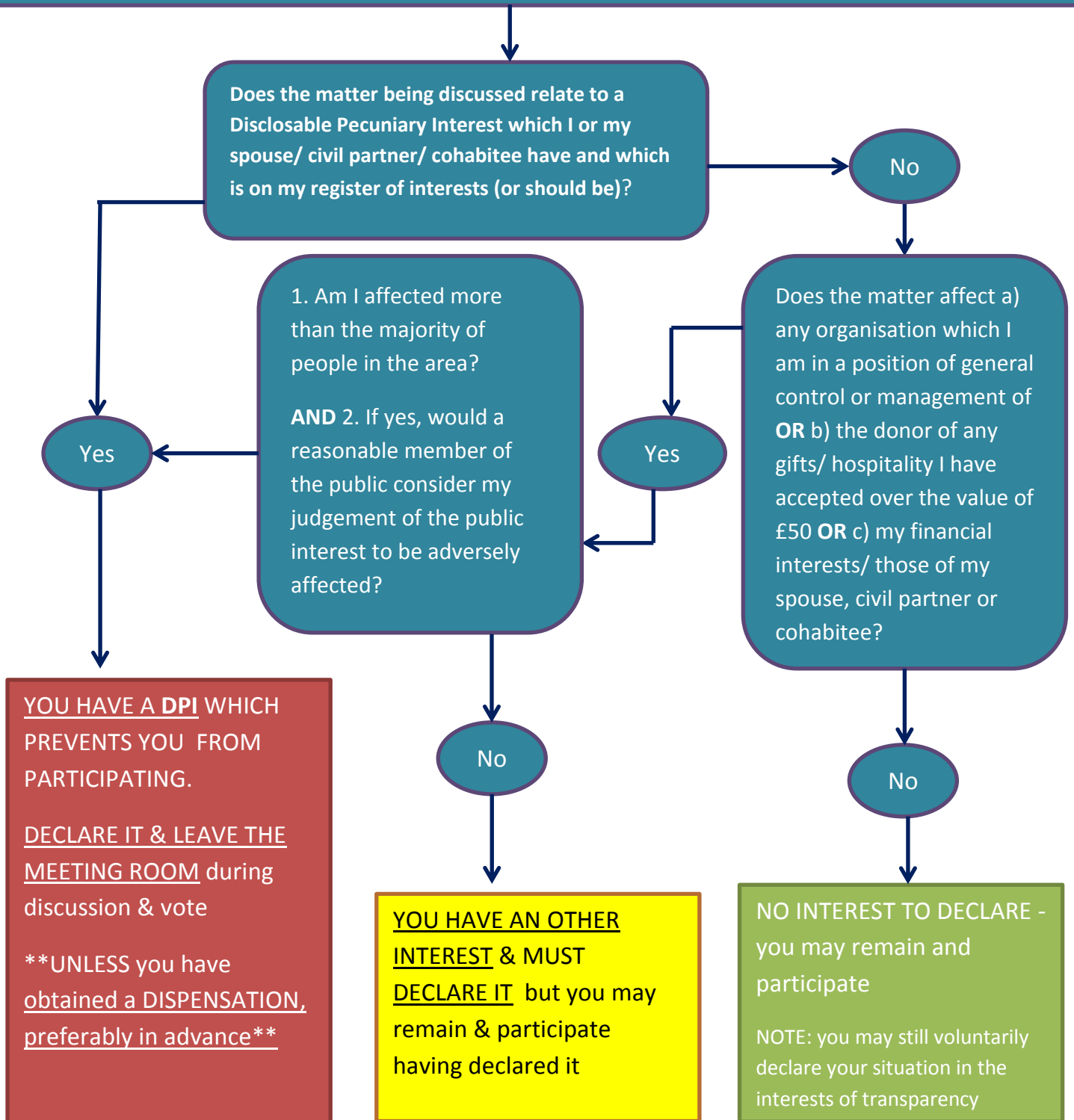


Guide for members: Do I need to declare an interest at this meeting?

NOTE: this flowchart is not intended to replace the Code of Conduct for members but must be read alongside it. Any queries or requests for a dispensation should be raised with the Monitoring Officer/ the legal team prior to the meeting.

Q: Do I need to declare an interest?



Explanatory notes to interests flowchart: the Code of Conduct for Members outlines the standards of conduct expected of members in relation to the declaring of interests. This flowchart is not a substitute for the Code and must be read alongside it.

