

MEMBERS INTERESTS TO DECLARE OR NOT DECLARE

(This is a useful tool that may assist a Council decide if there is an interest and if that interest is personal or personal/prejudicial)

Councillors should answer the question posed in the left hand column and then move to the right hand column to see what action is required

Question	Action
<p>1. Is the interest registered in the Register of Interests*</p> <p>OR could the decision be reasonably regarded to have a greater affect on you or a relevant person**</p> <p>OR upon your or their employment or business, employers, companies of which you or they are directors or relevant companies than it would upon the majority of council tax payers, ratepayers or inhabitants of the ward affected by the decision or (if there are no wards) of the area?</p>	<p>Yes – you have a personal interest go to question 2</p> <p>No - there is no personal interest and nothing to be declared.</p>

2. Does the interest affect your financial position or the financial position of a relevant person**

OR does it involve planning, licensing or other regulatory matters affecting your position or the position of a relevant person** to a greater extent than the majority of council tax payers, ratepayers or inhabitants of the ward affected by the decision or (if there are no wards) of the area?

Yes – go to question 3

No – you have a personal interest only. You should declare the existence and nature of the interest but may remain and take part in the debate and vote**

3. Would a member of the public with knowledge of the relevant facts reasonably regard the interest as so significant that it is likely to affect your judgement?

Yes– go to question 4

No – the interest is a personal interest only. You should declare the existence and nature of the interest but may remain and take part in the debate and vote**

4. Do members of the public have the right to address the Council/Committee?

Yes – go to question 5

No – you have a prejudicial interest and must withdraw from the room while the matter is under consideration

<p>5. Do you wish to make representations, answer questions or give evidence relating to the matter?</p>	<p>Yes – you have a prejudicial interest which should be declared as such. You may make your representations, answer questions and/or give evidence but must withdraw from the room as soon as you have finished doing so.</p> <p>No you have a prejudicial interest and must withdraw from the room while the matter is under consideration.</p>
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<p>KEY</p>
<p>* Registered gifts and hospitality do not need to be declared after they have been registered as interests for 3 years.</p>
<p>** "Relevant person" means:-</p> <ul style="list-style-type: none">• a member of your family or any person with whom you have a close association;• any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;• any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;

- any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- any body:-
 - exercising functions of a public nature;
 - directed to charitable purposes;
 - 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.

The expression "member of your family" is not defined by legislation. Standards Board Guidance is that your family includes your:-

- Partner (i.e. spouse, civil partner or co-habitee)
- Parent
- Parent-in-law
- Son or daughter
- Stepson or stepdaughter
- Child of the member's partner
- Brother or sister
- Grandparent
- Grandchild
- Uncle or aunt
- Nephew or niece
- The partner of any of the above

The expression “close association” is also not defined. Standards Board guidance is that it includes someone you are in contact with on a regular or irregular basis over a period of time who is more than just an acquaintance, someone a reasonable member of the public may think you would favour or disadvantage. It may be a friend, colleague, business associate or someone you know from general social contact.

WHAT TO DECLARE

The Code of Conduct requires you to declare the existence and nature of an interest. The ***existence*** of an interest is the fact that a personal but non-prejudicial or a personal prejudicial interest exists. The ***nature*** of the interest is the reason why the interest arises.

WHEN TO DECLARE

Unless the interest relates to membership of outside bodies or bodies performing public functions if you have an interest which should be declared the Code requires the declaration to be made at the commencement of the consideration of the item concerned or when the interest becomes apparent.

Generally the interest will be apparent from the Agenda, hence declarations at the commencement of the meeting. If you inadvertently omits to declare an interest at the commencement of the meeting the interest should be disclosed BEFORE any discussion takes place on the item concerned, even if this involves interrupting the Chairman! If the interest relates to membership of outside bodies or bodies performing public functions you need only declare it before addressing the meeting. If you do not address the meeting and do not declare the interest you may still vote.

INTERESTS WHICH ARE DEEMED NOT TO BE PREJUDICIAL

Notwithstanding anything contained in the Code of Conduct you are deemed not to have a prejudicial interest if the matter under consideration relates to the functions of the Council in relation to:-

- housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to members
- any ceremonial honour given to members or
- setting council tax or a precept under the Local Government Finance Act 1992

(The Essex Association would like to thank Michael Perry at Uttlesford District Council for allowing the EALC to have use of this form for the parish councils in Essex)