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Tuesday, 31 October 2017

To: The Members of the **Audit and Standards Committee**
(Councillors: Paul Deach (Chairman), Rebecca Jennings-Evans (Vice Chairman),
Rodney Bates, Edward Hawkins, Paul Innicki, Bruce Mansell and Conrad Sturt)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Substitutes: Councillors Dan Adams, Ruth Hutchinson, David Lewis and Oliver Lewis

Dear Councillor,

A meeting of the **Audit and Standards Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 8 November 2017 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
To receive any apologies for absence and to note the presence of any substitute members.	
2 Minutes of Previous Meeting	3 - 6
To confirm and sign the minutes of the Audit and Standards Committee meeting held on 10 July 2017.	
3 Declarations of Interest	
Members are invited to declare any disclosable pecuniary interests and	

non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

4 2016/17 Financial Statements

To consider a report setting out the audited Financial Statements for the 2016/17 financial year and summarising the work undertaken by the Council's External Auditors to discharge their statutory functions.

5 Disqualification Criteria for Local Authority Members

7 - 26

To consider a report seeking feedback on Government proposals to update the criteria that bar individuals from being a local councillor.

Date of Next Meeting

The next scheduled meeting of the Audit and Standards Committee will take place on Monday 26th March 2018 at 7pm.

Minutes of a Meeting of the Audit and Standards Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 10 July 2017

+ Cllr Paul Deach (Chairman)
+ Cllr Rebecca Jennings-Evans (Vice Chairman)

+ Cllr Rodney Bates
+ Cllr Edward Hawkins
+ Cllr Paul Ilnicki

+ Cllr Bruce Mansell
- Cllr Conrad Sturt

+ Present
- Apologies for absence presented

In Attendance: Julia Hutley-Savage, Principal Solicitor
Kelvin Menon, Executive Head of Finance
Alex Middleton, Senior Auditor

1AS Minutes of Previous Meeting

RESOLVED that the minutes of the meeting of the Audit and Standards Committee held on 30 March 2017 be approved as a correct record and signed by the Chairman.

2AS Declarations of Interest

There were no declarations of interest.

3AS Assessment of Going Concern Status

The Committee received a report setting out the S151 Officer's assessment of the Council as a 'going concern'.

All local authorities had been asked to assess the likelihood of their survival as a going concern in the coming financial year. The assessment reviewed the Council's current and projected financial positions and its strategic planning and budget framework processes within the regulatory and control environment in which the Council operated and would be used to develop the Council's Statement of Accounts for 2016/17.

It was reported that the Council had ended the 2016/17 financial year under budget. Capital schemes had come in under budget and all expenditure had been funded. The Council had ended the 2016/17 financial year with a net balance of £40million and a balanced budget for the 2017/18 financial year that placed an emphasis on increasing income generation rather than cutting services had been set. This combined with a well-established and robust corporate governance framework has resulted in the assessment concluding that the Council continued to be a going concern.

Arising from Members' questions and comments the following point were noted:

- The Council's agreed borrowing limit was set by the Council and was based on an assessment of the Council's Capital Programme.

- The outcome of the recent General Election had resulted in uncertainty over the future of previous Government proposals to allow local authorities to retain 100% of their business rates.

RESOLVED that the contents of the report be noted and approved.

4AS Annual Governance Statement

The Committee considered a report setting out the draft Annual Corporate Governance Statement 2016/17.

There was a statutory requirement for the Council to produce an Annual Corporate Governance statement which reviewed the effectiveness of the Council's control systems and formed part of the final accounts for each financial year. The Statement set out the governance arrangements in place at the Council, highlighted any key issues identified during the year and summarised progress made towards addressing any previously identified issues.

It was reported that the Council's Monitoring Officer and Section 151 Officer considered the Council's governance arrangements to be adequate and effective. Whilst no significant governance issues had been identified in 2016/17 a number of minor issues that might impact on the Council's ability to operate effectively had been identified, including the purchase of Camberley town centre, the Council becoming the lead authority for the Joint Waste Partnership and the implementation of the General Data Protection Regulations, and these would be monitored through the planned work of the Council.

Arising from Members' questions and comments the following points were noted:

- In the Key Elements section the reference to the Council holding all meetings in public would be clarified to make reference to exemptions under Section 12A of the Local Government Act 1972.
- It was clarified that the Talk Surrey Heath initiative was a live internet broadcast not a podcast.
- It was requested that an update be provided on the review of security arrangements that had arisen from the 2016/17 theatre audit.
- It was agreed that more details of the Council's Citizens Panel would be circulated including information relating to how the panel's membership was refreshed and what subjects the panel had been consulted on.

RESOLVED that the contents of the report be noted and approved.

