

DECLARATIONS OF INTEREST

❖ Why do I need to declare interests?

Councillors take decisions every day that affect the lives of their residents. The 'Nolan principle' of selflessness says Holders of public office should act solely in terms of the public interest and the principle of objectivity says holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

It is important for the public to be reassured that decisions are being taken in the public interest and not to serve private interests. The system for declaring interests at meetings aims to give that reassurance.

❖ When should I declare an interest?

You should declare an interest in any business of your authority where it relates to or is likely to affect:

1. An interest that is on your register
2. An interest that is not on your register but where the well-being or financial position of you, relatives, or people or bodies with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the authority's area

You must declare that you have an interest as soon as it becomes apparent to you in all meetings of your Council or a committee before the matter is discussed.

❖ Can I stay in the meeting?

You must withdraw from the meeting if the interest is so significant that it meets the following tests:

- a) The matter relates directly to an interest on the first part of your register; or
- b) The matter relates to the interest of your family or close associates; or
- c) The matter affects you or your family or close associates more than the majority of people in the area **AND** a member of the public, who knows the relevant facts, would reasonably think the interest so significant that it is likely to prejudice your judgement of the public interest

If none of those tests are met you do not have a declarable interest.

If your interest meets the first test you must leave the room and may not speak unless you have been granted a dispensation.

If the second or third tests are met you can speak on the matter if members of the public are also allowed to speak. However, you must then leave the room immediately once you and the public have finished speaking and not take part in any discussion or vote.

If your council does not provide members of the public with any right to speak, you would need to leave the meeting room after declaring your interest without speaking on the matter. However, you can:

- Make written representations in your private capacity. These should be addressed to the clerk rather than members of the authority and make clear you are writing as a private individual.
- Use a professional representative to make an application, for example a planning application, on your behalf.
- Arrange for another member of the authority to represent your views

❖ What should I do if I am not sure whether I need to declare an interest?

It is your responsibility to consider whether you have an interest which must be declared, but you should always seek advice from the clerk who may in turn want advice from the County Association or Monitoring Officer. Failure to declare an interest and/or take the correct steps could lead to a complaint against you.

For more detailed guidance on interests see NALC advice note- [Members' conduct and the registration and disclosure of their interests \(England\)](#)

