

THE ETHICAL FRAMEWORK

DISCLOSURE AND REGISTRATION OF INTERESTS

A. PERSONAL INTERESTS

The ethical framework ensures that Councillors individually maintain high standards of conduct in public life. It arises from *Part III of the Local Government Act 2000* and the *Conduct of Members (Model Code of Conduct)(Wales) Order 2001* provides the mandatory basis for codes of conduct for members of both community and principal councils.

The Local Authority's Monitoring Officer is required by law to establish and maintain a register of interests of community councillors. Therefore at all Community Council meetings (including committees and sub-committees) Councillors must always consider whether they have a personal interest in a matter to be discussed and, if so, they must disclose their interest as soon as that interest becomes apparent.

1. A Councillor has a personal interest and may speak (but not vote) if the matter relates to :

- (a) another relevant authority of which they are a member
- (b) an organisation where they hold a position of control or management
- (c) an organisation where they are the Council's representative

2. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:

- (a) the Councillor, one of his/her family or a friend or any person with whom he/she has a close personal association or
- (b) a body which employs those persons or for which those persons have any degree of ownership, control or management

In the above circumstance, the Councillor must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor must withdraw from consideration of the matter at that meeting

3. Councillors must regard themselves as having a personal interest in a matter relating to:-

- (a) any full time, part time or intermittent employment, office, trade or profession carried on by them for profit or gain
- (b) any person who employs or has appointed them, any firm in which they are a partner or any company of which they are a remunerated director
- (c) any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties
- (d) any corporate body which has a place of business or land in the authority's area
- (e) any contract for goods, services or works made between the authority and the Councillor, a firm in which the Councillor is a director, or a body falling within (d) above
- (f) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the authority
- (g) any land of which the landlord is the authority and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director or a body falling within (d) above
- (h) any land in the authority's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer

4. Councillors must regard themselves as having a personal interest in a matter relating to any membership, or position of general control or management which they have in any organisation. Such organisations include:

- (a) private club or society, such as the Freemasons, a recreational club, working men's club or private investment club
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group
- (c) trade union or professional association
- (d) company, industrial and provident society or other organisation which has charitable objects

In any of the circumstances referred to in 3. and 4 above the Councillor must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such circumstances the member must withdraw from consideration of the matter

B. PECUNIARY INTERESTS

Legislation in relation to pecuniary interests is governed by the *Local Government Act 1972 s.94*.

If a Councillor has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the Council at which the contract or other matter is the subject of consideration, he/she shall at the meeting and as soon as practicable after its commencement disclose the fact and must not take part in the consideration or discussion or vote on the matter but does not have to withdraw.

A Councillor shall be deemed as having indirectly a pecuniary interest in a contract, proposed contract or other matter if :

- (a) he/she or any nominee of his/her is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration or
- (b) he/she is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration

NB: In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other

Any disclosed personal interests must be registered in a register maintained by the Community Council who must ensure that this is available for inspection by members of the public.

Any disclosed pecuniary interests are to be noted in a Register kept by the Clerk which will **not** be open to inspection by members of the public