5AS Internal Audit Annual Report 2016-17

The Committee received a report summarising the work carried out by the Council's Internal Audit function during the 2016/17 financial year.

It was reported that during the 2016/17, the internal audit function had carried out 23 scheduled audits in line with the areas identified in the Council's annual plan including audits of: Camberley Theatre, parking, licensing, grant payments, community transport and parks and green spaces. In addition, six unscheduled audits were undertaken during the year including reviews of the disabled facilities grants and Windlesham Parish Council. All essential recommendations raised since 1 April 2016 had now been addressed.

Of the 21 scheduled audits completed to date, 18 had received an assessment of Substantial Assurance, one had received an assessment of Limited Assurance and action plans had been developed and advice given in the case of two audits. A total of 90 recommendations had been made for the year 2016/17 with 11 recommendations being classified as essential actions that were required to address substantial weaknesses and ensure that the Council's business objectives and legislative requirements were met.

It was agreed that in future reports the table setting out the assurance levels and the paragraph detailing then number of audits carried out and their associated assurance levels would be incorporated into a single paragraph.

The Committee was informed that the Council had employed a number of new parking enforcement officers and consequently the Council now had more control over how and when parking enforcement notices were being issued thus reducing the number of incorrectly issued notices and placing less reliance on temporary agency staff.

The Committee noted the report.

6AS Annual Review of the Effectiveness of the Internal Audit System

The Committee received a report setting out the outcomes of the Council's statutory annual review of the effectiveness of its system of internal audit for 2016/17.

The review examined the extent to which nine key elements, as identified by the Chartered Institute of Internal Auditors, were being met by the Internal Audit Team including independence, adoption of a mandate and unrestricted access to staff and records.

It was reported that the review had found that the Council's internal audit systems were sound and that internal control systems were working effectively. It was noted that concerns about the capacity of service areas to deal with the additional work load that audits placed on them had been addressed and the internal audit team worked closely with service areas to minimise the disruption experienced by service areas.

The Committee was informed that the Jersey Property Unit Trust (JPUT) which oversaw the Council's property investments had appointed an external auditor who would in turn report to the Council's Auditor who would then report to the Council's Audit and Standards Committee.

It was noted that the Council's move towards delivering an increasing number of its services via electronic means and the increased reliance on virtual and cloud based technologies would place additional pressures on the internal audit function as they worked to ensure that they were fully conversant with the skills required to audit these new areas.

The Committee noted the report.

7AS Annual Standards Report

The Committee received the Monitoring Officer's Annual Report. The report included a summary of any key issues arising in relation to the Members' Code of Conduct and a forward look.

It was noted that, in line with previous years, the majority of issues raised with the Monitoring Officer during 2016/17 related to planning matters and in particular when interests need to be declared. One formal complaint had been received about a Councillor however investigation had found that the Code of Conduct had not been breached.

The Committee noted the report.

Chairman

**CONSULTATION ON UPDATING
DISQUALIFICATION CRITERIA FOR LOCAL
AUTHORITY MEMBERS**

Portfolio:	ALL
Ward(s) Affected:	ALL

Purpose:

The Department for Communities and Local Government is consulting on proposals to update the criteria that bar individuals from being a local councillor.

1. Background

- 1.1 The Department for Communities and Local Government (DCLG) has published a consultation on updating the disqualification criteria for local authority members. This consultation is to run from 18th September 2017 for a period of 12 weeks, closing on Friday 8th December 2017 and the Committee is asked to provide a response to the consultation to be collated by the Head of Legal and Property Services in consultation with the Chairman and Vice Chairman.

2. Current Position

- 2.1 Currently, anyone convicted of an offence carrying a prison sentence of more than three months is banned from serving as a local councillor. Whilst this would prevent criminals from becoming councillors, it does not reflect modern sentencing practices.
- 2.2 The proposed measures would bring the rules to modern day standards by including the alternatives to a prison sentence becoming a barrier to being councillors. The changes, if implemented, will apply to all councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.
- 2.3 The new criteria would prevent an individual from standing in an election and if they are already councillors, require them to stand down.
- 2.4 It is proposed that the disqualification criteria be amended so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence will not be able to serve as a councillor. Individuals will be banned from standing from office if they are subject to:
- a. The notification requirements set out in the Sexual Offences Act 2003;
 - b. A civil injunction granted under s.1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
 - c. A Criminal Behaviour Order made under s.22 of the 2014 Act.
- 2.5 The consultation paper is attached at Annex 1 and it sets out the background in more detail. It is seeking views on 6 questions set out on page 16. Members are invited to share any views they may have about the proposed changes, which will then be collated as mentioned above.

