

## **Guidance for Councillors on contact with third parties and stakeholders.**

This guidance responds to the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions and the recommendation concerning: a review of guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors.

The guidance also provides a sense of what is deemed 'proper' and 'improper' contact to help councillors be able to advocate on behalf of their constituents without concern and also understand where there is a need to consider that some contact could be judged as 'improper'.

- Contact is deemed as: face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communications
- in electronic and social media communication, posts, statements, and comments.

When undertaking council decision making activity and community advocate or leadership roles, it is essential to keep in mind the seven principles in public life. All public office holders are servants of the public and stewards of the public resources and consider before each activity whether they are taking actions which convey; selflessness, honesty, Integrity, objectivity, accountability, openness, leadership. These rules underpin 'proper' contact. It is useful to consider these, [ before, during or after an interaction outlined above] if a fair minded and informed observer, having considered the facts, concludes that the interaction was fair and appropriate.

An 'improper' contact from a third party may contain the following themes:

- The Nolan Principles are obviously compromised
- Trying to obtain an unfair financial or resource advantage
- Seeking unfair influence
- Biased to a particular outcome of a planned decision
- The purpose of the approach is unclear and not documented
- There is an unwillingness to let you seek guidance or share information on the approach with professionals and officers
- Could lead to a misuse of your public position
- Your response would indicate that you are taking advantage of opportunities provided to you as a councillor to further your own or others' private interests or to disadvantage anyone unfairly

The information below is some key advice to consider as a decision maker and advocate for your ward and community, maintaining the integrity and reputation of the council.

#### Decision maker

All Members of the council, regardless of their committee or cabinet role, will discourage any contractor, applicant or agent, or other interested party, such as a landowner in the borough from approaching them directly in any way in relation to their activities. If an approach is received, the Member will take care not to give any commitment, or the impression of a commitment that he or she holds any particular view on the matter.

If an approach is received by a Member from a contractor, an applicant or agent or other interested party in relation to a particular council decision, or use of a physical council asset then the Member will:

- (a) Inform that such an approach should be made to Officers of the Council;
- (b) Keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the decision or proposals is considered by the decision maker;
- (c) Disclose the fact and nature of such an approach to the Monitoring Officer.

In this context an approach should be noted where the discussion extends beyond simple information to the merits or demerits of the particular proposals.

Where a Member of the Council receives written representations directly in relation to a forthcoming decision, procurement activity, commissioning activity, regeneration decision or use of a council asset, or any decision where an unfair advantage is being sought the Member will pass the correspondence to the appropriate Director without a reply.

In the case of significant meeting required between members and an external partner or key local stakeholder on a forthcoming strategic matter, the director should be in attendance and there be an adequate written record of the meeting so as to enable the Member to disclose the fact of such a meeting.

In this context "significant" would include any meetings or discussions which consider the merits or demerits of the particular proposals extended beyond simple information.

When councillors are considering developing sites it either owns or intends to acquire or receive, they may receive exempt information as defined by paragraphs 1 to 6 of, part 1 Schedule 12A of the Local Government Act 1972 and this must not be

shared as would be a breach of the Members code of conduct. The type of information which is exempt is:

- Information relating to any individual.
- Information which is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### Community Advocate

Meetings and discussions with constituents, businesses, community groups and local stakeholders are an important part of a Ward Member's functions, and this guidance is not intended to harm those contacts unnecessarily. The guidance does not prevent Members from listening to local concerns, giving factual information about access to planning service, property services or regeneration activities or commissioning services from directing residents to other sources of information or assistance. The key question to consider, in these community contacts, is the impact of what the party is seeking. Give consideration if what they are seeking gives them financial advantage and that you could be seen as having an unfair influence on the decision-making process. Consider your response in the context of the future public perception of this contact and outcome. For any property, grant, development, or financial discussions, whether planned or unpredicted in a community setting, it is prudent to compile a short note of the discussion and forward this to your party Chief Whip.

### Gifts and Hospitality

Please note that you should record a gift or hospitality you are offered in your role as a member of the Council, from a person, with an estimated value of at least £25 and above, in your Register of Interest form. These should be recorded within 28 days of being offered. Democratic Services will send you a quarterly reminder to include any updates on your register and the section for recording gifts and hospitality is on page 7.

As set out in the Constitution, Part 5 Codes and Protocols, Section A - Member Code of Conduct, these declarations are deemed personal interests. Please note that a 'person' includes a natural person and also a legal person in the form of a company, a charitable, other incorporated body or an unincorporated association.

Councillors should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

Please also register any significant gift or hospitality that you have been offered but have refused to accept.

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the Monitoring Officer before deciding whether to accept it.