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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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### DEMOCRATIC PROCESS

The Council's Code of Conduct applies to all Members of the Council including co-opted Members and independent Members.

This note is intended to provide general guidance for Members on declaring interests.

However, you may often need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- the Director of Legal Services
- another Council lawyer; or
- Democratic Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

### **Do you have a personal interest in any matter on the agenda or meeting?**

You will have a personal interest in a matter if it:

- i. (a) relates to an interest that you have already registered on the Register of Interests;
- ii. (b) relates to an interest that should be registered but you have not yet done so; or
- iii. (c) affects your well-being or financial position or that of members of your family or your close associates, to a greater extent than it would affect the majority of people in the ward affected by the decision.

Note: The definition of family is very wide and includes a partner, step-relations, and in-laws. A "close associate" is someone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

### **If you have a personal interest you must:**

- i. declare the existence and nature of the interest (in relation to the relevant agenda item) at the beginning of the meeting, before it is discussed or as soon as it becomes apparent to you; but

- ii. you can remain in the meeting, speak and vote on the matter unless the personal interest is also prejudicial.

However, in certain circumstances you may have an exemption which means that you might not have to declare your interest.

**Exemption 1.** You will have an exemption where your interest arises solely from your membership of or position of control/management in:

- a body to which you have been appointed or nominated by the authority; and/or
- a body exercising functions of a public nature (e.g. another local authority).

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

**Exemption 2:** You will have an exemption if your personal interest is simply having received a gift or hospitality over £25 which you registered more than 3 years ago.

If you have an exemption:

- i. you need only declare your interest if you address the meeting; and
- ii. you can vote without declaring the interest providing you do not speak.

### **When will a personal interest also be prejudicial?**

Your personal interest will also be prejudicial if a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice your judgement of the public interest; and

- i. either the matter affects your financial position or the financial position of any person or body through whom you have a personal interest. For example, an application for grant funding to a body on your register of interests or a contract between the authority and that body; or
- ii. the matter relates to the determining of any approval, consent, licence, permission or registration that affects you or any relevant person or body with which you have a personal interest. For example, considering a planning or licensing application made by you or a body on your register of interests.

**Exemptions:** You will not have a prejudicial interest if the matter relates to the following:

- i. the Council's housing functions – if you hold a lease or tenancy with the Council, provided that the matter under consideration is not your own lease or tenancy;

- ii. school meals, transport or travel expenses – if you are the parent or guardian of a child of school age, provided that the matter under consideration is not the school the child attends;
- iii. statutory sick pay;
- iv. Members' allowances;
- v. ceremonial honours for Members; or setting the Council Tax.

**If you have a prejudicial interest, you must:**

- (a) Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- (b) Leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If that is the case, you can also attend to make representations, give evidence or answer questions about the matter.
- (c) Once you have finished making representations, answering questions etc., you must leave the room. You cannot stay in the room whilst the matter is being discussed either can you remain in the public gallery to observe the vote on the matter. In addition, you must not seek to improperly influence a decision about the matter.

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## **FURTHER INFORMATION**

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Advice can be obtained from the Interim Director of Legal Services on 27 34018  
**[deborah.holmes@sheffield.gov.uk](mailto:deborah.holmes@sheffield.gov.uk)**

Guidance is also available from the Standards Board for England's  
Website **[www.standardsboard.gov.uk/theCodeofConduct/Guidance](http://www.standardsboard.gov.uk/theCodeofConduct/Guidance)**

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