3. Options

- 3.1. To provide feedback on the consultation to the Head of Legal and Property, who in consultation with the Chairman, will provide a formal response which will be submitted to the Department for Communities and Local Government prior to the deadline.
- 3.2. To note the item and agree to not comment.

4. Resource Implications

- 4.1. None

5. Recommendation

- 5.1. To provide feedback on the consultation to the Head of Legal and Property Services, who in consultation with the Chairman, will provide a formal response which will be submitted to the Department for Communities and Local Government prior to the deadline.

Background Papers:

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Department for
Communities and
Local Government

Disqualification criteria for Councillors and Mayors

Consultation on updating disqualification criteria for local authority members



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Contents

Scope of the consultation	4
Basic Information	5
Introduction	7
The Current Disqualification Criteria	9
Sexual Offences	11
Anti-Social Behaviour	13
Retrospection	15
Questions	16
About this consultation	17

Scope of the consultation

A consultation paper issued by the Department for Communities and Local Government on behalf of the Secretary of State

Topic of this consultation:	This consultation paper sets out the government’s proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly.
Scope of this consultation:	<p>The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:</p> <ul style="list-style-type: none"> • the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’); • a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or • a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014. <p>Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.</p> <p>The proposed changes would not act retrospectively.</p>
Geographical scope:	The proposals in this consultation paper apply to certain authorities in England, including local authorities, combined authorities and the Greater London Authority. They do <u>not</u> apply to authorities in Wales, Scotland or Northern Ireland.
Impact Assessment:	No impact assessment has been produced for this consultation.

Basic Information

To:	This consultation is open to everyone. We particularly seek the views of individual members of the public, prospective and current councillors and those bodies that represent the interests of local authorities and councillors at all levels.
Body responsible for the consultation:	The Local Government Stewardship Division in the Department for Communities and Local Government is responsible for conducting the consultation.
Duration:	The consultation will begin on Monday 18 September 2017. The consultation will run for 12 weeks and will close on Friday 8 December 2017. All responses should be received by no later than 5pm on Friday 8 December 2017.
Enquiries:	<p>If you have any enquiries, please contact:</p> <p>Stuart Young email: stuart.young@communities.gsi.gov.uk</p> <p>DCLG Tel: 0303 44 40000</p> <p>How to respond:</p> <p>Please respond by email to: Section80consultation@communities.gsi.gov.uk</p> <p>Alternatively, please send postal responses to:</p> <p>Stuart Young Department for Communities and Local Government 2nd Floor, NE, Fry Building 2 Marsham Street London SW1P 4DF</p> <p>Responses should be received by 5pm on Friday 8 December 2017.</p>
How to respond:	<p>You can respond by email or by post.</p> <p>When responding, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an</p>

	<p>official response on behalf of an organisation, and include:</p> <ul style="list-style-type: none">- your name- your position (if applicable)- the name and address of your organisation (if applicable)- an address, and- an email address (if you have one)
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Introduction

1. Local authority members (i.e. councillors), mayors of combined authorities, members of the Greater London Assembly and the London Mayor take strategic decisions that affect all our lives. They decide how best to use taxpayers' money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is vital, therefore, that they have the trust of the electorate.
2. The Government considers that there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected of anyone in a free, inclusive and tolerant society that respects individuals and society generally, and where this has led to enforcement action against an individual.
3. Existing legislation prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.
4. The Government considers that the law should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
5. This consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.
6. This consultation does not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of this consultation, 'local authority member' also extends to directly-elected mayors and co-opted members of authorities, and 'local authority' means:
 - a county council
 - a district council
 - a London Borough council
 - a parish council

The disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 do not cover the Council of the Isles of Scilly or the Common Council of the City of

London. Therefore, the proposals in this consultation do not extend to these councils.

The Current Disqualification Criteria

7. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:
 - are employed by the local authority;
 - are employed by a company which is under the control of the local authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under Part III of the Representation of the People Act 1983;
 - are employed under the direction of various local authority committees, boards or the Greater London Authority; or
 - are a teacher in a school maintained by the local authority.

8. Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority. A person is disqualified from being elected or holding office as the mayor of a combined authority if they:
 - hold any paid office or employment (other than the office of mayor or deputy mayor), including any appointments or elections made by or on behalf of the combined authority or any of the constituent councils of the combined authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine; or
 - is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983.

9. Section 21 of the Greater London Authority Act 1999 disqualifies someone from being the Mayor or an Assembly member if they:
 - are a member of staff of the Authority;
 - hold an office that disqualifies the holder from being Mayor or an Assembly member;
 - are subject to bankruptcy orders are bankrupt or have made a composition agreement with creditors;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under section 85A or Part III of the Representation of the People Act 1983 from being the Mayor or an Assembly member; or

- are a paid officer of a London borough council who is employed under the direction of:
 - a council committee or sub-committee whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a joint committee whose membership includes a member appointed on the nomination of the council and a member appointed on the nomination of the Authority;
 - the council executive, or one of its committees, whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a member of the council's executive who is the Mayor or someone appointed on the nomination of the Authority.

