

Planning and City Development Committee

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Classification: For General Release

Title: When to Declare Interests at Meetings of the Planning Applications Sub-Committees

Report of: Director of Law

Financial Summary: There are no financial implications

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1. Executive Summary

- 1.1 This report provides guidance to elected members when it is appropriate to declare an interest in matters being considered at committee.

2. Recommendations

- 2.1 That Committee note the contents of this report.

3. Background

- 3.1 It is important that Committee Members should not be influenced or perceived to be influenced by any interests that they, their family or close associates may have in a particular application. To this end at the start of every Committee meeting, Committee Members will be asked to declare any interests they may have in relation to the matters before them.
- 3.2 As outlined in the Members' Code of Conduct, there are two distinct types of interests which will need to be declared. The first, relates to what are known as "disclosable pecuniary interests", which are prescribed by law and are entered in the register of interests maintained by the Council's Monitoring Officer. Secondly, the Members' Code of Conduct also provides for the disclosure of "other interests" at meetings in certain circumstances.
- 3.3 Disclosable Pecuniary Interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix 1 to the Members' Code of Conduct. The categories of disclosable pecuniary interests include employment or office, interests in land in the Borough and contracts with the Council. An interest is a disclosable pecuniary

interest if it is of a type described above and it is an interest of the Member or of their spouse or civil partner, a person with whom they are living as husband and wife or a person with whom they are living as if they were civil partners and the Member is aware of the interest.

- 3.4 A Committee Member may have other interests which, whilst not falling within the legal definition of disclosable pecuniary interests, should be declared in the public interest. For example, such an interest may arise where the Committee Member resides near a development which is the subject of the planning application under consideration. While it is for the Committee Member to judge, a useful rule of thumb is “will my enjoyment of my property be affected either positively or negatively by this application?” If the answer is in the affirmative, it would be advisable for the Committee Member to declare an interest. An interest would also arise, for example, if the affected property were to be owned by a company of which the Committee Member is a director.
- 3.6 It is important to note that the rules relating to declarations of interest apply equally to non-Committee Members who may from time to time wish to attend a Committee meeting and speak on a particular matter on behalf of their constituents. Each Member who attends a meeting must make an assessment of whether they have an interest in the matters under discussion and whether they intend to participate in proceedings or not. A non-member of the Sub-Committee, who had a significant interest, would be unable to speak or attend. They could if they wished ask a Ward Member to speak in the same way as other constituents.
- 3.7 If a Committee Member declares a disclosable pecuniary interest they should leave the room and not participate any further in the discussion or decision making process. The same applies if a Committee Member declares any “other interest” and the circumstances are such that they should not participate in the decision on that application because the interest may give rise to a perception that they may have a conflict of interest in relation to the application under consideration. In the latter case, the Committee Member should also declare the interest and leave the room.

4. Interests which do not need to be declared at meetings

- 4.1 It is not always necessary to disclose all interests you consider that you may have. Examples of declarations that do not need to be disclosed are:
- **Ward Membership:** It is not necessary to declare this in respect of applications. The Ward membership of Councillors is a matter of public record and should not be regarded as a significant personal interest.
 - **Previous Consideration:** The consideration of previous applications in respect of the same site is not a matter which requires disclosure. Each application is required to be considered on their own respective merits and therefore having considered an application previously on the same site is not a significant interest which needs disclosure.

- **Attendance at Site Visits:** Members will often declare that they have attended a site visit. This is not a declarable interest under the Code but part of the Member's consideration. As such, attendance at these does not need to be declared as a significant interest.
- **Knowledge of other Members:** It is not necessary to declare that Members know Members who have made representations or who will do so as Ward Members. Different circumstances apply when Members are either the applicant or have made representations in a personal capacity. In the latter case, the Standards Committee have previously agreed that Members of the Majority Party and Minority Party will not be regarded as having a significant personal interest if they are able to make the following declaration:

PLANNING APPLICATIONS SUB-COMMITTEE

Chairman states:

"Councillor X has an interest in respect of Item x on the agenda. In line with guidance agreed by the City Council's Standards Committee, members of the Majority Party sitting on tonight's committee are no longer required to apply for a dispensation from the Code of Conduct provided they can declare that they only know Councillor x through their membership of the Majority Party and see him/her at Council and related events. I am able to give that declaration in relation to Councillor X."

OTHER MAJORITY PARTY MEMBERS STATE:

"and so am I". (This will also apply in relevant circumstances to the Minority Party).

In circumstances where the Member is unable to make this declaration they will need to declare a significant personal interest.

Other interests which do not need to be declared include:

- I am a customer of Marks & Spencer/BT or other shops and companies
- I use the local hospital
- I used to work many years ago at premises close to the development site when it previously operated as a café/shop
- I have previously borrowed books from the local library
- I pass the premises each day on my way to work/college/to collect children from school
- I was one of the members of the planning committee when the committee refused a planning application for a neighbouring site

5. Interests which must be Declared

- 5.1 Disclosable Pecuniary Interests and/or significant other interests must be disclosed. In these circumstances the Member must not participate in any

discussion on the matter under consideration or otherwise seek to influence the decision and withdraw from the meeting room.

6. Financial Implications

6.1 There are no financial implications regarding this matter.

7. Legal Implications

7.1 The legal implications are contained within the body of the report.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward:
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Appendices

- Appendix A – Members Code of Conduct

Background Papers

- None