

STANDARDS COMMITTEE

7pm on Wednesday 8th November 2017
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

Committee Membership: Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

Parish Council Representatives (non-voting): Veronicka Dancer, Michael Rooze, Richard Simpson and Robert Stead.

Independent Persons (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 5th September 2017 attached.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Whistleblowing Policy** - Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To present an updated draft revised Whistleblowing Policy.

6. **Local Government and Social Care Ombudsman** - Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To inform the Committee of a decision notice issued by the Local Government and Social Care Ombudsman.

7. **DCLG Consultation – Disqualification Criteria for Members** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To inform the Committee of a consultation paper issued by the Department for Communities and Local Government (DCLG) on behalf of the Secretary of State proposing to update the criteria disqualifying individuals from becoming a councillor or directly-elected mayor

8. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update Members following the last report to Committee on 5th September 2017. Attached.

9. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Vicky Davies,
Tel. 01756 706486, e-mail vdavies@cravenc.gov.uk
31st October 2017

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone 01756 706494.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

STANDARDS COMMITTEE

5 September 2017

Present – Councillors Ireton (Chairman), Mason and Whitaker.

Independent Person (non-voting): Roger Millin

Parish Representatives: Veronicka Dancer, Michael Rooze, Richard Simpson and Robert Stead.

Also in Attendance: Councillor Sutcliffe, Chairman of Planning Committee.

Officers – Solicitor to the Council (Monitoring Officer) and Committee Administrator.

Apologies for absence were received from Councillors Mercer and Solloway; and Independent Person Peter Charlesworth.

Start: 7pm

Finish: 8:15pm

Michael Rooze left the meeting at 8.05pm.

The minutes of the Committee's meeting held on 5th July 2017 were confirmed and signed by the Chairman.

Minutes for Report

STN.328

WHISTLEBLOWING POLICY - REVIEW

The Solicitor to the Council (Monitoring Officer) submitted a report presenting the consultation responses received in respect of the revised Whistleblowing Policy. In particular, comments and observations had been received from the GMB union and these were considered by the Committee in detail and it was

Resolved – (1) That, the Monitoring Officer is asked to incorporate the Committee's suggested revisions and produce a revised draft for the next meeting.

(2) That, the GMB is formally thanked for their helpful comments and observations.

STN.329

TRAINING FOR MEMBERS : PLANNING

The Deputy Monitoring Officer submitted a report which provided Members with suggestions on how training could be provided to Members in relation to planning matters and formalise arrangements for any such training.

Whilst training for Councillor who sat on Planning Committee was not mandatory and the imposition of training was entirely reliant on the cooperation of the Members and political groups, it was considered good practice to ensure that the planning process was clearly understood. It was also important that the public engaging in the process were satisfied with, and clear about the decision making process.

Resolved – (1) That, the report is noted.

(2) That, subject to minor amendments, a formalised arrangement for training of Members in relation to planning matters as set out at paragraph 3.11 of the report now submitted, is agreed.

(3) That, a report is submitted at the end of 2018 assessing how successful and effectiveness the training had been including details of attendance.

STN.330 **LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER**
2017

The Solicitor to the Council (Monitoring Officer) submitted a report which provided the Committee with a copy of the Ombudsman's Annual Review Letter 2016/2017. The Standards Committee had responsibility for the oversight of complaints handling, including complaints to the Local Government Ombudsman. An annual review of complaints received was sent to all local authorities providing a breakdown of the number of complaints received and the subsequent decisions made.

Resolved – That, the Ombudsman's Annual Review Letter for 2016/2017 is noted.

STN.331 **MONITORING REPORT**

The Solicitor to the Council (Monitoring Officer) submitted a report updating Members on the Code of Conduct complaints received and the status of existing complaints since the last report to Committee on the 5th July 2017.

Resolved – That, the monitoring report is noted.

Minutes for Decision

STN.332 **PROBITY IN PLANNING; GOOD PRACTICE FOR MEMBERS'**
GUIDANCE

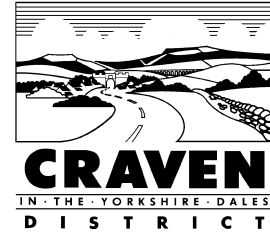
The Deputy Monitoring Officer submitted a report on the consultation that had taken place with Members in respect of the Planning Good Practice for Members' Guidance. The consultation responses and how they had been dealt with were summarised in the report.