Sexual Offences

10. The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements.

11. An individual can become subject to notification requirements by committing certain criminal acts or being issued with certain types of civil order:

- Being subject to sex offender notification requirements is an automatic consequence of being cautioned or convicted of a sexual offence listed in Schedule 3 of the Sexual Offences Act 2003 (see: <http://www.legislation.gov.uk/ukpga/2003/42/schedule/3>).
- Sexual Harm Prevention Orders are civil orders intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. Offenders who are subject to Sexual Harm Prevention Orders become subject to notification requirements.
- Notification Orders are civil orders intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, warned or reprimanded for sexual offences committed overseas. Such offenders may be British or foreign nationals convicted, cautioned etc. abroad of a relevant offence. Offenders who are subject to Notification Orders become subject to notification requirements.

12. The duration of the notification requirement period (i.e. how long a person is on the sex offenders register) is set out in the Sexual Offences Act 2003 and in the table below. The courts have no discretion over this.

Where the (adult) offender is:	The notification period is:
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years

Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

These periods are halved for offenders who are under 18 on the date of the caution, conviction or finding, as defined within the 2003 Act.

13. Offenders who are subject to the notification requirements must notify the police of (amongst other things) their: name, date of birth, national insurance number, home address, passport number, bank account and credit card details. They must do this annually, any time the details change or when they travel abroad. They must also notify the police when they stay or reside with a child for more than 12 hours.
14. Further information on the Sexual Offences Act 2003 can be found at: <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003>.
15. The Government does not propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to notification requirements for registered sex offenders. A Sexual Risk Order does require the individual to notify to the police their name and their home address. A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Anti-Social Behaviour

16. Anti-social behaviour blights people's lives and can leave victims feeling powerless. These are a range of powers to the courts, police and local authorities to tackle the problems in the table below.

17. The Government considers that an individual who is subject to an anti-social behaviour sanction that has been issued by the court, i.e. a Civil Injunction or a Criminal Behaviour Order, should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to the injunction or Order.

Anti-Social Behaviour (ASB) Powers

Type	Power	Description
Issued by the court to deal with individuals	Civil Injunction	A civil order with a civil burden of proof. The injunction can include both prohibitions and positive requirements to tackle the underlying causes of the behaviour. Applications can be made by police, councils, social landlords, Transport for London, Environment Agency, Natural Resources Wales and NHS Protect.
	Criminal Behaviour Order	A court order available on conviction. The order can be issued by any criminal court against a person who has been convicted of an offence. It is aimed at tackling the most persistently anti-social individuals who are also engaged in criminal activity. The order can include both prohibitions and positive requirements. Applications are made by the prosecution, in most cases by the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Used by the police to move problem groups or individuals on	Dispersal Power	A flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. It allows the police to deal instantly with someone's behaviour and prevent it escalating. The use of the power must be authorised by an officer of at least inspector rank, to be used in a specific locality for up to 48 hours or on a case by case basis. This is to ensure that the power is used fairly and proportionately and only in circumstances in which it is necessary.

Issued by councils, the police and social landlords to deal with problem places	Community Protection Notice	A notice designed to deal with particular problems which negatively affect the community's quality of life. The Notice can be issued to anyone aged 16 or over, businesses or organisations. This is a two-stage power and a written warning has to be issued first. Failure to stop the behaviour or take action to rectify the problem would lead to the notice being issued. The power can be used by councils, police and social landlords (if designated by the council).
	Public Spaces Protection Order	Designed to deal with anti-social behaviour in a public place and apply restrictions to how that public space can be used to stop or prevent anti-social behaviour. The order is issued by the council. Before the order can be made, the council must consult with the police and whatever community representatives they think appropriate, including regular users of the public space. Before the order is made the council must also publish the draft order.
	Closure Power	A fast and flexible two-stage power. Can be used to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder, including residential, business and licensed premises. The police and councils are able to issue Closure Notices for up to 48 hours and the courts are able to issue Closure Orders for up to six months if satisfied that the legal tests have been met. Following the issue of a Closure Notice, an application must be made to the magistrates' court for a closure order.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Retrospection

18. Legislation does not generally apply retrospectively, the principle being that the law should operate in a clear and certain manner and the public is entitled to know the state of the law at a particular time.
19. The proposals in this consultation would not apply retrospectively, i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force would not be affected.
20. Such individuals would of course be prevented from standing for re-election after the changes came into force.

Questions

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

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