

The revised Code – declaring interests

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Please note, this presentation was based on our best understanding of the likely content of the revised Code of Conduct at the time of the Annual Assembly, and should be read as such.

Purpose of the session

- Understand the proposed changes to the Code of Conduct
- Understand the specific issues relating to declaring interests
- Understand how they will affect members in some common situations
- Identify some of the common pitfalls

Declaring interests

1. Changes in personal interest definition
2. Declaration changes for public service interests
3. Public service interests/charitable bodies, and lobby groups and prejudicial interests
4. Election on a single issue
5. Membership of a lobby group that has stated views on a matter

6. Other issues:

- closing the overview and scrutiny loopholes
- specific exemptions that allow prejudicial interests to be treated as personal

Compare and contrast

Compare and contrast the obligations of councillors under the proposed revised Code with the current Code.

The scenario

- Airport extension and super casino proposal at Faraway Borough Council
- The interests of four councillors to consider

Councillor Andrews

- Member of the planning committee
- Member of Friends of the Earth
- Campaigned in the election against the building of the runway extension
- Her sister lives in Plumpton and will have part of her orchard acquired for the runway extension

Councillor Belsize

- Cabinet member for regeneration and environment
- The current council nominated non-executive director on the airport board
- Appointed by the council to a management position on the board of a regeneration company set up to facilitate land purchases near the town centre
- Given notice of intention to attend meeting to put the case for the extension

Councillor Craddock

- Borough councillor recently elected on the single issue of “Stop the Airport Runway”
- Parish councillor for a ward unaffected by the airport
- LEA nominated school governor of Faraway Primary School
- Given notice of intention to attend the meeting on behalf of the people of Plumpton

Councillor Dibley

- Member of planning committee
- Mother-in-law is the chair of the board of the airport company

Personal interest definition

Current Code:

- If the matter affects the wellbeing or financial position of you, your relatives or ***friends***, more than it would affect ***other*** people in the ***authority's area***

Revised Code:

- If the matter affects the wellbeing or financial position of you, your relatives or ***close personal associates***, more than it would affect the ***majority*** of other people in ***your ward or the wards affected by the matter***

Personal interest definition

Councillor Andrews

Current Code:

- Personal interest in the company's planning application due to her sister's orchard in Plumpton being directly affected

Revised Code:

- No change

Personal interest definition

Councillor Belsize

Current Code:

- Personal interest due to the membership on the board of the airport company and council appointment to the regeneration company

Revised Code:

- No change

Personal interest definition

Councillor Craddock

Current Code:

- Registered personal interest as school governor of Faraway Primary School which may benefit from the development

Revised Code:

- Registered as a public service interest – therefore still a personal interest

Personal interest definition

Councillor Dibley

Current Code:

- Personal interest due to mother-in-law being chair of the airport company's board of directors

Revised Code:

- No change

Declaration and public service interests

Current Code:

- Required to declare interests if the matter:
 - affects a member, his or her relative or friend, more than it would affect a wider community

Revised Code:

- New definition of personal interest means members are not required to declare interests shared to the same extent by a substantial number of inhabitants

Current Code:

- or, if the matter relates to a registered interest, including memberships or positions of general control or management

Revised Code:

- New category of ‘public service interest’:
 - your interest arises from your service on another public body
 - must be registered, but only needs to be declared at a meeting when you speak in connection with the issue

Declaration and public service interests

Councillor Belsize

Current Code:

- Registered membership on board of the airport company and council appointment to the regeneration company

Revised Code:

- Registered as public service interests

Current Code:

- Declare personal interests and their nature at the meeting

Revised Code:

- Needs to declare interest when speaking on the matter at the meeting

Declaration and public service interests

Councillor Craddock

Current Code:

- Registered interest as school governor of Faraway Primary School
- Declare personal interests and their nature at the meeting

Revised Code:

- Registered as a public service interest
- Needs to declare interest when speaking on the matter at the meeting

Public service interests and prejudicial interests

Current Code:

- Prejudicial interest test applies to all interests:
 - would informed member of the public regard the interest as so significant that it is likely to prejudice the member's judgment?

Revised Code:

- More opportunity to participate if public service interest
- You can address the meeting and answer questions before withdrawing prior to the main discussion

Current Code:

- You have to declare your interest and leave the meeting at the commencement of discussion of the item
- You must not seek to improperly influence a decision about that matter

Revised Code:

- If the matter relates directly to the public service interest
 - can address the meeting before withdrawing
- Still cannot seek to improperly influence a decision

Public service interests and prejudicial interests

Councillor Belsize

Current Code:

- Declare personal interest as before but likely to be prejudicial because the application is by the airport company of which she is a non-executive director

Revised Code:

- Registered as public service interest

Current Code:

- Must leave the meeting at the commencement of discussion

Revised Code:

- As the interest is prejudicial, may address the meeting and answer questions prior to the main discussion, before withdrawing

Current Code:

- Must not seek to improperly influence a decision about that matter

Revised Code:

- No other change

Public service interests and prejudicial interests

Councillor Craddock

Current Code:

- Registered interest as school governor of Faraway Primary School
- Must declare interest at the meeting

Revised Code:

- Registered as a public service interest
- No need to declare interest unless speaking on the matter at the meeting

Current Code:

- If prejudicial interest, due to direct benefit to the school, must leave the meeting prior to discussion

Revised Code:

- If prejudicial interest, is allowed to address the meeting and answer questions prior to the main discussion

Election on a single issue

Current Code:

- Should not give rise to a personal interest unless the councillor is also a member of a lobby or campaign group

Revised Code:

- You have to declare your personal interest but, if it is prejudicial, are allowed to address the meeting and answer questions before withdrawing prior to the main discussion

Election on a single issue

Councillor Craddock

Current Code:

- Declare personal and prejudicial interest arising from his “Stop the Airport Runway” campaign
- Leave meeting at start of discussion on the item

Revised Code:

- Still has a personal and prejudicial interest but is allowed to address the meeting and answer questions before withdrawing prior to the main discussion

Lobby and campaign groups – stated views

Current Code:

- May have to choose between playing a role as community advocate or being a decision-maker as a councillor

Revised Code:

- Allows you to address the meeting and answer questions before withdrawing prior to the main discussion

Current Code:

- Decide whether there is a personal interest to declare. If the interest is then prejudicial you must leave the meeting at the commencement of discussion on the item

Revised Code:

- Still not permitted to vote

Lobby and campaign groups

Councillor Andrews

Current Code:

- Register membership of Friends of the Earth (FoE)
- If prejudicial interest, must leave the meeting at the commencement of discussion on the item

Revised Code:

- Even if FoE has campaigned directly against the issue, she is allowed to address the meeting and answer questions before withdrawing prior to the main discussion

Other issues

- Scrutiny and overview
- Prejudicial interests treated as personal

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