Councillor Sutcliffe attended the meeting in order to contribute to the discussion based on his experience as the current Chairman of Planning Committee.

RECOMMENDED – That, subject to minor amendments, Council is asked to adopt the revised 'Good Practice for Members Guidance'.

Chairman

Standards Committee – 8th November 2017



WHISTLEBLOWING POLICY

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To present an updated draft revised Whistleblowing Policy.
2. **Recommendations** – Members are recommended to:
 - 2.1 Consider the amended draft revised Whistleblowing Policy; and
 - 2.2 Recommend the adoption of the draft revised policy or otherwise.
3. **Report**
 - 3.1 At its last meeting, this Committee considered in detail the consultation responses which had been received following circulation of the draft revised Whistleblowing Policy.
 - 3.2 The Monitoring Officer was asked to incorporate the Committee's suggested revisions and produce a revised draft for the next meeting.
 - 3.3 A revised draft Whistleblowing Policy is appended to this report as Appendix A, together with a suggested flowchart, for further consideration.
4. **Implications**
 - 4.1 **Financial and Value for Money Implications** – There are no financial implications arising from this report.
 - 4.2 **Legal Implications** – There are no legal implications arising from this report.
 - 4.3 **Contribution to Council Priorities** – Improving how the Council governs its business.
 - 4.4 **Risk Management** – Not applicable.
 - 4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – Not applicable at this stage.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

Members are invited to contact the Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix A – Amended draft revised Whistleblowing Policy



Craven District Council

Whistleblowing Policy

**Last Updated: November 2013
Approved**

INTRODUCTION

- 1.1 At Craven District Council we want to make sure that we are providing excellent services to the residents of Craven. Our staff, councillors, partners and contractors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability. We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law, resulting in some very serious consequences.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Council is committed to the highest possible standards of openness, honesty, integrity, preventing and detecting fraud and corruption and it is everyone's responsibility to pursue these aims. In line with that commitment, we encourage anyone with serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.4 This policy document makes it clear that you can come forward and voice your concerns without fear of ~~reprisals suffering from any form of retribution~~. This **Whistleblowing Policy** is intended to encourage and enable you to raise serious concerns **within** the Council rather than ~~closing your eyes or worrying or feeling that you have no alternative but to talk to the press ignoring your concerns, feeling helpless, or making the matter public~~. We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible.
- 1.5 The policy applies to you whether you are a permanent or temporary employee, agency or casual member of staff or if you work as a contractor or volunteer.
- 1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some service units.
- 1.7 This policy has been discussed with the relevant trade unions and professional organisations ~~and has their support~~ who would like to support such a policy.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide you with the means to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that you will be protected from possible reprisals, harassment or victimisation if you believe that you have acted in the public interest.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Policy is intended to cover major concerns that fall outside the scope of other HR policies. These include:

- Conduct which is an offence, or a breach of the law;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- Unauthorised use of public funds;
- Fraud and corruption; and
- Other unethical conduct.

2.3 **Any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the Council, or others acting on behalf of the Council can be reported under the Whistleblowing Policy.** This may be about something that:

- makes you feel uncomfortable in terms of your experience of the standards you believe the Council subscribes to;
- is against the Council's Standing Orders, Financial Procedure Rules;
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does **not** replace the Council's Comments, Compliments and Complaints Procedure.

3. SAFEGUARDS

Harassment or Victimisation

3.1 The Council is committed to good practice and high standards and wants to support its employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If a concern is reported in reasonable belief and in the public interest, you

should have nothing to fear because you will be doing your duty to the Council and to those for whom you are providing a service.

- 3.3 The Council will not tolerate harassment or victimisation (including informal pressures) and will take appropriate action to protect any one who raises a concern in accordance with this Policy. Also, the law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistleblowing disclosure considered to be in the public interest.
- 3.4 Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 This Policy encourages you to put your name to your allegation whenever possible.
- 4.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity without your permission. However, if you agree, you may be called as a witness at the appropriate time, in order to prove the case.
- 4.3 If a case comes before the Court, your evidence may prove crucial. Whilst the Council will take reasonable steps to conceal your identity, there is the possibility it may have to be disclosed for the purposes of criminal investigation or to provide evidence in Court.
- 4.4 At some stage it is likely that the person against whom you are making a complaint will be spoken to. Every effort will be made to ensure your confidentiality, however the circumstances of the case may unavoidably infer your identity. In such cases, wherever practicable, you will be consulted beforehand.

