

# REPRESENTATIONS TO COUNCILLORS

INFORMATION SHEET

July 08

## Impact of decision-making

Part of a councillor's role is to represent the community and facilitate communication by the council with the community.

Council decisions may have a significant impact on some people's lives.

Often people will have competing interests. Councillors must act in the best interests of the community as a whole and they have a duty to make decisions without bias.

It is normal for councillors to come into contact with individuals and groups who attempt to influence their decision making.

Councillors must take care that representations made to them do not improperly influence the decision-making process.

They have a duty to consider issues fairly and on the merits, taking all relevant factors into account.

Councillors must carefully consider their duties and obligations under their council's Code of Conduct and Code for Tenders and Contracts.

Councillors are not permitted to receive representations regarding a tender process.

## Maintaining fairness in decision-making

Councillors can avoid unfair decision-making or the perception of unfair decision-making by:

- inviting written submissions to the council by the individuals or groups concerned with an issue requiring a decision
- avoiding meeting exclusively with parties from only one side of the debate
- avoiding making undertakings on the outcome of decisions until all the relevant information has been considered
- declaring pecuniary and non-pecuniary interests in any decision at the council meeting
- maintaining detailed records of meetings with proponents
- declaring any representations made

## Representations/lobbying made to councillors as members of a planning authority

Councillors must ensure representations or lobbying does not prejudice their ability to carry out of their obligations under the *Land Use Planning and Approvals Act 1993*.

While members of the public may make representations to councillors and make their views known, the members of a planning authority must ensure the decision making process provides procedural fairness.

The rules of procedural fairness require a fair hearing to those whose interests are liable to be affected by the decision. The decision maker(s) also must not show bias, partiality or prejudice.

For example, if a councillor is approached and has a private audience with a developer, an accusation of bias may be made. Private representations to a councillor undermine the planning process which provides for formal and open public input.

Private representations also expose a council to the risk of having its decision reviewed by the Supreme Court under the *Judicial Review Act 2000* due to failure to provide procedural fairness in the decision making process.

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