SHDC MONITORING OFFICER GUIDANCE

TO COUNCILLORS

DECLARING INTEREST AT MEETINGS

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This policy will be reviewed on an annual basis

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Brixton Parish Council Declaring Interests at Meetings

SHDC Monitoring Officer Guidance to Councillors

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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.

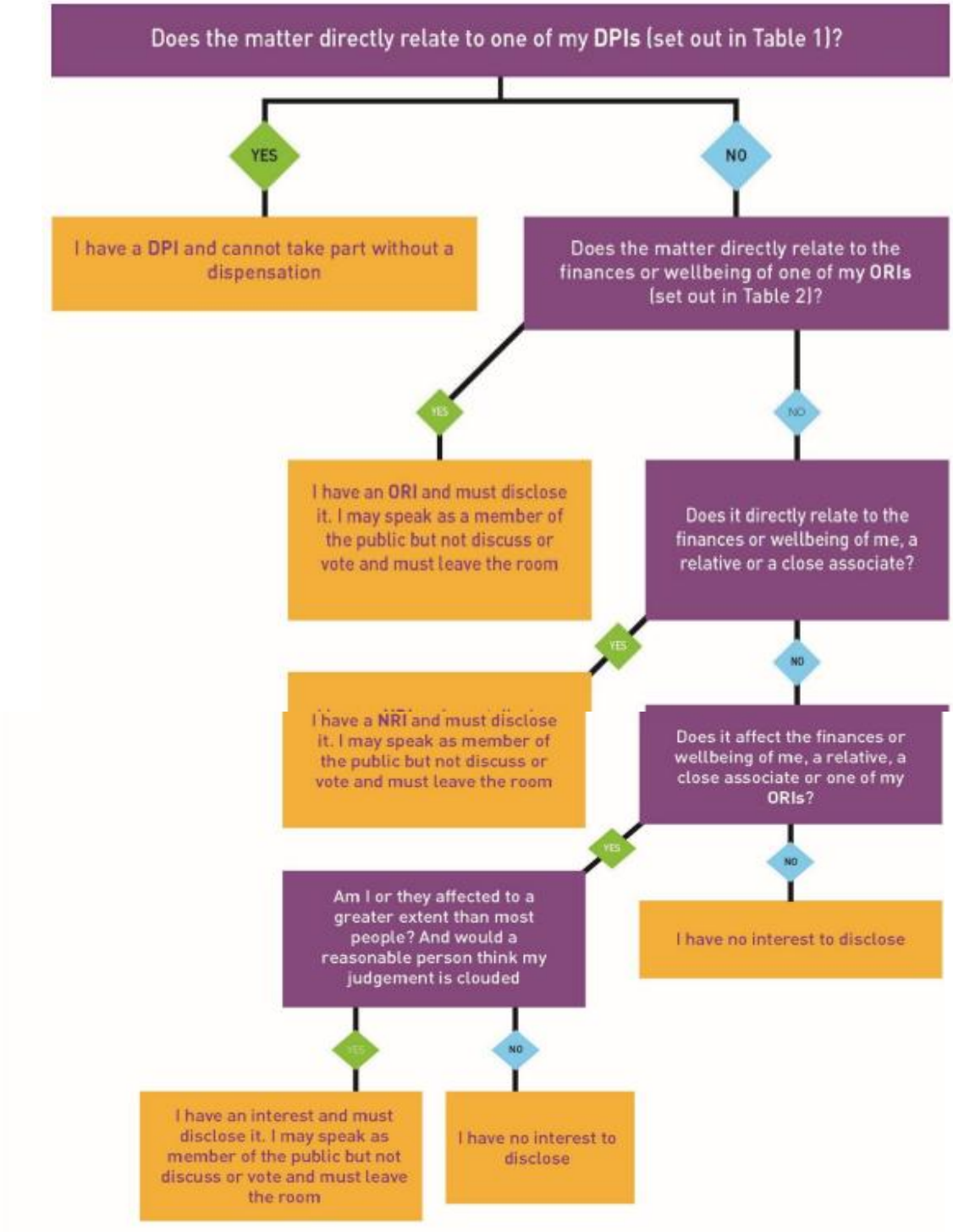
7.2 Criminal offence

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**



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.

Please find Table 1 and Table 2 below

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Subject	Description
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interest

You must register as an Other Registerable Interest :

a) any unpaid directorships

b)any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management