



Committee and Date
Oswestry Local Joint
Committee

27 May 2010

7pm

Item/Paper

5

Public

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

Definition of a Personal Interest

1. **A PERSONAL INTEREST** arises where the matter under consideration is likely to affect your wellbeing or financial position or that of your family, friends or business associates more than it would affect the majority of:
 - (a) those who live in the electoral area to which the decision relates; or
 - (b) the County's inhabitants generally.

You automatically have a personal interest if a decision on the matter affects something of which you have given notice in the Register of Members' Interests.

2. What You Should Do

You must declare your interest before the matter is discussed or as soon as the interest becomes apparent except when this arises because you (a) are a member or senior member of another public body, or (b) have been appointed to serve as the Council's representative on another body. In such circumstances you need only declare your interest if you intend to speak or do speak.

3. What You Should Say

You should say you have a personal interest in item ... and declare its nature ...

Having declared your interest, you are then entitled to remain in the meeting. After making your contribution you can also vote at the end of the debate.

If in doubt consult the Monitoring Officer well before the meeting.

Definition of a Personal and Prejudicial Interest

4. Your personal interest will also be **PREJUDICIAL** if
- (a) it does not fall within one of the exempt categories listed in paragraphs 10(2)(c) of the Code eg an allowance, payment or indemnity for members;
 - (b) it affects your financial interests or relates to a planning, licensing or some other regulatory matter that affects you; and
 - (c) anyone else, knowing all the relevant facts, would reasonably think that your interest would prejudice your judgement of the public interest (ie prevent you from considering the matter objectively.)

What You Should Say

Before the matter is discussed, or as soon as the interest becomes apparent, you should declare that you have a personal and prejudicial interest in item ... on the agenda because ...

And add either:

- (a) I shall leave the room while the matter is being discussed; or
- (b) I intend to speak on this subject in accordance with the Council's rules for public speaking, after which I shall leave the room while the matter is being discussed.

What You Should Do

Having declared a personal and prejudicial interest, you must leave the room either before consideration of the matter commences, or immediately after you have made your contribution. This is to protect you from any allegation of having improperly influenced the decision and the Council from legal challenge, due to your improper participation.

Claire Porter
Assistant Chief Executive – Legal and Democratic Services
September 2009