



ETHICAL GOVERNANCE: CONFLICTS OF INTEREST POLICY

Adopted: 29 July 2015

TRIM 144306.2015



ETHICAL GOVERNANCE: CONFLICTS OF INTEREST POLICY

1. LEGISLATIVE REQUIREMENTS

Independent Commission Against Corruption Act 1988
Local Government Act 1993
Ombudsman Act 1974
Public Interest Disclosures Act 1994

2. OBJECTIVES

This policy is to provide a framework and processes for Council officials to identify and deal with conflicts of interest.

3. DEFINITIONS

A conflict of interest occurs when a Council official is in a position to be influenced, or appears to be influenced, by his or her private interests, when doing his or her job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional interests and activities and interests with individuals or groups, including family and friends, as well as financial interests.

A pecuniary interest involves a situation where there is potential for an individual Council official to gain or lose financially from his or her public position such as owning property, having unpaid debts to others, or receiving hospitality or travel.

A non-pecuniary interest does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence the judgement or decisions of a Council official, even though there is no financial benefit to the official.

A Council official includes Councillors, members of Council staff, members of Council committees, and advisers.

4. POLICY

4.1 Introduction

4.1.1 The community has the right to expect that Council officials perform their duties in a fair and unbiased way, and that the decisions which they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

4.1.2 Council officials must ensure that opportunities do not exist for their interests, or those of any persons close to them, to conflict with the impartial performance of

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their Council duties. Any potential, real or perceived conflict between an individual's interests and those of Council must be resolved in favour of Council.

4.2 Recognising a conflict of interest

4.2.1 A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out his or her public duty.

4.2.2 Conflicts of interest include both pecuniary interests and non-pecuniary interests. Non-pecuniary conflicts of interest are just as important as pecuniary conflicts of interest. The *Local Government Act 1993* (the Act) requires that Councillors, designated persons and advisers must declare any pecuniary interests they might have. The Act should be referred to in all matters concerning possible pecuniary interests.

4.3 What is the difference between a pecuniary and a non-pecuniary interest?

4.3.1 Pecuniary interest

A pecuniary interest, as defined in section 442 of the Act *"is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain"*.

Section 443 of the Act provides that a Council official has a pecuniary interest in a matter if:

- a) A Council official has the pecuniary interest;
- b) A Council official's spouse, de facto partner, relative, partner or employer has the pecuniary interest;
- c) A company or other body of which a Council official, or a nominee, partner or employer, is a member, has a pecuniary interest.

As provided by section 442 of the Act, a person does not have a pecuniary interest in a matter if the matter is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

Section 441 of the Act defines designated persons as including:

- a) The general manager (the CEO of Council);
- b) Other senior Council staff; and
- c) Persons holding positions or committee memberships that Council considers makes them designated persons.

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The Act provides for pecuniary interests to be disclosed both in writing and verbally (at meetings).

4.3.2 Written Disclosures

If a Council official is a Councillor or a designated person, the particular Council official must, as provided by section 449 of the Act, complete and lodge a return in the form of Schedule 3 of the *Local Government (General) Regulation 2005*, with the CEO:

- a) Within three months after becoming a Councillor or designated person. (A Council official does not need to lodge a return within this period if a Council official lodged a return in the previous year, or if the Council official ceased to be a Councillor or designated person within the three month period); or
- b) Within three months of 30 June in any year if the Council official held the Council position at 30 June.

Section 454 of the Act provides that a general notice given to the CEO in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the spouse, de facto partner or relative of a Councillor or member or a Council committee, is:

- a) A member, or in the employment, of a specified company or other body; or
- b) A partner, or in the employment, of a specified person,

unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of this notice.

Section 459 of the Act provides that, if a Council official is a designated person, the Council official must disclose in writing to the CEO any pecuniary interest the official has in any Council matter with which the Council official is dealing.

4.3.3 Verbal Disclosures

Section 451 of the Act provides that, if a Council official is a Councillor, or a member of a Council committee, and the Council official has a pecuniary interest, the Council official must:

- a) If the Council official is present at the meeting, disclose his or her interest to the meeting as soon as practicable (usually at the start of the meeting but always prior to the matter actually being considered);
- b) Not be present at, or in sight of, the meeting;
- c) Not take part in any consideration or discussion of the matter; and
- d) Not vote on any question relating to the matter.

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Section 446 of the Act provides that the above requirement does not apply if a Council official is a member of a Council committee that is “wholly advisory”.