5. ANONYMOUS ALLEGATIONS

- 5.1 Concerns can be expressed anonymously or through a union representative, but they are often may be more difficult to investigate. The Council will have to use its discretion to determine if enough relevant information has been provided to decide if an investigation is warranted.
- 5.2 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

6. OUR ASSURANCES TO YOU

- 6.1 If you raise a genuine concern you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in the public interest, in reasonable belief, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue in which case disciplinary action may be taken against them.

6.2 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity we will not disclose it without your consent. If we are unable to resolve the concern without revealing your identity (for example, because your evidence is needed in court), we will discuss with you how you wish to proceed.

6.3 Remember, if you do not tell us who you are, it will be more difficult for us to look into the matter, or to obtain further information, or to protect your position or to give you feedback.

6.4 Any officer or member who discloses confidential information about an on-going investigation, or in any way compromises that investigation, will be dealt with in accordance with the Council's adopted policies and procedures.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager is involved, you should raise the matter with one of the following:

Chief Executive;
Solicitor to the Council (Monitoring Officer);
Chief Finance Officer (s151 Officer); or
Audit Services Manager (Harrogate Borough Council).

–You should receive a written acknowledgement within five working days (see paragraph 8.5 below) but if you do not please contact either the Solicitor to the Council or the Chief Finance Officer (or ask your representative to).

7.2 Concerns may be raised verbally or in writing. If wish to make a written report you are asked to include the following information:

- the background and history of the concern (giving relevant dates);
- details of any evidence you may have or may be able to point to;
- the reason why you are particularly concerned about the situation.

7.3 The earlier you express your concern; the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 You can seek confidential advice and guidance on how to pursue matters of concern by contacting one of the officers listed in paragraph 7.1 above, or your union representative or Human Resources.

7.6 You may also seek advice from the independent charity, Public Concern at Work whose

legal advisers can provide free confidential advice at any stage about how to raise a concern about serious malpractice at work. Their contact details are:

3rd Floor Bank Chambers,
6-10 Borough High Street,
London SE1 9QQ

020 7404 6609

Fax: 020 7403 8823

E-Mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

~~7.7 You may invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised. You may also seek advice from your trade union representative as well and invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.~~

7.7 The staff counselling service is also available to all employees who are experiencing difficulties or challenges at work (or at home). The service is completely confidential, is independent and can be accessed by self-referral. Oasis Peoplecare can be contacted on 0800 9757 141 or email op@oasisschool.org.uk.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to your concerns. Do not forget that the Council may need to test out your concerns. Doing so is not the same as doubting or rejecting them.

8.2 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally by either the Chief Executive, Solicitor to the Council, Chief Finance Officer or the Audit Services Manager, whoever is most as appropriate in the individual circumstances, ~~but n~~o one else would be delegated this task. Matters relating to fraud/money will be investigated by the Chief Finance Officer or Audit Services Manager;
- be referred to the Police;
- be referred to the External Auditor; and/or
- form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of an offence or possible malpractice, initial discreet enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, fraud or discrimination issues) will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this may be taken before any investigation is conducted.

- 8.5 Within five working days of a concern being raised, the Council will write to you or email, acknowledging that your concern has been received. It is your responsibility to inform your representative (if you have appointed one) or communications between you and the Council.
- 8.6 Within ten working days of a concern being raised, the Council will write to you again:
- indicating how the matter will be dealt with;
 - invite you to suggest how best to contact you e.g. inside or outside office hours, by work or personal email etc.;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - telling you whether further investigations will take place; and if not, why not; and
 - giving you information on the support available to you.
- 8.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. You may be asked to provide further information.
- 8.8 When any meeting is arranged, you have the right if you so wish, to be accompanied by a representative of your choice.
- 8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive support from Witness Service.
- 8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be given appropriate information about the outcomes of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and will liaise, where necessary with Internal Audit and/or the Chairman of Audit and Governance Committee. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit and Governance Committee.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:
- The *External* Auditor;
 - The Police;

- Relevant professional bodies or regulatory organisations;
- The Health and Safety Executive; or
- The Chairman of Standards Committee.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. You should check this with the person you contact.

