

Matters Arising

Declarations of Interest

Councillors' conduct in relation to interests and the registration of them, are regulated by the Localism Act 2011 ss 26-34 and regulations made thereunder. The provisions of the 2011 Act require all councillors to complete a declaration of interests form to register their financial and other interests that could potentially conflict with their role as local councillor.

Within 28 days after becoming an elected or co-opted member, a councillor must notify the monitoring officer of any disclosable pecuniary interests which they have at the time of notification¹. Those interests are specified in the Relevant Authorities (Disclosable Interests) Regulations 2012, SI 2012/1464. The member must be aware of the interest for it to be disclosable².

They are also required to declare any interests at the start of any council meeting where that particular interest conflicts with some or all of the business to be discussed at that meeting. They may not take part in the discussion of or vote on those items **in which they have a prejudicial interest**. e.g.

where the decision will affect a friend or relation

where the decision maker has a financial interest in its outcome

where the decision maker is a director of an organisation affected by its outcome

where the decision maker is a member of a group campaigning for one outcome or another

where the decision maker's spouse or civil partner has an interest in the outcome

A declaration of interest 'in so far as a member lives in proximity to the subject matter' by definition this is not a prejudicial interest unless the outcome of any discussions in relation to this declaration are going to result in the satisfaction of the definition of pecuniary interest or are likely to affect a disclosable interest.

At a meeting of the council, a committee, a sub-committee or a joint committee or sub-committee at which they are present, a member must disclose any disclosable interest of which they are aware (including any such interest which is not yet registered as specified in the aforementioned Regulations). Having declared the interest, the member must not participate, or further participate, in discussion on the matter and must not take part in a vote or further vote thereon. Standing orders may provide for the exclusion of a member during discussion and voting on a matter in which they have declared a disclosable pecuniary interest. Furthermore, the member must not take any steps, or further steps, in relation to the matter save for the purpose of enabling the matter to be dealt with otherwise than by the member³

References:

Arnold-Baker on Local Council Administration, Tenth Edition, originally written by Charles

Arnold-Baker, updated by Paul Clayden

Local Councils Explained by Meera Tharmarajah, NALC

The Parish Councillor's Guide, Twentieth Edition, Paul Clayden

The Clerk's Manual, published by SLCC

Kirkbymoorside Town Council Standing Orders:

Page 4 (1c.)

Page 5 (1v.)

Page 7 (3b. viii.)

Page 11(7b.) (7c.) (7 f.i) (7 h.ii)

¹ Localism Act 2011, s 30(1)

² Localism Act 2011, s 30(3)

³ Localism Act 2011, s 31.