Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council’s Member Code of Conduct:-

(1) Disclosable pecuniary interests
(2) Other registerable interests
(3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

(a) Employment, trade, profession or vocation of a relevant person* for profit or gain

(b) Sponsorship – payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).

(c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.

(d) Beneficial interests in land in the borough.

(e) Licence to occupy land in the borough for one month or more.

(f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

(g) Beneficial interest in securities of a body where:-

(a) that body to the member’s knowledge has a place of business or land in the borough; and
(b) either
   (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the
       total issued share capital of that body; or

   (ii) if the share capital of that body is of more than one class, the total
       nominal value of the shares of any one class in which the relevant person*
       has a beneficial interest exceeds 1/100 of the total issued share capital of
       that class.

*A relevant person is the member, their spouse or civil partner, or a person with
whom they live as spouse or civil partner.

(3) **Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the
following interests:-

(a) Membership or position of control or management in a body to which you
    were appointed or nominated by the Council

(b) Any body exercising functions of a public nature or directed to charitable
    purposes, or whose principal purposes include the influence of public opinion
    or policy, including any political party

(c) Any person from whom you have received a gift or hospitality with an
    estimated value of at least £25

(4) **Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to
affect the wellbeing of a member, their family, friend or close associate more than it
would affect the wellbeing of those in the local area generally, but which is not
required to be registered in the Register of Members’ Interests (for example a
matter concerning the closure of a school at which a Member’s child attends).

(5) **Declaration and Impact of interest on member’s participation**

(a) Where a member has any registerable interest in a matter and they are
    present at a meeting at which that matter is to be discussed, they must
    declare the nature of the interest at the earliest opportunity and in any event
    before the matter is considered. The declaration will be recorded in the
    minutes of the meeting. If the matter is a disclosable pecuniary interest the
    member must take not part in consideration of the matter and withdraw from
    the room before it is considered. They must not seek improperly to influence
    the decision in any way. **Failure to declare such an interest which has not
    already been entered in the Register of Members’ Interests, or
    participation where such an interest exists, is liable to prosecution and
    on conviction carries a fine of up to £5000**

(b) Where a member has a registerable interest which falls short of a disclosable
    pecuniary interest they must still declare the nature of the interest to the
meeting at the earliest opportunity and in any event before the matter is
considered, but they may stay in the room, participate in consideration of the
matter and vote on it unless paragraph (c) below applies.

(c) Where a member has a registerable interest which falls short of a disclosable
pecuniary interest, the member must consider whether a reasonable member
of the public in possession of the facts would think that their interest is so
significant that it would be likely to impair the member’s judgement of the
public interest. If so, the member must withdraw and take no part in
consideration of the matter nor seek to influence the outcome improperly.

(d) If a non-registerable interest arises which affects the wellbeing of a member,
their, family, friend or close associate more than it would affect those in the
local area generally, then the provisions relating to the declarations of
interest and withdrawal apply as if it were a registerable interest.

(e) Decisions relating to declarations of interests are for the member’s personal
judgement, though in cases of doubt they may wish to seek the advice of the
Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the
disclosure of which would be likely to expose the member to risk of violence or
intimidation where the Monitoring Officer has agreed that such interest need not be
registered. Members with such an interest are referred to the Code and advised to
seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in
decisions notwithstanding interests that would otherwise prevent them doing so.
These include:-

(a) Housing – holding a tenancy or lease with the Council unless the matter
relates to your particular tenancy or lease; (subject to arrears exception)
(b) School meals, school transport and travelling expenses; if you are a parent
or guardian of a child in full time education, or a school governor unless the
matter relates particularly to the school your child attends or of which you are
a governor;
(c) Statutory sick pay; if you are in receipt
(d) Allowances, payment or indemnity for members
(e) Ceremonial honours for members
(f) Setting Council Tax or precept (subject to arrears exception)