

## CONFLICTS OF INTEREST and DECLARATION OF INTERESTS

### 1 Introduction

---

Bredfield Parish Council is a body corporate under the powers of the Local Government Act 1972. This means that it is a group that is given powers to act as a subdivision of government, and represents the inhabitants of the Parish.

This policy covers how the Council, and any associated committees and working groups will manage any conflict between the interests of individual Councillors and the objects of the Council in acting as a body corporate. It does not matter how a Councillor is appointed, whilst they are a member of the Council they have a duty to the Parish and its Council and this must take precedence.

Occasionally, conflicts of interest may arise - this may be described as a situation where a Councillor or “connected persons” (e.g. family or close colleagues) has personal interests which might impair their ability to make an objective, unbiased decision.

Such clashes may create problems; they can inhibit free discussion or result in actions that are not in the interests of the Council or risk giving the impression that the Council has acted improperly. It is necessary to ensure that decisions are based on all the appropriate factors - focused on the merits of the argument and the available evidence and that they are taken in the public interest, not private interests.

### 2 Definition of a Conflict of Interest

---

The most common types are:

- Financial Conflict of Interest – where financial benefits, either direct or non-direct, may accrue to the Councillor or a close member of the Councillor’s family, a friend, business partner, employer, or colleague of a Councillor. This is known as a **Pecuniary Interest**.
- Non-Financial Conflicts of Interest – where a Councillor has another appointment or is associated in some way with another organisation or agency operating in the same area as the Council or providing the Council with services or grant funding. This is known as a **Non-Pecuniary Interest**.
- Allegiance or Loyalty Conflict of Interest – where a Councillor has been appointed as a trustee to another body in the Councils area or where they serve in their personal capacity on a committee or body in the Councils areas, and that body is affected by the business being transacted by the Council. This is a **Non-Pecuniary Interest**.

If you have a matter that affects the well-being *or* financial position – whether positively or negatively - of you, your relatives or your friends more than it would affect other people in the authority’s area then this is judged to be a **Personal Interest**.

Whether pecuniary or non-pecuniary, it may happen that a member of the public who knows the relevant facts would reasonably think your personal interest is so significant that it may prejudice your judgement. This is known as a **Prejudicial interest**.

### 3 Declarations of Interests

---

As soon as they take up office, all new Councillors will be asked to complete a Declaration of Interests Form which will be provided by the District Council for this purpose via the Clerk. This will be used as the basis for recording a Register of Interests which is held by the Monitoring Officer at the District Council. This is a public record and must be available online for members of the public to view.

It will contain details of

- any employment or business carried out by the councillor
- the name of their employer
- details of any directorships
- contracts between themselves/their firm and the council
- any interests in land/property in the area
- affiliation to any other public bodies

At each AGM and prior to the first subsequent Council meeting, Councillors will be asked to review their Declaration of Interests Form and either update it or confirm that it is still correct.

Interests, whether Pecuniary or Non-Pecuniary, should also be declared at the beginning of each (ordinary) Parish Council meeting when a relevant matter is on the agenda or as soon as the interest becomes evident.

If a Councillor has a pecuniary interest, then they must not participate in any discussion of the business at the meeting or in any vote or further vote and should withdraw from the meeting. They may return to the meeting after it has considered the matter in which they had the interest.

If a councillor declares a non-pecuniary or personal interest, they can be involved in the discussion and / or vote on the matter, unless it is judged to be a prejudicial interest.

### 4 Dispensations

---

Given the nature of Parish Councils covering a small area it is quite common for Parish Councillors to hold an interest which may be perceived as prejudicial and this may affect the decision making ability of the Council. Legislation empowers Councils in certain circumstances to grant dispensations for a member to be able to participate in or vote at meetings where they have a disclosable interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of either the law or the adopted Code of Conduct.

Ideally, dispensation requests should be in writing as detailed in Standing Orders, and submitted to the Parish Clerk before the meeting, or failing that, at the start of the meeting for which the dispensation is required

The Parish Council can either delegate authority to the Parish Clerk to grant dispensations, or reserve such decisions for the Parish Council

Dispensations may be granted to participate for one meeting or for a limited period [*not exceeding 4 years*]

The following are examples of criteria that may be appropriate in determining a request for a dispensation, but the Council will need to determine the factors they consider relevant:

- The nature of the Councillor's prejudicial interest, e.g. is it trivial or distant?
- Does the Councillor have a particular expertise or knowledge in the matter that may be useful to its consideration
- The interest is common to Councillors and a significant proportion of the general public
- The need to maintain public confidence in the conduct of the Council's business.

Dispensation to remain in the meeting may be granted if, after having had regard to all relevant circumstances, the Council considers that:

- without the dispensation the number of persons prohibited from participating in business would be so great as to render the meeting inquorate
- granting the dispensation is in the interests of persons living in the authority's area, or
- considers that it is otherwise appropriate to grant a dispensation.

## 5 Relevant Legislation

---

The Localism Act 2011 outlines the various powers available to local government. The sections relevant to Interest are

Sec 30 requires Councillors to complete the Register of Interests within 28 days of taking office

Sec 31 requires Councillors to disclose pecuniary interests at meetings and it prohibits subsequent participation in discussion or voting

Sec 33 states that if dispensation is granted, then the restrictions normally imposed on Councillors who declare an Interest do not apply

Sec 34 makes it a criminal offence to fail to register or declare disclosable pecuniary interests

**Please note: If a parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under section 34 of the Localism Act 2011.**

**MARCH 2025**