

## SPECIAL STANDARDS COMMITTEE

7pm on Wednesday 25<sup>th</sup> April 2018  
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** – 14<sup>th</sup> March 2018 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. **Committee on Standards in Public Life – Review of Local Government Ethical Standards** - Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To invite the Committee to consider its response to the consultation being conducted by the Committee on Standards in Public Life.

6. **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@cravendc.gov.uk](mailto:vdavies@cravendc.gov.uk)  
16<sup>th</sup> April 2018

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**14<sup>th</sup> March 2018**Present** – Councillors Ireton (Chairman), Mercer, Solloway and Whitaker.**Independent Person (non-voting):** John Boumphrey and Peter Charleworth**Officers** – Solicitor to the Council (Monitoring Officer) and Committee Administrator.

Apologies for absence were received from Councillor Mason, Independent Person Roger Millin and Parish Representatives Veronicka Dancer, Michael Rooze, Richard Simpson and Robert Stead.

Start: 7pm

Finish: 7:40 pm

The minutes of the Committee's meeting held on 8<sup>th</sup> November 2017 were confirmed and signed by the Chairman.

**Minutes for Report**

STN.337

**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

The Solicitor to the Council (Monitoring Officer) submitted a report informing the Committee of a decision notice issued by the Local Government and Social Care Ombudsman. The Ombudsman's decision followed 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.

In light of the Ombudsman's findings, the Development Control Manager was asked to prepare a briefing note for the Committee setting out the details of the procedure put in place to record when and if, planning conditions have been considered before advice on permitted development rights is given.

Members considered the briefing note before them, and it was

**Resolved** – That, no further action was required in relation to the matter set out in the report of the Local Government and Social Care Ombudsman dated 8<sup>th</sup> September 2017.

STN.338

**LOCAL RESOLUTION**

The Solicitor to the Council submitted a report on the outcome of a standards complaint. A complaint was made that a Ribble Banks councillor had failed to comply with the Parish Council's Code of Conduct in that he participated in a debate and/or voted on a matter in which he had a Disclosable Pecuniary Interest at a meeting of the Parish Council held on 28<sup>th</sup> July 2015.

The Investigating Officer's report was issued in July 2017 and the finding was that the Councillor's interest in the matter did not amount to a Disclosable Pecuniary Interest but rather an Appendix B interest which the Councillor should have declared and then not participated in the subsequent decision made by the Parish Council. The Monitoring Officer agreed with the Investigator's recommendations for local resolution.

**Resolved** – (1) That, the outcome of the matter is noted.

STN.339

**EQUALITIES AND DIVERSITY**

The Partnerships Officer circulated a report at the meeting which set out the duties placed on public sector bodies as defined in the Equality Act 2010. These duties also applied to parish councils and parish meetings constituted under Section 13 of the Local Government Act.

The Equality Act 2010 stated that people must not be treated unfairly because of age, disability, sex (gender), gender reassignment, sexual orientation, race, religion or belief, pregnancy or maternity, marriage or civil partnership.

Craven District Council was already delivering its commitment to equalities in a number of ways and these were highlighted in the report.

In considering the report, the Committee noted that as the equalities obligations applied to parish councils/meetings and parish representatives were not at the meeting, it was

**Resolved** – (1) That, the report is deferred to the Committee’s next meeting.

(2) That, the Monitoring Officer is asked to circulate all relevant documentation to Members of the Standards Committee.

STN.340

**COMMITTEE ON STANDARDS IN PUBLIC LIFE – REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

The Solicitor to the Council (Monitoring Officer) submitted a report informing the Committee of a review of local government ethical standards being undertaken by the Committee on Standards in Public Life. The Committee had called for evidence on how councils are supporting good ethical standards in local government, following the introduction of the Localism Act 2011 which made significant changes to the governance of local councillors’ conduct.

The consultation sought the views of stakeholders on the workings of the current ethical standards regime of local government, including codes of conduct, investigations and sanctions. The consultation began on the 29<sup>th</sup> January 2018 and will close on Friday 18<sup>th</sup> May 2018.