11. THE LAW

11.1 This policy and procedure has been written down to take account of The Public Interest Disclosure Act 1998, which protects staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

11.2 The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by the Local Government Act 1988, the Local Government and Housing Act 1989 and the Accounts and Audit Regulations 2003.

12. REVIEW

12.1 This policy will be reviewed every two years or earlier if circumstances require it.



If you would like this information in a way which is better for you, please telephone 01756 700600.

Craven District Council
Council Offices
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire BD23

Tel: 01756 700600

Email: contactus@cravencd.gov.uk

Website: www.cravencd.gov.uk

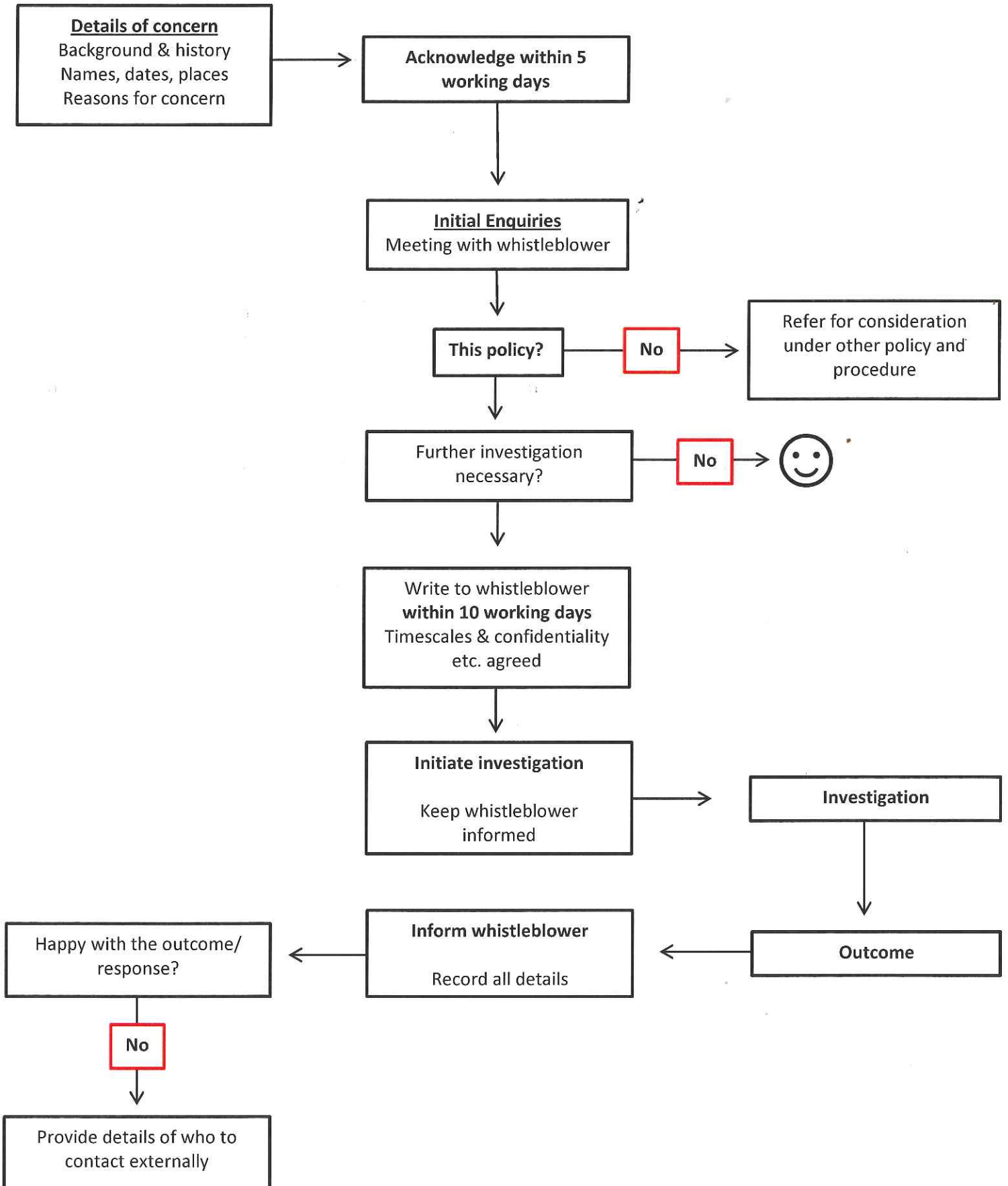


INVESTOR IN PEOPLE

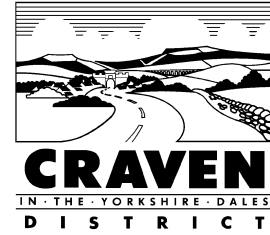
Whistleblowing Flowchart

Whistleblower

Manager; CE; MO; CFO or Audit Services Manager



Standards Committee – 8th November 2017



LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To inform the Committee of a decision notice issued by the Local Government & Social Care Ombudsman.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note the content of the report;
 - 2.2 Agree that no further action needs to be taken in relation to the matter set out in this report; and
 - 2.3 Note that a copy of this report will be circulated to all Members.
3. **Report**
 - 3.1 The terms of reference for Standards Committee include *‘to receive and deal with reports resulting from complaints to the Local Government and Social Care Ombudsman’*.
 - 3.2 The Local Government Ombudsman was created under the Local Government Act 1974 and provides that any person aggrieved in the delivery of a local authority service may complain to the Ombudsman. If the Ombudsman does decide to investigate a complaint s/he will determine whether, in their opinion, the local authority has been guilty of ‘maladministration’ and if so, whether the complainant has suffered ‘injustice’ as a result.
 - 3.3 Section 5A of the 1989 Act places a duty on the Monitoring Officer to report to members a finding of ‘maladministration’.
 - 3.4 The Ombudsman published a decision on the 8th September 2017 following an investigation into a complaint about the Council’s handling of a planning matter. The complaint was upheld with a finding of maladministration but that this did not cause significant injustice.
 - 3.5 The complainant, referred to in the report as Mr X, stated that the Council was at fault when it gave advice to his neighbour about the removal of a section of hedge

to allow vehicular access to the highway, without considering whether this would be in breach of an existing planning condition.

