Members' Declarations of Interest

Matters for consideration
Revised Guidance – October 2007

1. Do you have a personal interest in any matter on the agenda?

You will have a personal interest if any business where it relates to or is likely to affect:

a) An interest relating to something which you have already registered on your Declaration of Register of Interests. There is a new provision which requires you to declare any gift or hospitality over the value of £25 that you receive as a member. Once three years have passed since you registered the gift or hospitality in your register of interests, your obligation to disclose that interest to any relevant meeting ceases; **OR**

b) An interest that is not on your register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of the inhabitants of the ward affected by the decision

You must also look at how any matter would affect your interests or those of members of your family or close associates. This includes:

- your and their jobs and businesses;
- your and their employers, firms you or they are a partner of, and companies you or they are a director of;
- any person or body who has appointed you, members of your family or close associates, to any position;
- corporate bodies in which you or they have a shareholding of more than £25,000 (nominal value).

The Code of Conduct suggests that the term 'family' should be given a very wide meaning. It includes a partners (someone you are married to, your civil partner or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or step daughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through social contact.

2. *If you have a personal interest*

You must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed.

If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your interest is also prejudicial (see paragraph 4 below)

3. *Exemption to the rule of declaring a personal interest*

An exemption applies where your interest arises solely from your membership of an outside body to which you were appointed or nominated by the London Borough of Newham.

In these cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.

4. *When will a Member's personal interest also be prejudicial?*

A personal interest will also be a prejudicial interest if **ALL** of the following conditions are met:

a) The matter does not fall within one of the exempt categories of decisions (see paragraph 5 below);
b) The matter affects your financial interests or relates to a licensing or regulatory matter; and
c) A member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest

If you have a prejudicial interest you must declare it and the nature of that interest as soon as that interest becomes apparent to you. You should then leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must leave the room once you have finished. You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to improperly influence a decision in which you have a prejudicial interest.

5. *Exemption to the rule for declaring prejudicial interests*

You will not have a prejudicial interest if the matter relates to any of the following functions:

- Housing – If you hold a tenancy or lease with the London Borough of Newham, as long as the matter does not relate to your particular tenancy or lease

- School meals or school transport and travelling expense – If you are a parent or guardian of a child in full time education or you are a parent governor, unless it relates particularly to the school your child attends
- Statutory Sick Pay – If you are receiving this or are entitled to this
- An allowance, payment or indemnity for members
- Any ceremonial honour given to members
- Setting council tax or a precept

Any Member requiring further advice before the meeting should contact the Monitoring Officer

Contacts

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Name:	
Item to which your interest relates:	
Nature of personal interest (details)	
If the interest is prejudicial please state this and ensure you leave the room at the point it is discussed, subject to the exceptions set out in paragraph 5.	