A disclosure made at the meeting must be recorded in the minutes of the meeting as provided by section 453 of the Act.

4.3.4 General disclosure provisions

Section 456 of the Act provides that, if a Council official is giving advice to the Council or a Council committee, the Council official must disclose any pecuniary interest that a Council official has in the matter to the meeting at the time that the Council official gives the advice. Where a Council official is a member of Council staff, other than a designated person (as defined by section 441), a Council official must disclose in writing to his or her supervisor or the CEO, the nature of any pecuniary interest the Council official has in a matter that the Council official is dealing with as soon as practicable.

A Council official should err on the side of caution by declaring a conflict of interest and by not participating in discussion or in decision making if there is any doubt.

4.3.5 Non-pecuniary interests

Non-pecuniary interests are private or personal interests that a Council official has, which do not amount to a pecuniary interest as defined in the Act. Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

A report to Council from a Conduct Review Committee/ Reviewer concerns the public duty of a Councillor or the CEO. Therefore, there is no requirement for Councillors or the CEO to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.

4.4 **Managing non-pecuniary conflicts of interest**

4.4.1 Where a Council official has a non-pecuniary interest that conflicts with his or her public duty, a Council official must disclose the interest fully and in writing, even if the conflict is not significant. A Council official must do this as soon as practicable.

4.4.2 If a disclosure is made at a Council or a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12 of the Code of Conduct.

4.4.3 How a Council official manages a non-pecuniary conflict of interest will depend upon whether or not it is significant. As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but it involves:

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- a) A relationship between a Council official and another person that is particularly close, for example, a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse, domestic partner or other person living in the same household; or
- b) Other relationships which are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; or
- c) An affiliation between the Council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.4.4 If a Council official is not a member of Council staff, and the Council official has disclosed that a significant non-pecuniary conflict of interests exists, the Council official must manage it in one of two ways:

- a) Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official; or
- b) Have no involvement in the matter, by absenting from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.

4.4.5 If a Council official determines that a non-pecuniary conflict of interest is less than significant and does not require further action, the Council official must provide an explanation of why they consider that the conflict of interest does not require further action in the circumstances.

4.4.6 If the Council official is a member of Council staff, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with the CEO or the Chief Financial Officer.

4.4.7 Despite clause 4.16(b) of the Code of Conduct, a Councillor who has disclosed that a significant non-pecuniary conflict of interest exists may participate in a decision to delegate Council's decision-making role to Council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.17(b) above.

4.5 Political donations exceeding \$1,000

4.5.1 Matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interest. Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their

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election campaigns. Councillors should have reasonable knowledge of contributions received by them or their “official agent” (within the meaning of the *Election Funding Act* 1981) that directly benefit their election campaigns. Where a Councillor or the Councillor’s “official agent” has received “political contributions” or “political donations”, as the case may be, (within the meaning of the *Election Funding Act* 1981), exceeding \$1,000 which directly benefit their campaign:

- a) From a political or campaign donor or related entity in the previous four years; and
- b) Where the political or campaign donor or related entity has a matter before Council,

then the Councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and manage the conflict of interest in accordance with clause 7.17(b) of the Code of Conduct.

4.5.2 Political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.5.3 If a Councillor has received a donation of the kind referred to in clause 4.21 of the Code of Conduct, then that Councillor is not prevented from participating in a decision to delegate Council’s decision-making role to Council staff, or appointing another person or body to make the decision, in accordance with the law.

4.6 Assessing a conflict of interest

4.6.1 The following questions may assist a Council official decide whether a conflict of interest exists or whether the behaviour of a Council official could create the impression that it does:

- a) Do I, a relative, friend or associate stand to gain or lose financially from Council’s decision or action on the matter?
- b) Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council’s decision or action?
- c) Have I contributed in a private capacity in any way to the matter before Council?
- d) Have I made any promises or commitments in relation to the matter?
- e) Have I received a benefit or hospitality from someone who stands to gain or lose from Council’s decision or action?
- f) Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council’s consideration of the matter?
- g) Is the person an election campaign donor or someone who helped during my election campaign?

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- h) Could there be benefits for me in the future that could cast doubt on my objectivity?
- i) If I do participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
- j) Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
- k) Do I need to seek advice or discuss this matter with an objective party?
- l) Am I confident of my ability to act impartially and in the public interest?
- m) Do I understand the possible penalties if I go on with my action?

