

Advice for Councillors regarding interests and whether or not they should declare an interest and leave a meeting

This advice sheet has been put together following consultation with SALC and the Monitoring Officer at Babergh District Council.

If a Councillor is a neighbour to a matter under discussion by the Parish Council then it is highly likely that they will either have a Disclosable Pecuniary Interest (DPI), as the proposal may have an impact on the value of their property, or they may have a private interest because as a neighbour they would have a biased opinion. Under the Nolan Principles in the section about honesty Councillors need to protect the public interest.

The decisions of the Parish Council must be honest and transparent and from the public view point must not look or be biased. The reputation of the Parish Council and the public's perception of this should be considered carefully by Parish Councillors, the integrity of the Parish Council should always be protected. Councillors should always err on the side of caution and if there is any doubt about whether to declare an interest or not it is best to declare their interest and leave meeting and let the rest of the Parish Councillors, who do not have an interest or a potential interest, make the decision. This way the decisions of the Parish Council can be trusted as reliable, objective, honest and open.

If a DPI was not declared then it would be breaching the code of conduct and would be a criminal offence. If a local interest or a private interest was not declared then the Councillor would not be fulfilling their obligations under the Nolan Principles and the Council would not be maintaining expected standards under the Localism Act. This would mean the decisions of the Council could be questioned as to whether they were impartial, reliable, objective and honest and decisions could not be trusted.

SALC advice

Regarding the current advice on neighbouring councillors and planning matters, SALC are now clear in their advice that unless the application relates to a beneficial interest in land of the councillor or their spouse, it is not a DPI as defined in the Localism Act 2011. However, it is most likely a 'private interest' as defined in the Nolan Principle on Honesty, included in the preamble to the Suffolk Code of Conduct (and indeed the Localism Act itself). This says that where there is a private interest then the councillor should take steps to protect the public interest and this would in such a case mean not taking part or voting.

Advice from Emily Yule, Assistant Director – Law & Governance and Monitoring Officer at Babergh District Council

Councillors should make a personal judgement as to whether or not they have an interest based on the information available to them at the time. Councillors should err on the side of caution and they should consider the public perception of their participation in the meeting.

To err on the side of caution means if there is any doubt about whether to declare an interest Councillors should declare and leave the meeting. The public perception is an important consideration.

The Monitoring Officer confirms that this is congruent with the above advice received from SALC.

Sarah Partridge
Kersey Parish Council Clerk
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