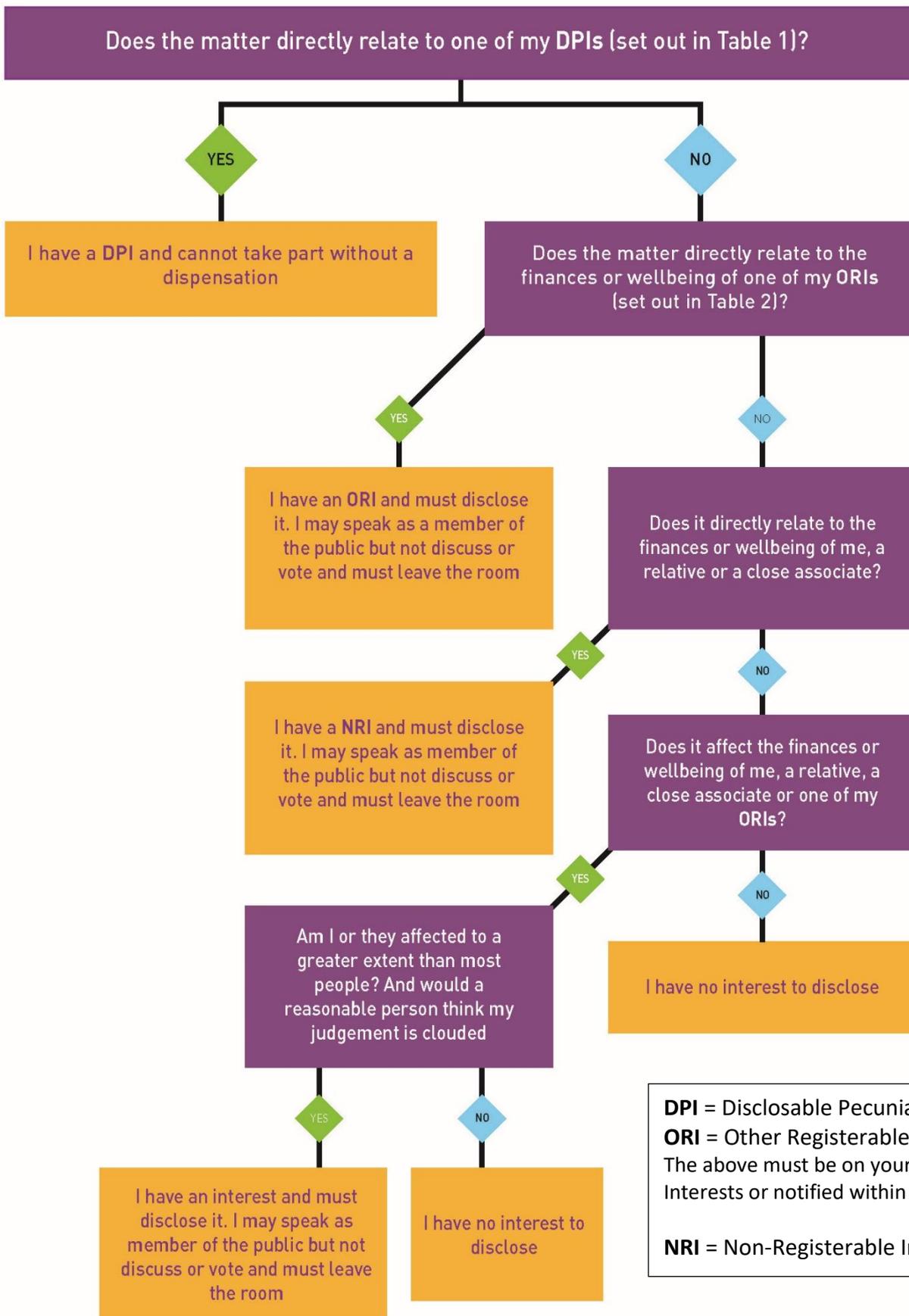


Guide to declaring interests under the LGA Model Code of Conduct 2020



DPI = Disclosable Pecuniary Interest
ORI = Other Registerable Interests
 The above must be on your Register of Interests or notified within 28 days.
NRI = Non-Registerable Interests

If you are unsure as to whether you have an interest to declare you should always seek advice from the Clerk.

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At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. Proximity in personal relationship and in physical proximity are often important factors in deciding.

The test at law for apparent bias is ‘would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias’. This influences whether or not you should participate in a meeting where you have a conflict of interest.

You have a **Disclosable Pecuniary Interest (DPI)** in a matter when the matter being discussed directly relates to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does not directly relate to your registered interest. You may however, have a non-registerable interest.

A **Non-registerable Interest (NRI)** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate. As a Councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

a. when a matter directly relates to that interest. Or

b. when a matter affects that interest to a greater extent than it affects the majority of inhabitants and

- a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner’s home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting.

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.