4.6.2 The references to “before Council”, “Council’s consideration” etc. also refer to issues to be dealt with under delegated authority by members of Council staff.

4.6.3 The actions of Council officials must not only be free from any conflicts but Council officials must ensure that they are clearly seen that their actions are free from any conflicts. A Council official should consider what other people might think about the particular matter, including unsuccessful tenderers, other potential suppliers, other business owners, clients, ratepayers, residents, members of the public, Councillors and members of Council staff.

4.7 Responsibility for managing a conflict of interest

4.7.1 If a Council official has a conflict of interest, or the Council official believes that it is likely that he or she might have a conflict of interest, the Council official must notify either:

- a) The CEO or Mayor in writing; or
- b) The relevant Council or Committee meeting.

4.7.2 The objective of notification is to protect both the Council official and the Council. In many cases, only the Council official will be aware of the potential for a conflict of interest. The onus for notification is therefore upon the particular Council official.

4.7.3 If a conflict arises during a meeting, such as a Council or committee meeting, or a meeting of an external body/ committee to which the Council has appointed a Council official, a Council official should inform the meeting of the interest, preferably at the start of the meeting. Depending on the nature of the conflict, it may be appropriate not to vote on the matter. Unless this conflict has been assessed as being only of a minor nature, a Council official must leave the meeting and not participate in discussions on the matter. The disclosure and subsequent actions will be recorded in the minutes of the meeting and in the case of Council and committee meetings will be recorded in the Council’s Register of Declarations of Interest.

4.7.4 If a Council official is in any doubt regarding a possible conflict of interest, it is preferable to disclose and discuss a possible conflict of interest, rather than conceal the matter.

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4.8 Seeking advice

- 4.8.1 A Council official may seek advice if a conflict exists. Ultimately, the onus for resolving a conflict of interest rests upon the individual. However, once provided with advice that the perception of a conflict of interest exists, a Council official:
- a) Should seriously consider whether he or she should continue to participate in decision making in relation to the subject matter; or
 - b) Must immediately disqualify himself or herself from reporting or providing advice to the Council in relation to the subject matter. Failing this, the CEO may arrange for another member of Council staff to report or advise Council or arrange for advice to be sought from another source.
- 4.8.2 Members of Council staff should seek initial advice concerning conflicts of interest from the Governance Coordinator, the Chief Financial Officer, their director or a nominated Disclosures Officer.
- 4.8.3 Councillors are encouraged to seek advice concerning conflicts of interest from the Mayor or the CEO. They may also seek advice from the Office of Local Government, the Independent Commission Against Corruption and the NSW Ombudsman.
- 4.8.4 In some circumstances, especially in dealing with pecuniary interest matters, Council officials may need to seek independent legal advice.

4.9 Reporting conflicts of interest

- 4.9.1 The individual who has or may have the conflict of interest
As provided by this policy, the onus rests with the individual Council official to report any conflict of interest that he or she may have.
- 4.9.2 Other Persons
Where a Councillor or Council staff member believes that a colleague, delegate or adviser has a conflict of interest, or where a member of the public believes that a Councillor, Council staff member, delegate or adviser has a conflict of interest, this may be reported (in writing) to the Mayor or the CEO.
- 4.9.3 If a conflict involves corrupt conduct, maladministration or serious and substantial waste of public money, the report may be protected under the provisions of the *Public Interest Disclosures Act 1994*.
- 4.9.4 Where a complaint concerns a failure to disclose a pecuniary interest in contravention of the Act, it may be made to the Chief Executive of the Office of Local Government.
- 4.9.5 In all cases, the identity of the complainant will be treated as confidential and will be not revealed.

4.10 Dealing with conflicts of interest where a voluntary disclosure is made

4.10.1 Procedures and Forms

Procedures and forms to assist Councillors, members of Council committees and members of Council staff to identify and declare pecuniary and non-pecuniary interests are attached to this policy.

4.10.2 Pecuniary interests

If a pecuniary interest is disclosed, the person with the interest must not be involved in consideration or discussion of the matter in which they have the interest and must not vote on any question relating to the matter in accordance with the Act and Council's Code of Meeting Practice.

4.10.3 Non-pecuniary interests

If a non-pecuniary interest is disclosed, there are options available to deal with the conflict, depending on the circumstances of the matter and objective assessment of it. These options are outlined in paragraph 4.3 of this policy.

