

17 October 2017

Dear Members of the Standards Committee,

A meeting of the **STANDARDS COMMITTEE** will be held in the **Council Chamber** at these offices on **MONDAY 30 OCTOBER at 6.00 p.m.** when your attendance is requested.

Yours sincerely

KATHRYN HALL

Chief Executive.

A G E N D A

Pages

1. To receive apologies for absence.
2. To receive Declaration of Interests from Members in respect of any matter on the Agenda.
3. To confirm the Minutes of the meeting of the Committee held on 18 July 2017. **3 - 5**
4. To consider any items that the Chairman agrees to take as urgent business.
5. Consultation on New Disqualification Criteria for Councillors and Mayors **6 - 24**
6. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Working together for a better Mid Sussex



To: **Members of the Standards Committee –**

District Councillors:- J Belsey, Bennett, Bradbury, Brunsdon, Jones and Marples.

Town and Parish Councillors:- C. Ash-Edwards, W. Blunden, M. Fielding and S. Hand.

Requesting Members: None.

Independent Persons: Dr David Horne, Anthony Cox

Minutes of a meeting of the Mid Sussex District Council Standards Committee held on Tuesday 18 July 2017 from 6:00 p.m. to 6:52 p.m.

Present: Cllr Pete Bradbury (Chairman)
Town Cllr Christopher Ash-Edwards (Vice-Chairman)

Cllr Liz Bennett	Cllr Heidi Brunsdon*	Cllr Anne Jones
Parish Cllr William Blunden	Parish Cllr Maria Fielding	Cllr Gordon Marples
Cllr John Belsey*	Parish Cllr Stephen Hand*	

* Absent

Also Present: Anthony Cox and Dr David Horne, Independent Person on Standards Matters.

1. ELECTION OF CHAIRMAN

Councillor William Blunden nominated Councillor Pete Bradbury as Chairman of the Committee and this was seconded by Councillor Anne Jones. As there were no further nominees, Councillor Bradbury was duly elected.

RESOLVED

Councillor Pete Bradbury be elected Chairman of the Standards Committee for 2017/18.

2. APPOINTMENT OF VICE-CHAIRMAN

The Chairman nominated Town Councillor Christopher Ash-Edwards and this was seconded by Councillor Liz Bennett. There were no other nominees.

RESOLVED

That Town Councillor Christopher Ash-Edwards be appointed as Vice Chairman of the Standards Committee for 2017/18.

3. APOLOGIES

Apologies were received from Councillor John Belsey, Parish Councillor Stephen Hand and Councillor Heidi Brunsdon.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES

The Minutes of the meeting of the Committee held on the 14 February were approved as a correct record and signed by the Chairman.

6. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS

None.

7. MID SUSSEX CODE OF CONDUCT AND ITS APPLICATION

The Solicitor to the Council introduced the report, highlighting some minor typing amendments in the text of the Code of Conduct and confirming that the website had been amended to reflect these corrections. He highlighted that the Council has a rules based Code of Conduct, similar to West Sussex County Council, and many Town and Parish Councils. Some Town and Parish Councils do use a Code of Conduct based on the Nolan principles and if a complaint is received from these Councils, any considerations have to be based on their Code.

He confirmed that it is the role of the Standards Sub-Committee to consider complaints around the Code of Conduct, and not general complaints made when a person does not agree with a decision made.

In response to a Member's request for clarification on page 6, paragraph 7, he confirmed that an investigation cannot be carried out by anyone who is involved in the case. For prior investigations the Council has used an officer from West Sussex County Council, and an investigator formerly of The Standards Board for England.

A Member queried if there was any potential to influence the Town and Parish Councils to adopt a standard Code of Conduct so the same is used across the board. With reference to paragraph 13 and risk management implications, it was also noted that whilst reliance on a strong Chairman is a key factor in maintaining good conduct, it should also perhaps refer to a strong Clerk, for the Towns and Parishes, someone who is good at advising or strong in knowledge of the Nolan principles.

In response to a query by the Independent Person for Standards, it was confirmed that an Independent Person's role in a hearing would be earlier in the hearings process, to make comment on the report of a complaint. They would not be required at the time of the hearing.