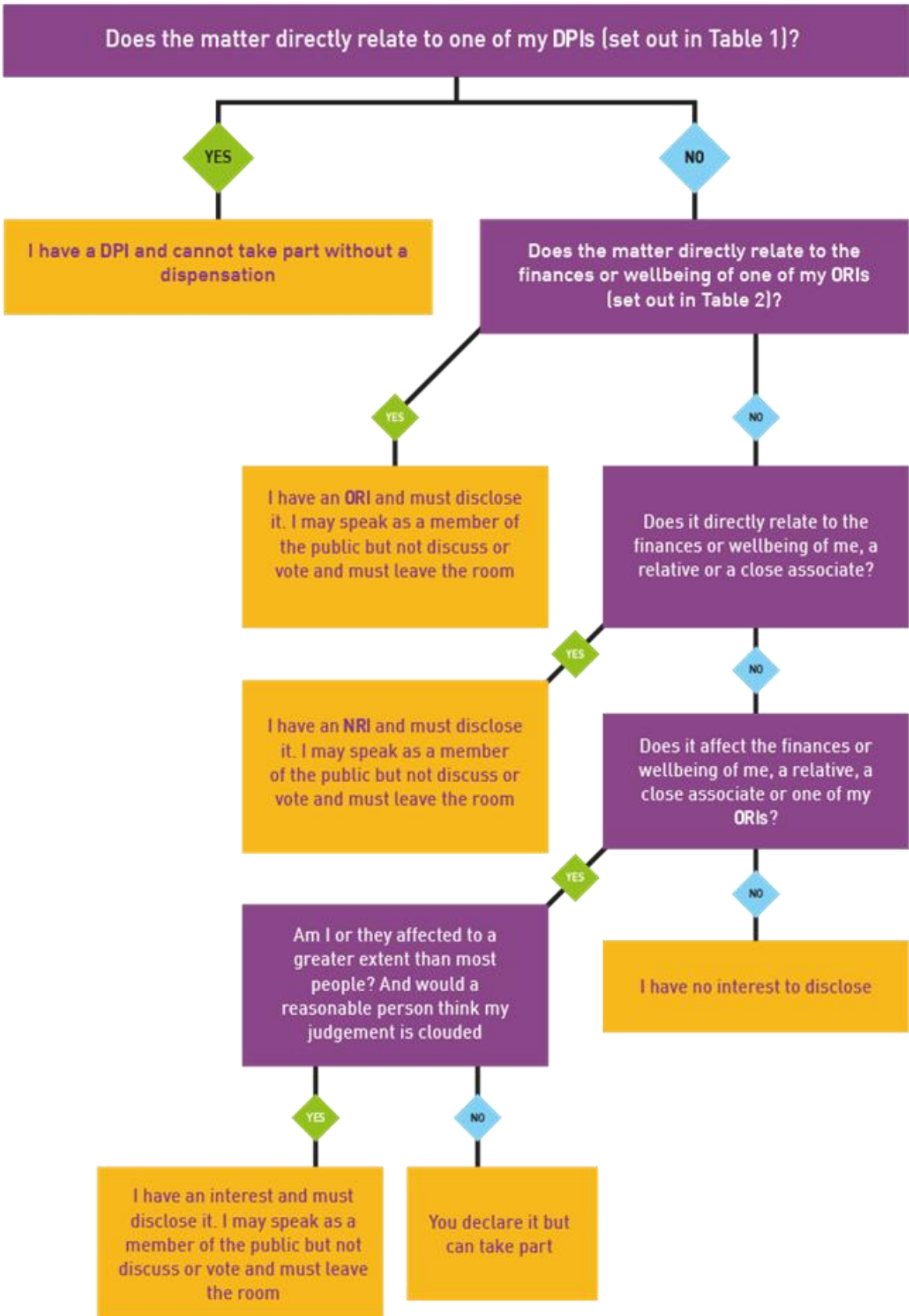


Table 1: Disclosable Pecuniary Interests

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
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

QUICK GUIDE TO INTERESTS – LGA Cllr. Code of Conduct



Type	Register?	Disclose at meeting	Restrictions (unless granted dispensation)
DPI	Yes	If matter directly relates to councillor's DPI (includes spouse or live-in partner)	Cannot participate, vote or remain in the room (including when public allowed to speak)
ORI	Yes	If matter directly relates to the financial interest or well-being of the ORI	May speak when public can. Otherwise, cannot participate, vote or remain in the room
NRI	N/A	If matter directly relates to the financial interest or well-being (but is not a DPI) of the councillor, a relative or close associate	May speak when public can. Otherwise, cannot participate, vote or remain in the room
NRI	N/A	If matter affects the financial interest or well-being of the councillor, a relative or close associate, or a body in Table 2 (an ORI)	<p>If the matter affects the financial interest or well-being:-</p> <ul style="list-style-type: none"> a. To greater extent than majority of ward inhabitants and b. A reasonable member of public knowing all the facts would believe it would affect Cllr's view of the wider public interest <p>May speak when public can. Otherwise, cannot participate, vote or remain in the room</p>

Disclosable pecuniary interest (DPI)

Employment, office, trade, profession or vocation carried on for profit or gain; Sponsorship; Contracts; Land and property; Licences; Corporate tenancies; Securities

Other registerable interest (ORI)

Unpaid directorships: any body of which are a member or in position of control/management and appointed to or nominated by council; any body exercising functions of public nature, or charitable purposes, or whose principal purpose includes influencing public opinion/policy of which are a member or in position of control/management

Non-registerable interest (NRI)

Matter which relates to or affects financial interest or well-being of councillor, relative or close associate, or a body that is an ORI.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.