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1) Disclosable Pecuniary Interests must be registered and also declared at the meeting. **If you/ your spouse/ civil partner/ cohabitee has a DPI in a matter under consideration then you must not participate unless you have been granted a dispensation by the Monitoring Officer.**

Your DPIs include:

- any **sponsorship** received in connection with my election or my duties as a member
- any **employment/trade /office/profession/ vocation** carried out for **profit** or for **gain**
- any **contract not yet fully discharged** between me/my spouse, civil partner or cohabitee OR any body of which I (or my spouse, partner etc) are partner or director OF or have a beneficial interest in
- any **land** I have a beneficial interest in or **licence to occupy**, incl jointly OR **any corporate tenancy** where the Council is the landlord and the tenant is a body in which I (or my spouse, civil partner, cohabitee) have a beneficial interest
- any beneficial interest in (ie a right to profit from) the **securities** (ie shares, stocks, bonds) of a body which has a place or business in the authority's area and exceeds the threshold value*

For the full definition of a DPI, see the [Code of Conduct](#). This also defines your **Other Interests** (any body of which you are in a position of general control or management or gifts or hospitality of an estimated value of £50 or more), including financial interests which aren't DPIs but nonetheless are held by you, your spouse, civil partner or cohabitee.

Dispensations: please be aware of the need to apply to the Monitoring Officer in writing in advance for a **dispensation** where you wish to participate despite having a DPI/ Other Interest.

Voluntary disclosure: while you may not have a DPI or Other Interest in the matter under consideration, you may a) choose voluntarily to disclose an interest or fact before participating or b) decide not to participate on the grounds that there is a potential perception of bias or pre-determination because of an interest held by you/ a relative not covered by the Code or friend. Advice is always available, preferably in advance of the meeting, from your Monitoring Officer or Committee lawyer.

2) FAQs:

1 If I am an ordinary member of a trade union, do I have an interest in matters affecting eg trade union facilities?

The Disclosable Pecuniary Interests which members must declare are prescribed by regulations made under the Localism Act 2011. As BHCC has adopted a Code of Conduct which reflects the definition of DPIs prescribed by regulation, a BHCC member will have a DPI only where they have received financial sponsorship during the qualifying period toward either their election expenses or the carrying out of their duties. Where an ordinary union member has not received financial sponsorship, then a DPI will not arise from the fact of their membership.

Members holding office in a union for which they are unpaid/ receive paid expenses only are unlikely to have a DPI. They may however have an interest which is not a DPI – either a financial or 'Other

Interest’ – in which case they will need to declare that interest and decide whether or not to participate, depending on their assessment of whether a reasonable member of the public would think their judgement of the public interest adversely affected.

2 What about if I own land in the area – can I still participate in the setting of Council tax?

All interests in land (whether freehold, leasehold or some other interest) must be registered as DPIs. At Brighton & Hove, all members are invited to apply to the Monitoring Officer in advance for a dispensation to enable them to participate in setting the Council Tax, precept, or local arrangements for Council Tax. When applying for a dispensation, members are invited to draw attention to any circumstances particular to them/ their spouse or partner (for instance where their spouse’s employment is at risk) additional to their interest in land. That interest must be declared (as an Other Interest) in the normal way even where a dispensation has been granted to allow participation.

3. What if I or my spouse hold an ordinary bank account, for instance a current account with one of the high street banks?

There is no requirement to register ordinary bank accounts as DPIs. Such accounts will not normally be deemed to be an Other Interest under the de minimis rule and so need not be declared.

4. My daughter is a schoolteacher employed by the Council – do I need to declare that?

The Code does not require members to declare any interests which are held by anyone other than themselves or their spouse, cohabitee or civil partner. You are therefore not required to declare interests which affect only your friends or other relatives.

However in a situation which is sensitive – perhaps because there is an obvious financial interest at stake which affects those close to you and/or information relating to your associate/ relative is in the public domain - then you may choose to declare an interest in the interests of transparency. While this sort of declaration is normally voluntary and therefore at the individual member’s discretion, it will be in the authority’s best interests in certain situations, particularly where a Committee is exercising a quasi-judicial function and/or there is a risk of bias or predetermination if you participate in decision-making.

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Input regarding your responsibilities under the Code and how to approach the declaration of interests is always available from the Monitoring Officer or the Deputy Head of Law.

October 2016.