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

(2) That, Members of this Committee are asked to submit their views to the Solicitor to the Council (Monitoring Officer).

(3) That, the Solicitor to the Council (Monitoring Officer) is requested to circulate the consultation questions by way of a questionnaire to all Members of the Council.

(4) That, subject to (2) and (3) above, the Solicitor to the Council (Monitoring Officer) is asked to collate all the responses and that a special meeting of the Standards Committee is arranged to consider and determine the Council’s response to the consultation on the review of local government ethical standards.

STN.341

**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 8<sup>th</sup> November 2017.

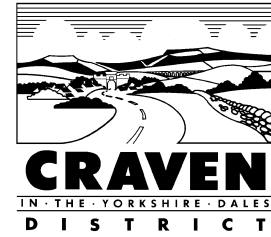
**Resolved** – That, the monitoring report is noted.

**Minutes for Decision**

- None -

Chairman

**Standards Committee –  
25<sup>th</sup> April 2018**



**COMMITTEE ON STANDARDS IN PUBLIC  
LIFE – REVIEW OF LOCAL GOVERNMENT  
ETHICAL STANDARDS**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To invite the Committee to consider its response to the consultation being conducted by the Committee on Standards in Public Life.
2. **Recommendations** – That the Committee:
  - 2.1 Provide views on an appropriate response to the consultation being carried out by the Committee on Standards in Public Life; and
  - 2.2 Delegate authority to the Solicitor to the Council (Monitoring Officer), in consultation with the Chairman of this Committee, to prepare and submit the final consultation response to the Committee on Standards in Public Life.
3. **Report**
  - 3.1 Members may recall that at the last meeting the review of local government ethical standards being undertaken by the Committee on Standards in Public Life was discussed. The Committee had called for evidence on how Councils are supporting good ethical standards in local government following the introduction of the Localism Act 2011, which made significant changes to the governance of local councillor's conduct.
  - 3.2 The consultation sought the views of stakeholders (including standards committees) on the workings of the current ethical standards regime of local government, including codes of conduct, investigations and sanctions. The consultation began on the 29<sup>th</sup> January 2018 and will close on 18<sup>th</sup> May 2018.
  - 3.3 Members resolved that (i) Members of this Committee would be asked to submit their views to the Solicitor to the Council (Monitoring Officer); (ii) all Members of the Council would be provided with the consultation questions in the form of a questionnaire and (iii) the Solicitor to the Council (Monitoring Officer) to collate the responses for a special meeting of Standards Committee.
  - 3.4 On the 21<sup>st</sup> March, all Members of this Committee and all Members of the Council were sent the questionnaire and asked to send any comments to the Solicitor to the Council (Monitoring Officer) by Friday, 6<sup>th</sup> April. Two responses were received.

## 3.5 The first respondent stated:

*"I find it difficult to square the principle in the Act, regarding the behaviour of councillors etc., with that of a wider responsibility members of different professional communities. Solicitors admitted on the Roll, will always (quite rightly) be held to a standard of behaviour regardless of whether such behaviour occurs in professional or personal lives.*

*That a councillor can avoid serious repercussions for behaviour because "it was not in their capacity as a councillor" seems a very backward step. In my view, behaviour that is unacceptable is behaviour that is unacceptable and whether in the course of a councillors 'official duties' or not, they should be held accountable"*

## 3.6 The second response is attached as Appendix A.

## 3.7 Local arrangements for handling complaints were adopted by the Council in July 2012. Since the report author's appointment in 2014, she has received 18 formal complaints about the conduct of both District and Parish Councillors.

## 3.8 Of the 18 complaints received, 13 have resulted in no further action (4 of these for reason of not acting in official capacity), 2 have been assessed as suitable for informal resolution and 3 are on-going.

## 3.9 Members may consider that the current local arrangements require some improvement, particularly as a result of the legislative restrictions that are in place. This consultation provides the Council with an opportunity to comment on local experiences with a view to informing the review being undertaken by the Committee on Standards in Public Life.

