



Subject:	Declarations of Interest at Meetings and Register of Members' Interests
Date:	21 st October, 2016
Reporting Officer:	Stephen McCrory, Democratic Services Manager
Contact Officer:	Stephen McCrory, Democratic Services Manager

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To remind Members of the Council's policies on conflicts of interests at meetings and the Register of Members' Interests.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none">• Note the contents of the report.
3.0	Main report
3.1	<u>Key Issues</u> Background A report on this matter was last presented to the Committee in May this year.
3.2	The Local Government (Northern Ireland) Act 2014, at Part 9, included powers for the Department of the Environment to issue a code of conduct for councillors and all councillors upon their election were required to sign an acceptance of office which stated that they would abide by the Northern Ireland Local Government Code of Conduct for Councillors (copy attached at Appendix 1).

3.3	The Code, at sections 5 and 6, includes rules for the registration and disclosure and declaration of interests and any alleged breaches of the Code were required to be reported to and investigated by the Northern Ireland Ombudsman, in his/her capacity as the Northern Ireland Commissioner for Complaints.
3.4	In December, 2011 the former Belfast City Council adopted a policy on conflicts of interests for councillors (copy attached at Appendix 2).
3.5	This policy covered three main areas – general principles for dealing with conflicts of interest; formal registration of interests by councillors; and procedures for declaring and managing conflicts of interest. Although this policy has to some degree been superseded by the Local Government (Northern Ireland) Act 2014, the principles established within it still apply and it offers very sound advice to members in relation to declarations of interest.
<u>Current Position</u>	
3.6	Section 28 of the Local Government Act (NI) 1972, in relation to the conduct of meetings, requires a Councillor who has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is under consideration, to disclose that interest to the meeting, the nature of the interest and not to preside over or take any part in the consideration of that matter. Any Councillor who contravenes this obligation commits an offence which may attract a penalty of imprisonment and/or a fine. A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments and assets including land and property).
3.7	Accordingly, a failure to make a declaration of interest at a meeting may constitute an offence. Moreover, the participation of any Member in any matters for which they ought to have disclosed an interest, if that participation has resulted or is likely to have resulted in a different outcome, could result in that Member being liable to surcharge if the decision in question were to be the subject of legal proceedings by a third party.
3.8	In terms of interest, there is a distinction to be made between those which are personal and those which arise in respect of a Member's role in constituency work or appointments in respect of external bodies. Generally the latter will not give rise to an interest that is

	<p>required to be declared if that Member's sole interest arises out of the fact that they have been appointed to an external body to represent the Council. If a Member's interest arises due to the fact that they are associated with or hold a position of membership or authority on an external body (including cultural and sporting clubs and associations) to which they belong and their appointment has not been by the Council then that interest should be declared, subject to the exemptions set out in the following paragraph. Association with a body or organisation that does not constitute membership may not give rise to a declarable interest, subject to the member being satisfied that the relationship does not compromise their ability to be objective.</p>
3.9	<p>An examination of cases demonstrates that two categories of case exist-</p> <p>(A) Direct financial or personal gain (direct pecuniary interests) - these are straightforward and determined on the facts</p> <p>(B) Private or personal non pecuniary interest-in these cases a breach of the Code is determined by reference to the interest being so significant as to be prejudicial (to the decision being taken)</p>
3.10	<p>Participation at a meeting in relation to an interest that arises because of membership of a public body or in respect of being a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (not for the benefit of its members) is permissible subject to the interest being declared. However members should not vote in relation to any matter relating to finance or property if the position they hold relates to the management committee or governing body of that organisation.</p>
3.11	<p>Members may speak and vote in relation to interests that arise as a result of an appointment to a body on behalf of the Council.</p>
3.12	<p>The rules apply to all meetings of Council and therefore to Area Working Groups.</p>
3.13	<p>As there can be some level of complexity in determining if an interest is declarable and whether the member should or should not participate, members should consult the Town Solicitor to determine the appropriate course of action in any case in which there is a doubt.</p>
3.14	<p>There appears to be some confusion as to what action a Member needs to take if they have a declarable interest in a matter. The clear position is that a Member must declare</p>

	<p>their interest either at the start of the meeting when the Chairperson asks for any declarations of interest or when the matter itself comes up for debate. In making the declaration, the Member must state the nature of the interest so that this can be recorded in the minutes of the meeting. Having declared an interest that prevents participation, the Member must leave the meeting for the duration of the debate and must not take part in any discussions. Again, this action will be recorded in the minutes of the meeting. It is a personal responsibility of each individual Member to ensure that they make clear declarations of any interests at meetings</p>
3.15	<p>Attached at Appendix 3 is a check list to assist members when deciding if they have an interest which ought properly to be declared at a meeting. It is hoped that this will prove useful for Members.</p>
3.16	<p><u>Financial & Resource Implications</u> None associated with this report.</p>
3.17	<p><u>Equality or Good Relations Implications</u> There are no equality or good relations considerations associated with this report.</p>
4.0	Appendices – Documents Attached
4.1	<p>Appendix 1 - Northern Ireland Local Government Code of Conduct for Councillors Appendix 2 - Former Council policy on Conflicts of Interest Appendix 3 – Check List for Members on when to declare an interest.</p>