

## **GUIDELINES FOR MEMBERS ON IMPLEMENTING THEIR RIGHTS AS INDIVIDUALS IN RELATION TO THE COUNCIL'S WORK ADVICE FROM THE STANDARDS COMMITTEE**

1. The Code of Conduct for Members and other protocols provide guidance to members regarding how to implement their duties as members of the Council. But what about the position when a member needs to contact the Council as a private individual rather than a member?
2. The Code applies to a member when officially acting as a member, purporting to act as a member or creating an impression that they are acting as a member. They will also be subject to the Code in a wider context if they bring the office into disrepute or misuse their position to gain an advantage to themselves or others.
3. Members of the Council like their electors citizens of the area and it is inevitable that occasions will arise where a member will need to exercise his/her rights as a private individual. This could be for a number of reasons. A member could be working as a contractor providing services to the Council, the secretary of a voluntary organisation applying for grants, arranging care provision for a relative or objecting to a planning application next door to his/her home.
4. In the spirit of trying to strike that right balance the following advice is offered to a member who faces conflict between his private interests and his role as a councillor.
5. In the first place, it is suggested that the member should try his best to avoid placing himself in a position where such conflict could arise. It should be considered whether the action which would create conflict needs to be taken or is there anyone else who could act on his behalf. This should be possible, for example, if the member is representing another body or organisation rather than his own personal interests or those of his family.
6. If it is not possible to avoid the situation and that it is unavoidable that the member comes into contact with the Council the following steps are proposed as appropriate ones to take:
  - a. When writing to the Council or in other contact, at the first contact formally declare the interest and its nature and that the member is acting in a private capacity.
  - b. If the matter has been raised by the Council contacting the member in his role as an individual (e.g. consultation on a planning matter) the members should clearly declare their interest and its nature when responding.
  - c. It would be advantageous for any request for service to be noted in writing
  - d. When writing to the Council (or anyone else) as an individual he/she should not use the Council's official paper or "councillor" e-mail address – this would be inappropriate and it would be unclear as to which role the member is representing

- e. When contacting the Council as an individual members should not use their position as Councillor to gain access to officers which would not be available to members of the public
- 7. Subject to the nature of the contact Departments may place specific measures in place to deal with the situation. This would be to ensure the propriety and transparency of the arrangement for the protection of all involved.
- 8. If any members are uncertain of their situation and rights in relation to acting as an individual they are encouraged to ask for the advice of the Monitoring Officer beforehand.
- 9. These guidelines are provided as advice to members by the Standards Committee. They do not hold the same power as the Code of Conduct and members are reminded that it is a matter for them personally to come to a conclusion regarding any interests they may have.