



West Dean Parish Council

Conflict of Interest Policy & Procedure

Introduction

West Dean Parish Council is a public body under the powers of the Local Government Act 1972. Its members are Councillors of the Council, who have a duty to always promote and defend the best interests of the Council in accordance with this policy.

This policy covers how the Council will manage the interests of its members and any conflict between themselves as private individuals and the objectives of the Council. It does not matter how a Councillor is appointed, (elected or co-opted) whilst they are a member of the Council, they have a duty to the parish and its Council, and this must take precedence.

Definition of a Conflict of Interest

Conflicts of interest may arise where the interests of Councillors or “connected persons” (e.g. their family or close colleagues) are incompatible or in competition with the interests of the Council.

West Dean Parish Council is committed to the legal principle of defining a conflict of interest as ‘a conflict of interest is any situation in which a Councillor’s personal interests, or interests which they owe to another body, and those of the Council arise simultaneously or appear to clash.’

Such clashes may create problems; they can:-

- Inhibit free discussion.
- Result in actions or decisions that are not in the interests of the Council.
- Risk the impression that the Council has acted improperly.

What types of interests need to be declared?

There are many different types of conflict of interest; the most common are:-

- Indirect and Direct Financial (pecuniary) Conflict of Interest – where financial benefits accrue to Councillors or to a close member of the Councillor’s family, a friend, business partner, employer, associate or colleague of a Councillor.
- Non-Financial (non-pecuniary) Conflicts of Interest – where there may be a conflict of interest (often referred to as a conflict of duty or loyalty) should a Councillor have another appointment or be associated in some way with another agency or organisation operating in the same area of work as the Council or providing the Council with services or grant funding.
- ‘Allegiance’ / Loyalty Conflict of Interest – this can be where a Councillor has been appointed as a trustee to another body in the Councils area or where they serve in their personal capacity on a committee or body in the Councils areas, that body is affected by the business being transacted by the Council or belongs to a political party or similar organisation that is formed for the purposes of political change.

In all the above situations it is up to the Councillor in consultation with the Parish Clerk, or Parish Chair, or Governance Committee Chair to determine whether his/her involvement in a matter relating to a third party represents a potential conflict of interest and should therefore be declared. It is always recommended that if the Councillor is not sure what to declare, or whether and when a declaration needs to be updated, the Councillor should ‘err on the side of caution’.

Councillors and Gifts

In the normal course of events, Councillors would not be expected to receive gifts. This policy is designed to address the rare circumstances in which they may be offered. Councillors are asked to declare their interests in addition to any gifts or hospitality received in connection with their role as Councillor in the Council.

How to Declare an Interest

Prior to their first meeting, every new Parish Councillor will be asked to complete a Declaration of Interest(s) Form which will be provided by the Parish Clerk.

During their tenure of office, there are generally two occasions when a Councillor's personal interests should be declared:-

- Parish Meetings & Committees - Interests should also be declared at the beginning of each (ordinary) Parish Meeting when a relevant matter is on the agenda or as soon as the interest becomes apparent, which will be recorded in the minutes of the meeting.
- Annually - after each AGM and prior to the first subsequent Council meeting, Councillors will be asked to review their Declaration of Interests Form and either update it or confirm that it is still correct.

However, when any significant changes take place, Councillors should not wait until an annual declaration is made before notifying the Clerk.

Councillors should notify the Council Clerk of all changes or additions as soon as they are known to the Councillor.

Register of Interests.

The Declaration of Interests form will be used as the basis for recording a Councillor's interests and gifts or hospitality received on the Local Authority's Register of Interests, which is held by the Monitoring Officer at the Local Authority. The information provided by Councillors will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be held only to ensure that Councillors act in the best interests of the Council. Information provided to the Parish Council and Local Authority will not be used for any other purpose.

Procedure for dealing with conflicts of interest.

Councillors should declare their interest at the earliest opportunity through the mechanisms identified earlier in the Policy. Where conflicts of interest arise and the interest relates to a matter under discussion, the Parish Council (The Chair and Parish Clerk) and where possible in consultation with the Monitoring Officer of the Local Authority.

If a conflict is identified during a (ordinary) Parish Meeting, the Parish Council observe the following guidelines:-

- if the declared conflict is judged to be trivial by the other Councillors (who do not themselves have an interest in the matter), the Councillor may vote.
- it shall be at the discretion of the other Councillors (who do not themselves have an interest in the matter) whether the Councillor may remain in the meeting, but the Councillor must not participate in the discussion, or vote, on the matter.
- if the Councillor must leave the meeting, not participate in the discussion, or vote, on the matter.

There will be instances where a Councillor may belong to a number of local Council Authorities and may even hold a committee or controlling position on such Councils. In these cases, the Councillor should advise of any interest at the start of any meeting that will discuss topics that are relevant to that Councillors position with an Authority. Councillors with interests will not be allowed to present any subject matter relevant to their Authority and in these cases a paid officer of the Authority should be invited to present the subject at the Parish Council meeting.

However, the above are guidelines and the decision as to how the conflict of interest is to be dealt with must be set out by the Council at the time and subject to the circumstances. A resolution may deem other steps to be taken, for example, requiring information to be kept confidential or other undertakings to be given by the Councillor.

In general, the Parish Council should endeavour to ensure that a Councillor with a conflict of interest under is not provided with information in that capacity which enables him or her to obtain any advantage. In particular, the person who is responsible for sending information to the Councillors prior to a Councillor meeting **MAY** check the Register of Interests and take any other reasonable steps to ensure that no information is sent to a Councillor who may have a conflict of interest relating to that information.

Clerks

The Parish Clerks are expected to advise of any Interests they have, especially financial. Clerks should advise the Chair of the Staffing Committee as soon as an interest is seen and that no Clerk should be involved in financial negotiations when an interest has been previously notified or reportable.

Clerks will remain vigilant at all times and will ensure that balanced, unprejudiced and accurate information is available to Councillors.