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 no legal implications arising from this 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** – All Members of the Council.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 – Consultation response.

Appendix B – Review of Local Government Ethical Standards – Stakeholder Consultation.



## **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only

one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

## CONSULTATION QUESTIONS

Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

Yes, and they are certainly more user friendly than they used to be. I do think that the structures are in place, but it is up to Cllrs to follow them, adhere to them and if in any doubt to seek advice

What, if any, are the most significant gaps in the current ethical standards regime for local government?

If there are any gaps, it is in Planning Protocols, but again it is also increasingly up to Cllrs to make sure that they are following the codes of conduct in this area too. I also think that there is confusion as to if and when the public life of a Cllr stops. Personally I think being a Cllr is 24-7 and your conduct should reflect that. Too many times we see the phrase "was not acting in the capacity of a Cllr at the time"

*Codes of conduct*

Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

Yes. We offer quite regular inductions on codes of conduct, all new Members are introduced to the. Maybe there is an argument for having regular updates for more longer serving Cllrs, as these tend to be the bulk of cases of misconduct. Maybe there is a case for having a larger Standards committee so that more Cllrs can have an opportunity to experience the work they do.

A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Yes, though we often have the anomaly where a Cllrs experience would be valuable in debate, yet they have to absent themselves from it. Plus there is also the problem of Trustees of an organisation bringing themselves into conflict with council policy or decision making.

*Investigations and decisions on allegations*

Are allegations of councillor misconduct investigated and decided fairly and with due process?

Unsure of how to comment on this, because I havent been involved in any hearings, just seen the reports which are confidential. From what I can see is that they seem to be dome fairly, I would welcome a bit more detail into the cases, and for this information to be disseminated to the wider Council, as much as we can.

What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

Yes.

Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

This is a possibility, though Monitoring Officers are subject to employee codes of conduct also.

*Sanctions*

Are existing sanctions for councillor misconduct sufficient?

No, not really. Often surprised at the low level of sanctions.

What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

No, again it seems that we are restricted in the sanctions we can impose

Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Yes. Suspension, especially as most breaches involve bringing the Council into disrepute also.

*Declaring interests and conflicts of interest*

Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

Yes.

A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

Yes

What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Yes,



*Whistleblowing*

What arrangements are in place for whistleblowing, by the public, councillors, and officials?  
Are these satisfactory?

Our whistleblowing policy seems pretty robust to me.

*Improving standards*

What steps could *local authorities* take to improve local government ethical standards?

The real challenge local authorities have is in an increasingly electronic, social media dominated age, where this can often influence, impact and cause problems in public life.

What steps could *central government* take to improve local government ethical standards?

I think local authorities are best placed to do this. I personally don't think we can learn too much from Central Government, given their past record. I think the ethical frameworks of most local authorities outstrip those of HM's Government by a huge margin

*Intimidation of local councillors*

What is the nature, scale, and extent of intimidation towards local councillors?

Social media is a big problem. I know I should use it more as a Cllr, but the potential for real problems is too big a risk.

What measures could be put in place to prevent and address this intimidation?

The social media companies are almost entirely responsible for this. They should be more robust with hate crime, bullying and the nasty stuff that often goes onto social media, whoever it is directed at. Doesn't help that some of our senior politicians and world leaders indulge in this themselves.

### **Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

### **How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:  
Review of Local Government Ethical Standards  
Committee on Standards in Public Life  
GC:07  
1 Horse Guards Road  
London  
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).

## **Review of Local Government Ethical Standards: Stakeholder Consultation**

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### **Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
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  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
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4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

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### **Consultation questions**

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Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

#### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

#### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

#### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?

- i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

#### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
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  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

#### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

#### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

#### *Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
  - i. What measures could be put in place to prevent and address this intimidation?

#### **Who can respond?**

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2. Via post to:  
Review of Local Government Ethical Standards  
Committee on Standards in Public Life  
GC:07  
1 Horse Guards Road  
London  
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).