

SUGGESTED AMENDMENTS TO INTERESTS SECTIONS OF BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 3

Interests

Registration of Interests

9. (1) Within 28 days of this Code being adopted by the Council, or of the member's election, re-election or the co-opted member's appointment (whichever is the later), he / she shall notify the Monitoring Officer of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests).
- (2) A member shall notify the Monitoring Officer of any change to interests or any new interests in Appendices A and B within 28 days of becoming aware of it.
- (3) The Monitoring Officer will maintain the council's register of interests and enter onto that register all interests notified to him/her.

Sensitive Interests

10. (1) A member will have a Sensitive Interest if the nature of the member's interest is such that the member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the member, or a person connected with the member, being subject to violence or intimidation.
- (2) Where the member has a Sensitive Interest then the council's public register of interests will not include details of the interest, but may state that the member has an interest the details of which are withheld under this subsection
- (3) If sections 14 and 15 of this Code apply in relation to the sensitive interest those provisions are to be read as requiring you to disclose not the nature of the interest but merely the fact that you have an interest in the matter concerned.

Definition of Interests

Personal Interests

11. For the purposes of this code you have a **personal interest** in any matter to be considered or being considered by your authority where your interest is not a disclosable pecuniary interest in that matter and is either
 - (a) an interest that you are required to register under Appendix B or
 - (b) where a decision in relation to that matter might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

For the purpose of Paragraph 11 (b) a "relevant person" is

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in Appendix B of which such persons are members or in a position of general control or management.

Prejudicial Interests

- 12 (1) For the purposes of this code where you have a personal interest in any matter to be considered or being considered by your authority you also have a **prejudicial interest** in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest **and** where that matter:
- (a) affects your financial position or the financial position of a person or body described in paragraph 11 above, **or**
 - (b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 11 above.

A personal interest in any matter to be considered or being considered by your authority is not a prejudicial interest where that matter relates to the functions of your authority in respect of

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

Disclosable pecuniary interests

13. For the purposes of this code you have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out in Appendix A to this Code.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

- 14 (1) Where you have a personal interest in any matter being considered by your authority and you are present at a meeting of the authority at which the matter is considered, you should declare the existence and nature of the interest before the matter is discussed or as soon as it become apparent to you, but this is subject to section 10.
- (2) Paragraph 14(1) only applies where you are aware or ought reasonably to be aware of the existence of the interest.

Disclosure of pecuniary interests and prejudicial interests and effect on participation

15. (1) Subsections (2) (3) (4) and (5) apply to you if you –
- (a) Are present at a meeting of the council or of any committee, sub-committee, joint committee or joint sub-committee, Executive or Executive subcommittee meeting,
 - (b) Have a disclosable pecuniary interest **or** a prejudicial interest in any matter to be considered, or being considered, at the meeting, and

- (c) Are aware that the condition in paragraph (b) is met.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to section 10.
- (3) If the interest is a disclosable pecuniary interest not yet entered in the council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) If the interest is a **disclosable pecuniary interest or a prejudicial interest** you may not
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting, (but this is subject to section XX [paragraphs in Code containing rules for granting of Dispensations])

save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. You should withdraw from the room in which the meeting is held for the duration of any discussion or vote on the matter once you have made representations, answered questions or given evidence relating to the matter.

- (5) Sub sections (6) and (7) apply if –
 - (a) a function of the Council may be discharged by a member acting alone,
 - (b) you have a disclosable pecuniary interest **or** prejudicial interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
 - (c) you are aware that the condition in sub section(b) is met.
- (6) If the interest is a disclosable pecuniary interest not yet entered in the Council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub section (6) (b) is met in relation to the matter.
- (7) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (8) Where you give a notification for the purposes of sub sections (3) and (6), the Monitoring Officer will enter the interest notified in the Council's register.
- (9) You will be excluded from a meeting while any discussion or vote takes place in which, as a result of the operation of sub section (4), you may not participate.
- (10) for the purpose of this section, an interest is "subject to a pending notification" if –
 - (a) under this section or section 10, the interest has been notified to the Monitoring Officer, but
 - (b) that interest has not yet been entered in the council's register in consequence of that notification.