- 3.6 The Ombudsman's findings are detailed in his decision statement which is appended to this report as Appendix A but in summary, the Ombudsman concluded that the Council was at fault for not considering a relevant planning condition before giving advice on permitted development rights. However, he also concluded that the Council's explanation of how it might have considered the planning merits of taking enforcement action and its assessment of the potential impact on the public was not unreasonable.
- 3.7 Having concluded that the Council was at fault, the Ombudsman went on to consider whether that fault caused the complainant significant injustice. He decided that it had not.
- 3.8 The Development Control Manager has considered the Ombudsman's findings and has put in place a procedure to record when and if, planning conditions have been considered before advice on permitted development rights is given.
- 3.9 A copy of this report will be circulated to all Members of the Council.

4. **Implications**

- 4.1 **Financial and Value for Money Implications** – There are no financial implications arising from this report.
- 4.2 **Legal Implications** – These are set out in the body of the report.
- 4.3 **Contribution to Council Priorities** – High standards of member conduct supports the proper delivery of all Council functions.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – There are no specific implications arising from this report.
5. **Consultations with Others** – Not applicable at this stage.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.

Members are invited to contact the Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix A – LGO Decision dated 8th September 2017

Complaint reference:
17 002 222

Complaint against:
Craven District Council

The Ombudsman's final decision

Summary: Mr X complained the Council failed to take account of a planning condition before giving advice to his neighbour. The Council was at fault, but the fault did not cause a significant injustice to Mr X.

The complaint

1. Mr X complains the Council was at fault when it gave advice to his neighbour about removal of a section of hedge to allow vehicular access to the highway, without considering whether this would be in breach of an existing planning condition.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

4. I read the complaint and discussed it with Mr X. I read the Council's response to the complaint and discussed it with a Planning Officer.
5. I gave the Council and Mr X the opportunity to comment on a draft of this decision.

What I found

Planning law and guidance

6. Planning applications should be approved if they accord with policies on the local plan, unless other material planning considerations indicate otherwise.
7. Planning applications are sometimes approved subject to conditions. Planning conditions should only be imposed if they are necessary, directly related to the development, enforceable and reasonable in all other respects.
8. Planning conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.

