

# BUXHALL PARISH COUNCIL

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## Conflict of Interest Policy for Buxhall Parish Council

### Introduction

Buxhall Parish Council is a body corporate under the powers of the Local Government Act 1972. Its members are Councillors of the Council, who have a duty to promote and defend the best interests of the Council at all times in accordance with this policy.

This policy covers how the Council, and all its sub-committees and working groups will manage the interests of its members and any conflict between them and the objects of the Council.

It does not matter how a Councillor is appointed, whilst they are a member of the Council they have a duty to the parish and its Council and this must take precedence. 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. According to the Council Commission ‘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:

- 1) Inhibit free discussion
- 2) Result in actions or decisions that are not in the interests of the Council
- 3) 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:

- 1) Indirect Financial Conflict of Interest – where financial benefits accrue to a close member of the Councillor’s family, a friend, business partner, employer or colleague of a Councillor.
- 2) Non-Financial 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 organization operating in the same area of work as the Council or providing the Council with services or grant funding.

- 3) Non-Financial Conflict of Interest – 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.

In all the above situations it is up to the Councillor 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.

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.

### **How to Declare an Interest**

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. Any gifts or hospitality offered over £100 should be refused. A Declaration of Interests form is provided for this purpose via the Council Clerk. The context of accepting a gift is relevant, for example, accepting a leaving gift of less than £100 in value would not give rise to a conflict of interest.

Interests should be declared at the beginning of a meeting when a relevant matter is on the agenda or as soon as the interest becomes apparent.

There are four occasions when a Councillor's personal interests are likely to come into conflict with those of the Council and should be declared.

- 1) At Their First Meeting: Every new Councillor will be asked to complete a Declaration of Interests Form.
- 2) 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.
- 3) When any significant changes take place: New matters should not wait until an annual declaration is made before being notified. Councillors should notify the Council Clerk of all changes or additions as soon as they are known to the Councillor.
- 4) Verbally at any Council meeting: Where specific relevant conflicts or potential conflicts may arise. At the start of each Council meeting the Chair will ask for any declarations relevant to the agenda to be made known. Councillors should also raise the matter during the course of the meeting as soon as a potential conflict arises.

If a Councillor fails to declare an interest that is known to the Council Clerk and/or the Chair of the Council meeting, the council Clerk or Chair will declare that interest.

### **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 Council's Register of Interests, which is held by the Monitoring Officer at the District Council.

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 Council 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 Councillor or the Council itself must decide whether the interest:

- 1) is trivial and does not create a real danger of conflict of interest or bias or the appearance of bias;
- 2) does not create a real danger of conflict of interest or bias, but might reasonably cause others to think it could influence a decision;
- 3) creates a real danger of conflict of interest or bias (that is, the interest affects him/her, or a person or business connected to him/her, more than the generality affected by the decision).

Generally, the Council will deal with conflicts as follows:

- 1) 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.
- 2) 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.
- 3) the Councillor must leave the meeting, not participate in the discussion, or vote, on the matter.

The decision as to how the conflict of interest is to be dealt with must be set out by the Council. 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.

Councillors and the Council should endeavour to ensure that a Councillor with a conflict of interest under (3) 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.