

5. **MEMBERS' DECLARATIONS OF INTERESTS AT MEETINGS (A.1118/EWJ)**

Proposal

1. To consider the analysis of declarations of interest made by Members at meetings of the Authority and Committees held in 2005. This is attached as Annex 1 to the report.

2. **RECOMMENDATION:**

That the report on the analysis of Members' declarations of interest set out in Annex 1 to the report be received.

Policy/Legal Background

3. Paragraph 9 of the Members Code of Conduct Code requires that a Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. The Member is allowed to remain in the meeting and may participate in the discussion and the vote.
4. A Member must consider and decide if their personal interest would be reasonably regarded as being so significant that it is likely to prejudice their judgment in the public interest. If the personal interest is prejudicial the Member must withdraw from the meeting room until the matter has been dealt with by the Committee.
5. All declarations of personal and prejudicial interest are recorded in the minutes of the meetings. An extract of the minute is retained on a central file for monitoring and inspection purposes.

Key Issues

6. Since the introduction of the Code Members have developed an awareness of the Code and do not hesitate to seek advice in advance about making declarations at meetings
7. As usual the statistics show a high numbers of declarations in three categories. These do not cause any concern as there are justifiable reasons for these as follows:

8. **"The Member knows the applicant/family/ agent/speaker/t/objectors"**

Most of these declarations arise out of planning matters. It is inevitable that these will arise as most Members are local residents and on occasions will know someone involved in a planning matter.

9. **"A Member of an outside body, either appointed to it by the Authority, or by another local authority"**

The Authority appoints Members to a large number of outside bodies. Some Members are also appointed to similar bodies by the their own local authority. Most of these declarations arise out of Members having discussed the matter at an outside body meeting.

10. "A Member of an organisation in a private capacity"
Most of these declarations arise out of Committee items where an organisation has made a representation to the Committee. Examples are the CPRE, CNP or Friends of the Earth commenting on a planning application. Members make a declaration if they are a member of the organisation concerned. Ordinary membership is not usually considered to be a prejudicial interest if the Member has not been involved at local level in the matter.

11. There is no apparent need at this time to carry out any particular training on any aspect of the Code. The Code is under review by the government and further training will be arranged when a new the Code is introduced.

APPENDIX

Background

1. No further background information necessary.

Resources

2. There are no additional resource implications arising out of the report.

Risk Management

3. Failure by a Member to declare either a personal or a prejudicial interest at a meeting could lead to a complaint that the Member has breached the Code of Conduct. This will be investigated by either the Standards Board or the Monitoring Officer and depending on the circumstances and the severity of the case could lead to suspension from the Authority.
4. The risk is managed by including Code of Conduct issues in the new Members' induction session and the annual Planning training session and the adoption of Protocols to support the Code. Members have been given recent advice on the risks of claims of "bias and "predetermination". Officers are also readily available to give Members advice on declarations of interest.

Human Rights, Equalities, Health & Safety

5. There are no such issues arising out of the report.

Consultees

6. None necessary

Enclosures

7. Annex 1 Analysis of Members' declarations of interest made in meetings 2005.

List of Background Papers (not previously published)

8. None

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10. 13 June 2006