

Guidance Note for Councillors on Declaring Interests Under the Suffolk Local Code of Conduct

1. Introduction

- 1.1 The Suffolk Local Code of Conduct has been adopted by Full Council and comes into effect on 1 July 2012. The new Code replaces the 2007 Code of Conduct. This applies to elected and co-opted Councillors and non-Councillors on Committees.
- 1.2 The declaration of “personal” and “personal and prejudicial” interests will no longer apply. Instead, “pecuniary” and “non-pecuniary interests” must be registered and declared at meetings.

2. Registration of Interests

- 2.1 You will need to complete a new Register of Interests Form which will be sent to you by the Monitoring Officer. This is in two parts; Part 1 requires you to list your **pecuniary interests** (known as “declarable pecuniary interests”). These are specified property, employment and financial interests. You will now also need to list the pecuniary interests of your spouse or any partner with whom you live.
- 2.2. It is a criminal offence not to register your pecuniary interests or fail to update Part 1 of your Register within 28 days of any changes without reasonable excuse. It is also a criminal offence to knowingly provide information which is false or misleading or you are reckless as to whether the information is true or misleading.
- 2.3 Part 2 requires you to list your **non-pecuniary interests** (known as “local non-pecuniary interests”). These interests concern your membership of organisations to which you have been appointed by the Council and in which you hold a position of management or control, other public bodies and charities. This also includes gifts and/or hospitality of £25 or over.
- 2.4 It is a breach of the Suffolk Code (but not a criminal offence) to fail to register your non-pecuniary interests or update Part 2 of your Register within 28 days of any changes.

3. Declaring Interests

- 3.1 There will continue to be an item at the start of Council and Committee/Sub-Committee agendas for “Declaration of Interests”.
- 3.2 If there is any item of business to be discussed at the meeting which relates to affects either your pecuniary or non-pecuniary interests then you must declare that you have a

“pecuniary” or “non-pecuniary interest”, as appropriate, at the start of the meeting or as soon as you become aware that you have an interest.

- 3.3 Where you have a **pecuniary interest** in an item of Council business, you must not participate in the matter or vote. You must leave the room for the duration of the item. You are not permitted to address the meeting. The one exception is where you have applied to the Proper Officer (Clerk) of your Council and obtained a prior dispensation to allow you to participate or vote.
- 3.4 It is a criminal offence (without a dispensation) to participate in any discussion or vote where you knowingly have a pecuniary interest.
- 3.5 Where you have a **non-pecuniary interest** you should declare the existence of that interest to the meeting, but you may participate fully in the debate and vote. It is a breach of the Suffolk Code (but not a criminal offence) to fail to declare a non-pecuniary interest.

4. Dispensations

- 4.1 A dispensation allows you to participate and/or vote in an item of Council business even though you have a pecuniary interest in the item. An application for a dispensation must be made to the Proper Officer of your Council setting out the grounds for your application. The Council or relevant Committee will consider whether to grant the dispensation. They will also decide the scope and length of the application of the dispensation.
- 4.2 A dispensation can only be granted where having regard to all the relevant circumstances:-
- (1) without a dispensation the number of members prohibited from participating would be so great a proportion of the Council/committee/sub-committee meeting transacting the business as to impede that business;
 - (2) the political representation at the meeting would be so upset as to alter the likely outcome of any vote relating to the business;
 - (3) the granting of a dispensation is in the interests of persons living in the Council’s area;
 - (4) it would otherwise be appropriate

N.B. Members need to be aware that they must continue to ensure they avoid the appearance of bias and predetermination, notwithstanding that an interest under the Suffolk Code does not arise. If Members have any doubts, please seek advice.