor.

The Labour party's rules state that:

'Nominees must be legally qualified, and not disqualified, to stand for the local authority at the election concerned. It is required of LCFs that they take steps to check on disqualifications under the relevant legislation as well as any party requirements when compiling their panel of prospective candidates.' NEC procedural rule D.iv.

and

'This party shall not accept as qualified for inclusion in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election in the local government area is existing service as a councillor.' NEC procedural rule D.viii.

1.2 Party expectations

In addition to meeting the legal requirements, the Labour Party expects that nominees for the panel of local election candidates should:

- be normally resident in the area of the relevant local authority, and
- hold their party membership in the area of the relevant local authority, and
- have been members of the party for at least 12 months - although Local Campaign Forums may decide to make exceptions

1.3 Exceptions

It is within the discretion of the Local Campaign Forum to consider nominations from individuals otherwise legally qualified, but that discretion must only be exercised having taken advice from the party's regional or constitutional officers.

1.4 Legal provisions

In addition, there are legal provisions relating to qualification and disqualification.

Each nominee for the panel is required to sign a declaration confirming that he/she knows of no legal reason or party rule that would prevent him/her from being a candidate or being elected as a councillor in the local elections.

It is absolutely essential that every nominee is properly questioned to establish that s/he is both qualified and not disqualified. If there is any question about this - especially arising from employment - s/he must seek advice from the council's solicitor before being appointed to the panel of approved candidates. Every approved candidate must be reminded of the importance of remaining qualified and of checking the implication for qualification of any change in circumstance (eg employment).

1.5 Qualification

The law says that, on the day of nomination, you must:

- have attained the age of 18 years, and
- be a British subject or citizen of the European Union¹ and
- be and thereafter continue to be on the electoral roll for the area of the authority², or
- during the whole of the previous 12 months have occupied, as owner or tenant, land or premises in that area, or
- had your principal or only place of work in the area during the previous 12 months³, or
- have resided in the area for the whole of the previous 12 months.

1.6 Disqualification

Certain people are disqualified from standing for election or from being a member of a local authority.

The law says that you are disqualified if, on the day of nomination, you:

- are subject to a bankruptcy restrictions order or an interim order made in connection with creditors (excludes Individual Voluntary Arrangements)
- have been surcharged for more than £500 by the district auditor in the last five years
- have been sentenced to a term of imprisonment (whether suspended or not) for three months or more, in the last five years
- have been disqualified under Part III of the Representation of the People Act 1983 (this relates to donations and other offences as well) or under the Audit Commission Act 1998.
- are disqualified by virtue of section 80 of the Local Government Act 1972 and/or the political restrictions provisions of the Local Government & Housing Act 1989.⁴

¹ A person is qualified to be elected if he/she is:

A British subject (includes persons who have the status of Commonwealth citizens under the 1981

Act and certain persons who had the status of British subject under earlier legislation);

A citizen of the Republic of Ireland;

A citizen of the European Union (ie not a Commonwealth citizen or a citizen of the Republic of Ireland)

² If only the electoral registration qualification is used, it would be necessary, if elected, to continue that electoral registration throughout the term of office.

³ The party does not accept as qualified in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election is existing service as a councillor - see NEC procedural rule D8.

⁴ Broadly, anyone working for a public authority and who holds a politically restricted post will be ineligible, as will anyone who holds office or employment with the local authority for which the election is being held, or whose paid post is confirmed by that local authority. Restrictions may also

apply to individuals working for an organisation which is significantly funded and/or controlled by the council, or party to a contract with the council or to another local authority which jointly funds their position. See separate section on conflicts of interest arising from employment.