-
9. Where there is a breach of planning control, councils have discretion as to whether to take action. Councils should act proportionately and consider the harm caused to the public by the breach. Councils should not take action merely to regularise planning controls, and not in circumstances where they consider they might approve the development if it was submitted as part of an application.
 10. Planning enforcement action is subject to time limits of four or ten years depending on the nature of the development or use. If the development, use or breach occurred beyond the time limit, the council may be barred from enforcing control.
 11. Councils may delegate planning powers through their constitutions, including the power to decide planning applications or to take enforcement action.
 12. Not all development requires planning permission from councils and regulations set out what can be done without planning permission. This type of development is known as 'permitted development'. If the development complies with limits in the regulations, it is deemed to have been permitted by process of law.

Background

13. Mr X's home faces the rear of his neighbour's property. The neighbour wanted to know whether he could open up an access point to the highway at the rear of his property by removing part of a hedge and replacing it with a gate.
14. The neighbour sought advice from the Council. The Council wrote to the neighbour to say the proposal would be permitted development. The Council has no evidence to show it considered whether there were other planning controls or constraints, such as planning conditions which might be breached.
15. The work began and Mr X complained to the Council. Mr X was aware of a planning condition which protected the hedge. He asked why the development had been allowed, as it would seem the condition was in breach. The condition states that the hedge should not be removed 'without prior written consent of the District Planning Authority'. Mr X believes this means that the hedge cannot be removed or an access made without planning permission.
16. The Council responded to say it considered the work to be permitted development and that the condition was not in breach.
17. During the course of my investigation, I discussed what has happened with a Planning Officer. The Council agrees it would expect its Officers to check whether there are any relevant planning constraints or conditions before providing advice on permitted development regulations. It accepts that the condition Mr X referred to was still enforceable, but it has no evidence it was considered before it provided advice to Mr X's neighbour.
18. However, in its response to Mr X and its explanation to me, the Council says that, now it has considered the condition, it would not have taken enforcement action for the following reasons:
 - in its view, the works constitute permitted development and no planning permission would be required;
 - the condition does not limit or restrict permitted development rights;
 - the removal of the hedge and its replacement by an access and gate does not cause significant harm to the public;
 - the purpose of the condition was to protect the visual amenity of nearby residents at the time permission was granted; and

-
- historic photos indicate that the hedge or parts of it have been removed and replaced at some point in the past, possibly beyond its enforcement time limits.

My findings

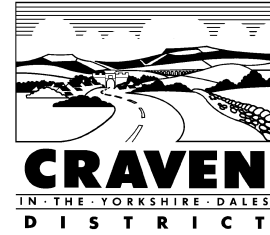
19. The Council accepts it should have considered a relevant planning condition before it gave advice on permitted development rights and it has no evidence it has done so. This is fault.
20. Before we criticise councils, we need evidence to show that any fault caused a significant injustice to the individual complainant. In respect of a planning enforcement decision, we would need to show that but for the fault the Council would have taken a different course of action. We then need to show the complainant has been caused a significant injustice as a result of the failure to act.
21. I cannot say that but for the fault it would have taken enforcement action. The Council's explanation of how it might have considered the planning merits of the matter and its assessment of potential for impact on the public does not seem unreasonable to me.
22. Mr X believes the condition is in breach and the work requires planning permission. However, the condition merely requires written approval from the Council, which may be given without a full planning application process.
23. I have also considered the photos sent by Mr X. He can now see a gate in a hedge where once there was only a hedge and in my view this does not cause a significant injustice to him.

Final decision

24. I have completed my investigation. There was fault in the way the Council gave planning advice, but this did not cause a significant injustice.