Regarding the question of adopting a standard code across all Councils, the Solicitor confirmed the District Council can offer support, but cannot influence how other Councils run their business. MSALC do offer regular Code of Conduct training to Town and Parish Councils which is taken up to a varying degree. The Solicitor also provides an open invitation to attend their meetings to talk about the Code and he will be issuing a new invitation in the Autumn.

The Chairman drew Members attention to the recommendation of the report which includes noting the application of the code in various scenarios. The remainder of the meeting was taken up as a workshop for Members to discuss various real life examples of complaints and determine if a Code of Conduct breach had occurred.

The Chairman asked the Committee to consider at the end of the meeting, whether refresher training should also be provided to all Members, as the last training provided was in 2015. Both the recommendation in the report and this additional recommendation were unanimously agreed by Members.

RESOLVED

That Members note the content of the adopted Code of Conduct and note its application in various scenarios, and that Code of Conduct training be provided to all Members in the near future.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN

None.

Chairman

5. CONSULTATION ON NEW DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

REPORT OF: Tom Clark
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services & Monitoring Officer
Email: Tom.Clark@midsussex.gov.uk Tel: 01444 477459
Wards Affected: All
Key Decision N/A

Purpose of the Report

1. To draw to the Standards Committee's attention the consultation issued by the Department of Communities and Local Government on the expansion of disqualification criteria for councillors and mayors to include sexual offences and certain anti-social behaviour.

Summary

2. Annexed to this report is the consultation issued by the Department of Communities and Local Government in September 2017 on the expansion of disqualification criteria for councillors and elected mayors. The Committee is asked to give its views on the consultation questions at page 16 of the consultation document and the proposals in general so these can be fed back ahead of the closing date on 8th December 2017.

Recommendations

3. **To note the consultation and to give any views on the proposals for submission to the Department of Communities and Local Government.**
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Background

4. At page 16 of these papers the present disqualification criteria are set out. These date back some years and do not take into account the rise in actions for sexual offences and for anti-social behaviour.
5. The proposals make it a disqualification issue if someone is on the Sex Offender's Register both in standing for election and continuing to be an elected member. The proposals do not cover a sexual risk order and members are asked to consider whether the proposal should be only for Sexual Offences Act matters or extend to the sexual risk orders.
6. The proposal in relation to anti-social behaviour is only to cover civil injunctions and criminal behaviour orders issued by a Court. It would not cover the matters that can be dealt with by police. We are asked to comment whether we believe these proposals are proportionate or whether they should also cover matters dealt with by the police.
7. At page 23 of these papers sets out a number of specific questions on the proposals but question 6 gives the opportunity to make more general points. These proposals would come into operation but would

not act retrospectively and hence the eligibility restrictions on being a candidate would apply to the next elections in May 2019 and to behaviour from the date the proposals come into operation.

8. At your last meeting you considered a scenario where the parish councillor had been convicted of a sex offence and was put on the Sex Offender's Register but under the current regime could not be forced to resign from the Council. If these proposals had been in force when the member had been convicted and put on the Sex Offender's Register he would automatically have been disqualified from continuing to serve as a parish councillor.

Policy Context

9. The District Council is required under the Localism Act 2011 Sections 26-37 inclusive to promote good standards in its area. There has been some feedback that the current legislation does not provide the District Council with powers to deal with issues that the public would expect to be dealt with. These proposals would effectively extend the powers to control who could be and who could continue to be a councillor but only in the areas of sex offences and anti- social behaviour. Some commentators have suggested that these proposals are incorporated in a statutory National Code of Conduct applicable at all levels of Local Government.

Financial Implications

10. Any disqualification could result in a by-election being held which would be a cost to the relevant District or Parish/Town Council.

Risk Management Implications

11. Members seeking public office must recognise that their behaviour will be scrutinised by the general public.

Equality and customer service implications

12. These provisions will apply to all councillors.

Other Material Implications

13. Given the procedure of disqualification is immediate it should not add to the work load of the Standards Committee.

14. **APPENDIX**

The Consultation from the DCLG of September 2017.



Department for
Communities and
Local Government

Disqualification criteria for Councillors and Mayors

Consultation on updating disqualification criteria for local authority members

September 2017
Department for Communities and Local Government



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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](#).