



RHAYADER TOWN COUNCIL CONFLICT OF INTEREST POLICY AND PROCEDURES

Introduction and Scope

All Council members agree to abide by the Code Of Conduct which helps protect the integrity of the Council's decision making process clearly outlines the requirement for members to declare any potential Conflicts of Interest whether actual or perceived.

Members must strive to avoid any conflict of interest between the interests of the Council and any personal, professional or business interests.

Procedures

The law relating to the declaration of personal and prejudicial interests in meetings is complicated. The purpose of this procedure is to simplify matters as far as possible, and to advise Members of where to find the more detailed information, which they will need to refer to as particular circumstances arise.

Declaration Of Interests:

- Agenda papers are generally despatched in advance of the meeting to which they relate. On receiving an agenda, Members should check the items of business listed, and consider whether there is a need to declare an interest (and, if so, what type of interest) in any of the items.
- The Clerk or RFO are always willing to offer advice and guidance before (but preferably not on the day of) a meeting, but should not be asked to do so during a meeting.

Declarations of Personal Interests or Prejudicial Interests at Meetings:

- If a Member has a personal or prejudicial interest in an item under consideration at a meeting, they must declare that interest verbally and say what the nature of interest is.
- This must be done as soon as practicable after the commencement of the meeting, (or as soon as practicable after arrival if the Member was not present at the start, even if the item in question has been considered).
- This is a requirement of Standing Orders, and is aimed at ensuring that all such declarations are properly recorded in the Minutes of the meeting.

Interests:

- If a Members interest is prejudicial, they must retire from the meeting room when the item in question is considered after being offered the opportunity to answer any questions or speak on the matter in question.
- As to when there is a need to declare a personal or a prejudicial interest, Members should refer to their copy of the Code of Conduct. It will be seen from the Code that declarations may be appropriate even when the Members' interest is only indirect *for example, it could be an interest of a spouse or other family members, or could relate to friends or to membership an organisation.*
- Any failure by a Member to disclose a personal interest in a matter which is considered at a meeting of the Council (including meetings of any Committees and Sub- Committees) is a breach of the Code.
- The circumstances in which Members may be required to disclose a personal interest are complex, and they must therefore read and become familiar with the contents of the Code. Briefly, however, *a personal interest is one which affects the Member concerned more than most other people in the area; this includes those who live, work or have property in the Council's area.* Members will also have a personal interest if various people or bodies listed in the Code, and connected to them, are similarly affected. *This includes their partner, relative or a close personal friend.*

- The rule of thumb is that it is not enough to avoid actual impropriety, but that Members should avoid any occasion for suspicion or any appearance of improper conduct. If in any doubt whatsoever, it is better to err on the side of caution, and make a declaration of an interest, and retire from the meeting if the type of interest declared so warrants.
- Having declared a personal interest, Members must then decide whether or not the interest is prejudicial, (*i.e. would a member of the public with the relevant facts reasonably regard your interest as so significant that it would be likely to prejudice your judgement of the public interest*).
- Only Members can decide this, but it's important to remember it is not whether a Member thinks that their judgement of the public interest would be prejudiced, but what a member of the public with the relevant facts would reasonably think. In other words, a Member must put themselves in the position of an ordinary member of the public and view the situation through their eyes, and not have regard to what they might consider to be their incorruptibility.
- If Members decide that they do have a prejudicial interest, they must withdraw from the meeting room after being given the opportunity to answer questions or comment on the proposal. Again, the withdrawal from the meeting will be recorded in the Minutes.
- If Members are in any doubt whatsoever as to whether or not they have a personal interest, and particularly whether or not it is a prejudicial interest, they should always err on the side of caution. The Clerk and RFO are able to offer advice and guidance on such matters before the meeting, but, as stated above, the decisions on whether or not a Member has an interest to disclose and whether or not the interest is prejudicial, are theirs and theirs alone.
- Advice and guidance cannot however be given at the meeting, as it is impractical to do so. Neither can the meeting itself give Members dispensation to participate if they have an interest which is prejudicial.

Review

This Policy and these Procedures will be regularly monitored and reviewed:

- In accordance with changes in legislation
- Following any issues or concerns raised with the Council
- In all other circumstances, annually.

Last review August 2025