4.11 How breaches of this policy will be dealt with

4.11.1 Breaches of this policy by the Mayor and Councillors

A breach of this policy by the Mayor or any Councillor will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the CEO to the appropriate investigative agency.

4.11.2 Breaches of this policy by members of Council staff

A breach of this policy by members of Council staff will be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and Council policies, including the Code of Conduct and Code of Conduct Procedures.

If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the CEO to the appropriate investigative agency.

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AUTHORISED BY

Council

ADOPTED

29 July 2015

DEPARTMENT RESPONSIBLE

Corporate Services (Governance and Legal Services)

REVIEW DATE

29 July 2017

VERSIONS

Versions	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Adopted by Council	23 May 2011	071850.2011
2	Council Resolution	Minor changes approved by CEO	16 August 2013	165804.2013
3	Council Resolution	Minor changes	29 July 2015	144306.2015

REFERENCES

Department of Local Government: Pecuniary Interest Guidelines 2006

Division of Local Government, Department of Premier and Cabinet in cooperation with the Local Government Association of NSW and the Shires Association of NSW: Councillor Guide 2012

Independent Commission Against Corruption: Identifying and managing conflicts of interest in the public sector, July 2012

Liverpool City Council: Code of Conduct

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Code of Meeting Practice

Liverpool City Council: Fraud and Corruption Prevention Policy

NSW Ombudsman: Good Conduct and Administrative Practice (2nd edition) 2006

NSW Ombudsman: Public Sector Agencies fact sheet No 3: Conflict of interests (November 2010)

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PROCEDURE FOR MAYOR/ COUNCILLOR – PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Mayor/ Councillor	1	Identify the existence of a pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1993, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Mayor/ Councillor	2	Complete a Declaration of Interest Form (Councillor) and forward it to the CEO.
CEO	3	Check and sign the Declaration of Interest Form.
CEO	4	Forward the checked Declaration of Interest Form to the Council Meeting Minute Taker.
Mayor/ Councillor	5	Ensure that the Declaration of Interest is notified at the Council Meeting at which the matter is being considered. (See s451 of the <i>Local Government Act</i> 1993.)
Minute Taker	6	Record details of the interest in the Council Minutes in accordance with the committee charter. (See s453 of the <i>Local Government Act</i> 1993.) Forward the Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	7	Place the original Declaration of Interest Form in the Declarations of Interest Register.
Mayor/ Councillor	8	Refrain from being present at, or in sight of, the Council or Committee meeting at the time the matter is being discussed or voted upon. (See s451(2) of the <i>Local Government Act</i> 1993.)

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PROCEDURE FOR MAYOR/ COUNCILLOR – NON-PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Mayor/ Councillor	1	Identify the existence of a non-pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1993, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Mayor/ Councillor	2	Determine whether the interest will affect your ability to act or in an impartial manner or whether a reasonable person would believe that your impartiality would be compromised.
Mayor/ Councillor	3	Complete a Declaration of Interest Form (Mayor/ Councillor) and forward it to the CEO.
CEO	4	Check and sign the Declaration of Interest Form.
CEO	5	Forward the checked Declaration of Interest Form to the Council Meeting Minute Taker.
Councillor	6	Ensure that the Declaration of Interest is notified at the Council meeting at which the matter is being considered.
Minute Taker	7	Record details of the interest in the Council Minutes in accordance with the committee charter. Forward the Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	8	Place the original Declaration of Interest Form in the Declarations of Interest Register.
Mayor/ Councillor	9	If impartiality affected, refrain from discussing or voting upon the matter. If participation in the matter is still appropriate, ensure that your ongoing involvement continues to comply with Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy.

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PROCEDURE FOR COUNCIL STAFF MEMBER – PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Staff Member	1	Identify the existence of a pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1919, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Staff Member	2	Complete a Declaration of Interest Form (Council Officer) and forward it to the relevant director.
Director	3	Check the Declaration of Interest Form before forwarding it to the CEO.
CEO	4	Check and sign the Declaration of Interest Form before forwarding it to the Governance Coordinator.
CEO	5	If necessary, nominate another member of Council staff to deal with the matter. Forward the checked Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	6	Place the original Declaration of Interest Form in the Declarations of Interest Register and ensure a copy is sent to the Council staff member and another copy is placed on the Council staff member's personnel file.
Staff Member	7	Refrain from any involvement in the matter in question.

