

STALBRIDGE TOWN COUNCIL

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The Member's Code of Conduct deals with declaration of interests and participation at meetings. It identifies two types of interests - personal interests and disclosable pecuniary interests.

Disclosable pecuniary interests generally relate to a Councillor's financial affairs and are prescribed by law]. They can be found at Sections 6 and 7 of the Code Of Conduct. Importantly it also includes the same financial matters of the Councillor's spouse, or civil partner, a person who they are living with as husband and wife or person with whom they are living as if they are civil partners.

Personal interests include a range of matters including a Councillor's Council appointments, memberships of other bodies including political parties, minor property rights and where the reasonable person would view a Councillor's interest in the matter being considered as greater than would affect the majority of residents in the affected area such that it is likely to prejudice their judgment of the public interest. More detail is contained at Section 7 of the Code.

The Code requires Councillors to declare gifts and hospitality over the value of £25 received by virtue of their office. It also requires the existence of the gift or hospitality to be declared at the meeting where it is relevant to the matter of business being discussed. Part 3 of the Code provides more detail on gifts and hospitality.

The Code requires that Councillors and co-opted members must:

Declare any interest (whether disclosable pecuniary interest, personal interest, or gifts or hospitality) in any business which is to be discussed by the Council where the Councillor attends the meeting.

Disclose the interest no later than the commencement of the consideration of the business in which they have the interest or whenever it becomes apparent that they have an interest.

Disclose the nature of the interest as this has to be included in the minutes.

[Example: "I have a disclosable pecuniary interest on Item XX because this planning application relates to my property" or "I have a personal interest in Item XX because the land is to be leased to the Parish Council and I am a Parish Councillor"].

In terms of participating in the meetings, the Code states that if the interest is a;

disclosable pecuniary interest the Councillor can't participate in the discussion, can't vote and must leave the room unless they have obtained a dispensation from the council's Monitoring Officer or Standards Committee.

[It is a criminal offence for a Councillor to be involved in the discussion and / or vote on a matter in which they have a disclosable pecuniary interest]

In terms of personal interest the Councillor can be involved in the discussion and / or vote on the matter.

Further guidance can be found in the Department for Communities and Local Government document 'Openness and transparency on personal interests' published in September 2013.

Irrespective of whether a personal interest has been declared, Councillors are subject to the requirement that they are not biased or predetermined when taking decisions.