



Anything to declare? Understanding interests

Chair: Alex Kroon, Policy Adviser, the Standards Board for England

Tony Kilner, Policy and Development Officer, ACSeS

Freda Sharkey, Principal Legal Adviser, the Standards Board for England

Personal interests

Two types of personal interest:

- registered
- where the well-being or financial position of “*relevant persons*” is likely to be affected by the business of your authority more than it would affect the majority of people living in the ward affected by the decision

Personal interests

If no ward:

- London – Greater London Authority – the constituency affected by the decision
- elsewhere – the authority’s area (as it was under the old Code)

Personal interests

Effects of having a personal interest:

- need to declare the existence and nature of it as soon as possible unless an exemption applies
- where a public body exemption applies, you only need to make a declaration if you intend to speak on the issue

Personal interests

Other differences in the revised Code:

- sensitive information – you must disclose that you have an interest but do not need to disclose the sensitive information
- gifts and hospitality – did not previously amount to a personal interest

Prejudicial interests

- **Prejudicial interests are personal interests which a member of the public, who knows the relevant facts, would reasonably think are so significant that they would be likely to prejudice your judgment of the public interest.**

Prejudicial interests

Four questions to ask:

- **is there a personal interest?**
- **if so, does it fall within one of the exempt categories of decisions?**
- **if not, does it relate to the financial position of the interest or relate to deciding a regulatory matter?**
- **if so, what is the result of applying the general test?**

Prejudicial interests – overview and scrutiny

Two questions to ask:

- Is the business about a decision you were involved in making (in other words, you were there at the time regardless of how you voted)?
- Was it made by your authority's executive, a committee, sub-committee, joint committee or joint sub-committee?

Prejudicial interests

Prejudicial interest at a meeting, you can:

- Attend the meeting, but only to make representations, answer questions or give evidence, if the public can do so for the same purpose (this does not give you the same rights to stay afterwards that the public might have).
- Seek a dispensation from your standards committee to participate fully.

Prejudicial interests

You can:

- **make written representations in your private capacity**
- **use a professional representative to act on your behalf**
- **get another member to represent the views of your constituents**

Prejudicial interests

You must not:

- **stay in the room when the business is being discussed (after speaking if you have been allowed to)**
- **exercise executive functions in relation to that business**
- **seek to improperly influence a decision about that business**

Any questions?

Anything to declare? Understanding interests

Chair: Alex Kroon, Policy Adviser, the Standards Board for England

Tony Kilner, Policy and Development Officer, ACSeS

Freda Sharkey, Principal Legal Adviser, the Standards Board for England