Investigator's decision on behalf of the Ombudsman

Standards Committee – 8th November 2017



DCLG CONSULTATION – DISQUALIFICATION CRITERIA FOR MEMBERS

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To inform the Committee of a consultation paper issued by the Department for Communities and Local Government (DCLG) on behalf of the Secretary of State proposing to update the criteria disqualifying individuals from becoming a councillor or directly-elected mayor.
2. **Recommendations** – Members are recommended to note the content of the report and consider submitting a response to DCLG.
3. **Report**
 - 3.1 Section 80 of the Local Government Act 1972 sets out a number of circumstances in which a person will be disqualified from standing for, or holding, office as a local authority member, directly-elected mayor or London Assembly member. One such disqualification applies if a person has, within five years of the day of the election, or since their election, been convicted in the United Kingdom, the Channel Islands or the 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.
 - 3.2 DCLG has recently issued a consultation paper which 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. The consultation paper is appended to this report at Appendix A. The Government is of the view that the law should be updated to reflect new options to protect the public and address unlawful and unacceptable behaviour.
 - 3.3 The Government is proposing to broaden the disqualification criteria. Under the proposals, in addition to the current disqualification criteria individuals will also be barred from standing for office if they are subject to:
 - The notification requirements set out in the Sexual offences Act 2003 ('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.
- 3.4 The proposals in the consultation will not apply retrospectively. Any incumbent local authority member, directly-elected member or London Assembly member, who is on the sex offenders register or subject to a civil injunction or Criminal Behaviour Order at the time any changes come into force will not be affected. However, any such individuals would be prevented from standing for re-election after the changes come into force.
- 3.5 The changes being proposed would bring the law into the present day by adding to the disqualification criteria to reflect recently available sanctions.
- 3.6 The consultation document proposes that in relation to sexual offences 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 London Assembly member. An individual can become subject to the notification requirements by committing certain acts or being issued with certain types of civil order. The period of time for which such individuals would be barred would end once they were no longer subject to those notification requirements.
- 3.7 In relation to anti-social behaviour, the consultation document proposes 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 London Assembly member. The period of time for which they would be barred would end once the individual was no longer subject to the injunction or Order.
- 3.8 It is not proposed to include other types of civil order e.g. Sexual Risk Order, as in those circumstances the individual 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. Similarly, other anti-social behaviour orders not issued by the court i.e. the use of Dispersal Powers, Community Protection Notices, Public Spaces Protection Orders and Closure Powers would not result in disqualification.

Monitoring Officer Comments

- 3.9 The proposals set out in this consultation document are to be welcomed as strengthening local government's ethical agenda and ensuring that individuals wishing to hold elected office are of good character. This may be seen as particularly relevant given the limited powers of a local authority to impose sanctions (such as suspension) on members in breach of the Member Code of Conduct.
- 3.10 The proposed additional disqualification criteria are, in the Monitoring Officer's view, proportionate to reflect new sanctions which exist to protect the public and address unlawful and unacceptable behaviour.

3.11 The consultation began on the 18th September and will run for twelve weeks, closing on **Friday, 8th December 2017** and should members decide to participate, responses need to be submitted by email or letter.

4. **Implications**

4.1 **Financial and Value for Money Implications** – There are no financial implications arising from this report.

4.2 **Legal Implications** – These are set out in the body of the report.

4.3 **Contribution to Council Priorities** – High standards of member conduct supports the proper delivery of all Council functions.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – There are no specific implications arising from this report.

5. **Consultations with Others** – Not applicable at this stage.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.

Members are invited to contact the Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix A – DCLG Consultation Document



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.

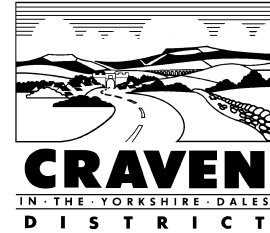
If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful 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](#).

Standards Committee – 8th November 2017



MONITORING REPORT

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members following the last report to Committee on the 5th September 2017.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
 - 3.1 The usual monitoring report is attached at Appendix A.
 - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
 - 4.1 **Financial Implications** – None arising directly from the report.
 - 4.2 **Legal Implications** – None.
 - 4.3 **Contribution to Council Priorities** – Not applicable.
 - 4.4 **Risk Management** – Not applicable.
 - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –
Appendix A – Monitoring report

APPENDIX A

Date complaint received	Reference	Status	Alleged Breach
5 July 2016	AM.1331	Final Investigation Report issued 18 July 2017. Local resolution recommended. MO met with the Parish Councillor on the 30 October 2017.	Taking part in a discussion or vote in which the Parish Councillor had a disclosable pecuniary interest.
3 November 2016	AM.1367	Complaint referred to North Yorkshire Police in accordance with the Council's agreed procedure: 17 November 2016; 2 December 2016: NYP concluded that it would not be appropriate to investigate the complaint and referred the papers back to the MO. Decision Notice issued 15 December 2016. Final Investigation Report issued 16 August 2017 – no further action.	Taking part in a discussion or vote in which the District Councillor had a disclosable pecuniary interest.
23 June 2017	AM.1480	Decision Notice issued 7 July 2017. Referral for investigation. Investigator appointed 10 July 2017. Draft Investigation Report circulated for comments 28 September 2017.	District Councillor. Behaving in a disrespectful manner and/or seeking to confer an advantage/disadvantage and/or failing to use the Council's resources in accordance with its requirements.