



Boxley

PARISH COUNCIL

Guidance for Parish Councillors on Lobbying and Predetermination

This guidance is to assist you in your day to day contact with members of the public who may wish to bring something to your attention, discuss an issue or solicit your support (lobbying). It supplements, but does not replace, the Code of Conduct with which Councillors should conform at all times.

Caution & Common-sense

You should always bear in mind that unless caution and common sense are exercised there is always the possibility that the impartiality and integrity of a Councillor could be questioned. It is therefore advisable that Councillors, especially members of the Environment Committee who may be approached on planning issues, should take care about expressing an opinion that a member of the public may take as indicating support or giving permission of the Parish Council. Information on Predisposition, Predetermination or Bias and the Code is available from the parish office.

You must declare that you have been lobbied if the issue in question is discussed at a Parish Council or Committee meeting.

Lobbying.

This is a time-honoured tradition especially in the planning and development arena. It is also probably the most controversial side of local politics in this country.

When being lobbied you should take great care about expressing personal opinions, especially if you are or will be part of the decision making process.

Parish Councillors are expected to:

- Respect the decisions of the Parish Council and its Committees; and
- Avoid attempting to anticipate decisions not yet made.
- use the occasion only to gather information. This may be done by inviting the member of the public to point out matters or features which are relevant to the issue but avoiding entering into a debate. This information can then be passed onto the relevant Committee or the office.
- inform the resident of their right to address or write to the Council.
- Let the office know if any resident indicates that they will be attending a meeting so that relevant paperwork can then be taken.

Discussions & site-visits.

No Councillor is required to deal with any query from a member of the public if they feel uncomfortable or intimidated by the situation. You are however asked to refer the person to the parish office or provide the office with their contact details. No member of the public has a right to enter your home in any circumstances.

A discussion may take place for various reasons. If it is to complain about e.g. verge cutting, details should be noted and passed to the parish office. The office will then decide whether the issue should be either:

- (a) Reported to the relevant department, keeping the member of the public and the Councillor informed of the action taken; or
- (b) Placed on an agenda.

If the issue is to do with a planning application then the resident might ask you to visit the site. It is recommended that if a member decides to do so, the parish office is apprised of the situation and that, if possible, you are accompanied by another Councillor. Please note that you have no legal right of entry on to any private land unless invited by the landowner.

Prior to the visit the parish office, if notified, will supply:

- A briefing note giving any relevant history and background, together with, if applicable, the planning application(s);
- Details of any relevant policy of the Parish Council;
- Details of which local authority department might be responsible for any service under discussion; and
- Suggestions on how a problem can be resolved or how best to proceed.

After the meeting please make a verbal/written report to the Parish Office with an indication of what, if any, action you feel is required and declare that you have been lobbied.

Making a decision in Council/Committee.

The purpose of these guidelines is not to stop a Councillor having or expressing their personal opinions. A Councillor can be predisposed to a situation but should not be predetermined.

Predetermination or bias is where a Councillor is closed to the merits of any arguments relating to a particular issue and makes a decision on the issue without taking all arguments into account. Councillors will receive information from different sources but should retain an open mind to the merits of all the arguments until making their final decision.

Ultimately Councillors have to decide for themselves the balance between their personal opinions, the needs of the parish/community as a whole and the requirements of the Code of Conduct.

There is an important difference between those Councillors who are actually involved in making a decision and those who are seeking to influence it. Councillors not involved in the decision-making are generally free to speak about how they would like the decision to go. In parish councils this can lead to problems as issues can be dealt with in committee and then be bumped-up to full council. Councillors having earlier spoken out strongly against an issue might then be considered as predetermined or biased. If you are in this position, you may wish to consult the Clerk for advice in advance.

If in doubt the following test is helpful "Would a fair-minded and informed observer, having considered the facts, decide that there is a real possibility that the Councillor had predetermined the issue or was biased?"

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