

Anything to declare: Understanding interests

Scenario 1

Councillor Warnock is a Local Education Authority (LEA) nominated school governor of Flowery Fields Primary School. Councillor Warnock also sits on the borough council executive that is considering a proposal to close down the school and transfer the pupils to a larger neighbouring school. When Councillor Warnock addresses the meeting on the closure he discloses a personal interest as governor of the school. He says that under the revised Code of Conduct his personal interest is not prejudicial as he is an authority appointed governor. Cllr Warnock remains in the room and votes against the closure of the school.

Has Councillor Warnock failed to comply with the Code of Conduct?

If his interest is prejudicial is he allowed to stay in the room and vote?

Paragraph 9(2) Disclosing a personal interest

Paragraph 10 Prejudicial interests generally

Paragraph 12 Effect of prejudicial interests on participation

Scenario 2

Councillor Neal is an active member of a lobby group that campaigns against wind farms. Councillor Neal is also a member of the district council's planning committee. The committee meets to consider a planning application for a wind farm that Councillor Neal has campaigned against, including making statements in the local press. Councillor Neal attends the meeting and declares a personal interest but not a prejudicial interest and remains in the room and votes.

Does Councillor Neal have a prejudicial interest?

If Councillor Neal does have a prejudicial interest can he participate in the meeting?

Paragraph 9(2) Disclosing a personal interest

Paragraph 10 Prejudicial interests generally

Paragraph 12 Effect of prejudicial interests on participation

Scenario 3

A. Councillor Park is a councillor at Smallville Parish Council. He is also a councillor at Newtown District Council (NDC).

He manages a local youth football team and is a member of a local steering group whose publicly stated aim is to protect local recreational facilities. It has nothing to do with the parish council but it wants to stop local building.

He receives an agenda for a parish council meeting and there is an item to consider a consultation from NDC on an outline planning application by Best Homes Housing Association to build on part of a local playing field. Councillor Park's distant cousin is a local farmer who has land adjacent to the playing fields. Part of his land may be needed for access and he is in negotiation with Best Homes about this. Councillor Parks knows his cousin owns some land in the area but he is not sure what land. NDC own the playing fields.

What interests do you think Councillor Parks has and why?

What advice would you give him about the meeting?

B. The parish council nominate Councillor Parks to attend the district council planning meeting to speak on their behalf because he is very knowledgeable on the local issues. Since the parish council meeting he has found out that Best Homes have said that they will not need any additional land to build on other than the playing field.

He submits a request to speak at the planning committee meeting. He gets a phone call from the committee clerk saying there will be a problem about this. He asks the chair of the standards committee what he should do because they are on the local bench together.

How should the chair respond?

What advice would you give Councillor Parks?

Scenario 4

Smith and Jones live near the local park which is owned by the district council (DC). The DC have received complaints from local residents about traffic nuisance and parking from visitors to the park. The local residents want residents only parking scheme. The DC consults local residents on proposals to build a car park on part of the park and carry out improvements to the facilities. Smith and Jones have commented to the press that they do not want a car park to be built. They campaign in the parish council elections under the banner of “protect the park” and they get elected.

The parish council is formally consulted about the proposals which if agreed will require planning permission. Smith lives directly opposite the proposed car park entrance and Jones lives two streets away.

Smith and Jones attend the meeting.

What interests do they have and why?

Can they take part in the meeting?