

Brixton Parish Council



Declaring interests at meetings

SHDC Monitoring Officer Guidance to Councillors

As public decision-makers, you must make decisions in the public interest. You must not use or appear to use your position to further private interests. Being open and clear about your interests at meetings avoids conflicts of interest and is important for maintaining public confidence. Failing to do so, risks damaging your reputation and that of your council; and of breaching the code of conduct. It may also put you at risk of prosecution and receiving a fine if convicted.

The following guidance is to help ensure you stay on the right side.

1. Read the agenda and reports fully and well in advance of the meeting

This allows you not only to be prepared for the meeting itself, but will provide an early warning of any potential conflicts of interest. Keep an eye on any forward plan too as this will give you more advance notice of any potential issues.

2. Take advice sooner rather than later

While it is better to seek advice at the meeting, than not at all, it is best to do so before. Whether you have an interest and if so, whether you need to declare it, depends on the particular facts. Those facts can be complicated. Trying to explain them to get advice while in a meeting runs the risk that important facts are left out because they are too personal or because you do not think they are relevant. You might therefore not then be given the advice appropriate to your circumstances. It also gives you time to apply for a dispensation to allow you to take part even if you have an interest.

3. Time to declare

The Chair of the meeting will pause at the start of the meeting to give you time to make any declaration. If at that point, you are unaware of having an interest, but as the meeting progresses or perhaps takes an unexpected direction, you become aware that you do have an interest; you must declare the interest as soon as it becomes clear to you that an interest exists. Even if you have declared your interest at the start of the meeting, it is good practice to repeat the declaration at the start of the item.

4. What should be declared?

You must disclose to the meeting the existence and nature of your interest. You should therefore say that you have an interest and what type it is.

5. Be sure about the nature of your interest and use the correct terminology

There are three types of interest: Disclosable Pecuniary Interest (those registerable in Part A of the Register of Interests) (“DPI”); Other Registerable Interests (those registrable in Part B of the Register of Interests) (“ORI”) and Non-registerable V20 interests (“NRI”). It is important to know what type of interest you have because your right to take part in the discussion of the item (See the flowchart at the end of this note).

6. Ensure that it is appropriate to declare an interest

Declaring an interest when it is not necessary can be confusing, both for those at the meeting and those members of the public watching. Commonly, declarations are made about being a member of an outside body when the item to be discussed does not directly relate to the body or the financial interest or wellbeing of the body. In those circumstances, there is no interest to be declared.

7. The legal bits

When you receive an agenda or reports for a meeting, consider:

7.1. Code of conduct

When accepting office as a councillor, you agreed to comply with the standards of behaviour set out in your Council’s Code of Conduct. Failure to comply with the Code of Conduct can result in a standards complaint against you.

7.2. Criminal offence

If you take part in the discussion or vote on an item in which you have a Disclosable Pecuniary Interest or remain in the room then unless you have a reasonable excuse, such as having a dispensation, you will commit an offence and if convicted face an unlimited fine.

7.3. Bias and pre-determination

If you are involved in determining planning or licensing applications, having an interest that you do not declare or taking part in the decision-making process when you have an interest might suggest that you may be biased or pre-determined about a matter you may be involved in determining. If so, the decision runs the risk of being invalidated.

OPENNESS

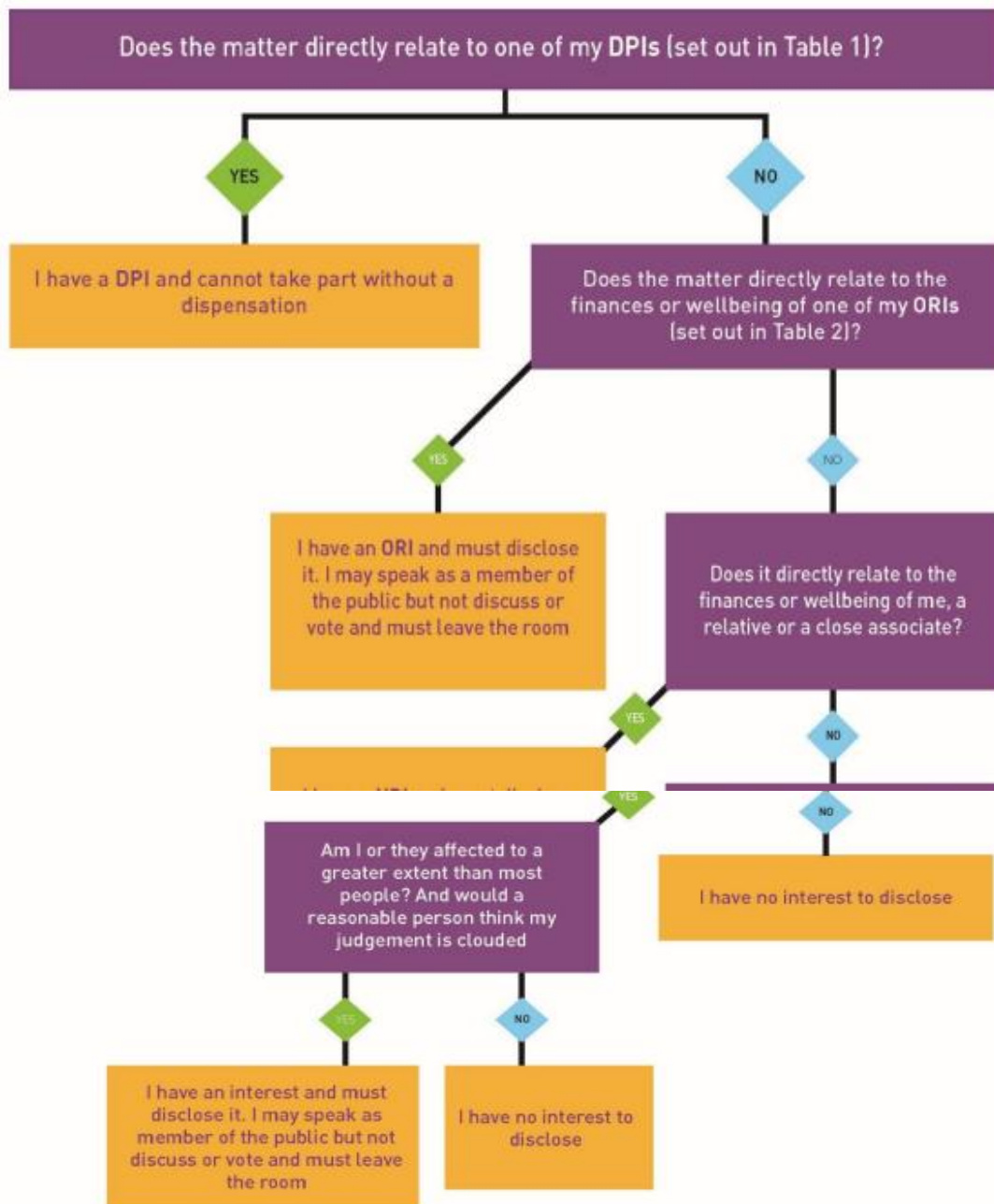
INTEGRITY

OBJECTIVITY

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Kirstie Aldridge, Clerk to Brixton Parish Council



NOTE: Table 1 and Table 2 refer to the tables in Appendix 3 of the Code of Conduct.

Acknowledgment: The flowchart is reproduced from the LGA Guidance on the Code of Conduct.

