

The Localism Act 2011 introduced new arrangements to regulate the conduct of members of local authorities including Parish Councils, the registration and disclosure of certain interests and how complaints about their conduct are handled. From 1 July 2012 the phrase 'personal and prejudicial interest' was replaced by 'disclosable pecuniary interest' (DPI). DPI's include interests held by a councillor's spouse, civil partner, or similar.

For an interest to be a 'disclosable pecuniary interest' (DPI) it must be an interest which falls into one of the categories set out in regulations (see below). If it is not covered by one of those categories, then it is not a 'DPI'.

If a councillor (or his or her partner) has a DPI, they must do two things.

- They must register that interest within 28 days of being elected
- And if they "have a DPI in any matter to be considered" they must not take part in the discussion or vote on the matter without a dispensation. Under Sawtry Parish Council Standing Orders you must leave the room.

If you have a DPI and you fail to register it or you participate in a meeting without dispensation, then under the Localism Act you have committed a criminal offence.

Disclosable Pecuniary Interests:

NB – In the list below the term 'You' also means you, or your spouse or your civil partner

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you undertake
- Any contract made between you and your council – under which goods or services are to be provided or works are to be executed, and, which has not been fully discharged
- Any beneficial interest in land which is within the area of Sawtry Parish Council
- Any licence to occupy land in the area of Sawtry Parish Council for a month or longer
- Any tenancy where the landlord is Sawtry Parish Council and the tenant is a body in which you have a beneficial interest
- Any beneficial interest which you have in securities of a body that has a place of interest in the area of Sawtry Parish Council

The legislation is very specific about what is a DPI and no longer covers interests that would previously have been considered prejudicial, eg a councillor considering a planning application made by their son or daughter would **not** have a disclosable pecuniary interest under the current legislation.

However the declaration of interests relating to family members, friends or colleagues is covered by the Sawtry Parish Council Code of Conduct. See extract from Code of Conduct Section 6 overleaf:

6 Non Statutory Disclosable Interests

- 6.1 if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-statutory disclosable interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 6.2 You have a “non-statutory disclosable interest” in an item of business of your authority where –
- 6.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code (*as listed above under Disclosable Pecuniary Interests*), but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association, or
- 6.2.3 it relates to or is likely to affect any of the interests listed in the Appendix B to this code

and that interest is not a disclosable pecuniary interest.

APPENDIX B

An interest which relates to or is likely to affect any body:-

- a) exercising functions of a public nature; or
- b) directed to charitable purposes; or
- c) one of whose principal purposes includes the influence of public opinion or policy (including any political part or trade union)

of which you are a member or in a position of control or management.

References:

DCLG – Openness and transparency on personal interests

NALC – Legal Briefing L10 – 12 – The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

NALC – Legal Topic Note – LTN 80 – Members’ conduct and registration and disclosure of their interests

Sawtry Parish Council Code of Conduct (adopted June 2014)