



Parish Council Questionnaires

Thank you to all the Parish Councils who completed the questionnaire we sent in March – the Parish Liaison Working Group will use the responses to develop the 2010/11 training programme.

Local Assessment of Allegations 2009/10

Now that we've come to the end of a civic year, we've had a chance to look back at the allegations we've received and have noticed two main themes:

1) **Declaring Interests – Personal / Prejudicial and Planning Matters**

A fair number of complaints we've received relate to the declaration of interests when considering planning applications, so we wanted to provide a bit of clarification and some guidance.

Personal Interests: You have a personal interest in a matter:

- when it relates to or is likely to affect any of the interests you have declared on your written registration of interests

or

- where the matter would affect the well-being or financial position of you, your family members, or any people or bodies with whom you have a close association (which could include friends and business colleagues) **to a greater extent than other residents in your village.**

What do I do?

Personal interests must be declared as soon as it becomes apparent during the meeting that you have a personal interest – you must also declare the nature of the interest. Just saying that you have a personal interest isn't enough: you must also say what the interest is and ensure that it is recorded correctly in the minutes. If we get an allegation that someone has failed to declare an interest, we'll immediately ask for the minutes of the meeting in question. If the minutes state simply "Cllr X declared an interest", there's insufficient documentary evidence for the Local Assessment Panel to feel satisfied that there was no potential breach of the Code of Conduct, and it may recommend that the matter proceed to an investigation.

Key learning point: Investigations, whilst necessary to establish what did or did not occur, can be time-consuming and stressful for everyone involved – and expensive. If interests are declared properly and minuted accurately, matters might not even progress as far as an allegation.

Prejudicial Interests: A personal interest becomes prejudicial if it:

- affects your financial interests or is about a regulatory matter – that is, if it relates to planning, licensing or employment issues

and

- a member of the public, who knows the relevant facts, would reasonably think that your personal interest is so significant that it is likely to prejudice your judgement of the matter.

What do I do?

You must declare that you have a prejudicial interest and the nature of that interest. If members of the public are allowed to speak at the meeting, you may make representations, give evidence or answer questions about the matter, but you must leave the room immediately after you have finished speaking – or if the committee decides that you have finished – whichever is earlier. If there is no right for the public to speak at the meeting, you must leave immediately after declaring your interest.

As before, please ensure that your declaration and the nature of your interest are recorded accurately in the minutes. Although the decision whether or not you have an interest is solely up to you, the test which the Local Assessment Panel will apply if it receives any allegations



about a failure to declare an interest and act appropriately, is to consider what a member of the public would think about your ability to reach a decision – or to influence others to reach a particular outcome – when it is known that you have an interest.

Key learning point: In a nutshell, if it relates to a planning application, your personal interest will almost certainly be considered prejudicial, as it's unlikely that the proverbial Joe Public will believe that you will be completely impartial when making representations on a planning application which affects the interests of you or someone close to you.

2) *Councillors and the internet: e-mail, blogs, social media, on-line forums, etc.*

Using the internet, blogging, chat rooms and other forms of social media like Facebook, Twitter and on-line forums is a great way for local councillors to keep in touch with residents, to stay up-dated on issues of local interest, and to engage with constituents who might not normally access local government and council information. The Standards Committee wants to emphasise that the Code of Conduct isn't meant to stifle free speech – but also wants to advise all councillors to be careful not to fall into potential breaches by saying something in haste on in a public forum from which it quickly gets forwarded.

The Code of Conduct can apply to anything you are posting on-line if you are acting – or, crucially, ***giving the impression that you are acting*** – in your official role as a councillor. Even if you intended your comments to be seen as having been made in a personal capacity – and even if you have concluded all your remarks with words to that effect – when you are discussing the business of your authority, you are almost certainly giving the impression that you are acting as a councillor and the Code of Conduct will apply.

The Information & Development Agency (IDeA) has published an excellent guide to Councillors and Social Media, a hard copy of which is included with this newsletter, and we encourage you to read through it. There's great advice on how to get started building your public profile on-line, how to engage residents, campaigning, local authority considerations like having a social media policy – and a section on danger zones – potential legal issues like libel, copyright, data protection, bias and pre-determination, obscene material, election periods, and how the Code of Conduct applies.

Standards for England has published the useful Blogging Quick Guide which was sent to all Parish Clerks with the SCDC Weekly Bulletin of 3 March 2010. See www.tinyurl.com/blogstandards

Local Government Chronicle Awards

In our previous newsletter we announced that we had been shortlisted in the standards and ethics category at the Local Government Chronicle awards. Three of us made a presentation to the judges at the end of January, and we attended the awards ceremony at the end of March. Although we did not come home with the big prize, having seen the quality of work demonstrated by the five other shortlisted authorities, the cliché was certainly true: it really was an honour to be nominated.



We're here to help – if you need further information, please get in touch. *Contact details for the Standards Committee are available on the Committee's website, www.scams.gov.uk/standards, or by contacting:*

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