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PROCEDURE FOR COUNCIL STAFF MEMBER – NON PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Staff Member	1	Identify the existence of a non-pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1993, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Staff Member	2	Determine whether your interest will affect your ability to act in an impartial manner or whether a reasonable person would believe that your impartiality would be compromised.
Staff Member	3	Complete a Declaration of Interest Form (Council Officer) and forward it to the relevant director.
Director	4	Check the Declaration of Interest Form before forwarding it to the CEO.
CEO	5	Check and sign the Declaration of Interest Form before forwarding it to the Governance Coordinator.
Chief Executive Officer	6	If necessary, nominate another member of Council staff to deal with the matter. Forward the checked Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	7	Place the original Declaration of Interest Form in the Declarations of Interest Register and ensure a copy is sent to the Council staff member and another copy is placed on the staff member's personnel file.
Staff Member	8	If your impartiality is affected, refrain from any further involvement in the matter in question. If your ongoing involvement is appropriate, ensure that your involvement continues to comply with Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy.

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PROCEDURE FOR COUNCIL COMMITTEE MEMBER – PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Council Committee Member	1	Identify the existence of a pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1993, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Council Committee Member	2	Complete a Declaration of Interest Form (Council Committee Member) and forward it to the CEO.
CEO	3	Check and sign the Declaration of Interest Form.
CEO	4	Forward the checked Declaration of Interest Form to the Council committee meeting Minute Taker.
Council Committee Member	5	Ensure that the Declaration of Interest is notified at the Council committee meeting at which the matter is being considered. (See s451 of the <i>Local Government Act</i> 1993.)
Minute Taker	6	Record details of the interest in the Council committee meeting in accordance with the committee charter. (See s453 of the <i>Local Government Act</i> 1993.) Forward the Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	7	Place the original Declaration of Interest Form in the Declarations of Interest Register.
Council Committee Member	8	Refrain from being present at, or in sight of, the Council committee meeting at the time the matter is being discussed or voted upon. (See s451(2) of the <i>Local Government Act</i> 1993.)

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PROCEDURE FOR COUNCIL COMMITTEE MEMBER – NON-PECUNIARY INTEREST

RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Council Committee Member	1	Identify the existence of a non-pecuniary interest. Refer to Chapter 14 of the <i>Local Government Act</i> 1993, Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy for guidance.
Council Committee Member	2	Determine whether the interest will affect your ability to act or in an impartial manner or whether a reasonable person would believe that your impartiality would be compromised.
Council Committee Member	3	Complete a Declaration of Interest Form (Council Committee Member) and forward it to the CEO.
CEO	4	Check and sign the Declaration of Interest Form.
CEO	5	Forward the checked Declaration of Interest Form to the Council committee meeting Minute Taker.
Council Committee Member	6	Ensure that the Declaration of Interest is notified at the Council committee meeting at which matter is being considered.
Minute Taker	7	Record details of the interest in the Council committee meeting minutes in accordance with the committee charter. Forward the Declaration of Interest Form to the Governance Coordinator.
Governance Coordinator	8	Place the original Declaration of Interest Form in the Declarations of Interest Register.
Council Committee Member	9	If impartiality affected, refrain from discussing or voting upon the matter. If participation in the matter is still appropriate, ensure that your ongoing involvement continues to comply with Council's Code of Conduct and the Ethical Governance: Conflicts of Interest Policy.

ACTION PROPOSED

Tick one box only

In my opinion, **my interest is pecuniary and** I am therefore required to take the action specified in section 451(2) of the *Local Government Act 1993* and or any other action required by the Chief Executive Officer.

In my opinion, **my interest is non-pecuniary but significant.** I am unable to remove the source of conflict. I am therefore required to treat the interest as if it were pecuniary and take the action specified in section 451(2) of the *Local Government Act 1993*.

In my opinion, **my interest is non-pecuniary and less than significant.** I therefore make this declaration as I am required to do pursuant to clause 4.17 of Council's Code of Conduct. However, I intend to continue to be involved with the matter.

MAYOR / COUNCILLOR

I, _____ (name of Mayor/ Councillor) disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.

Signed: _____ Dated: ____/____/____

CHIEF EXECUTIVE OFFICER - required for all declarations

I have noted the above declaration and I note your opinion and/or the action you have proposed.

Signed: _____ Dated: ____/____/____

DECLARATION OF INTEREST FORM

MAYOR / COUNCILLOR

FOR USE AT COUNCIL AND COUNCIL
COMMITTEE MEETINGS

NAME OF THE MAYOR / COUNCILLOR
DECLARING INTEREST:

LIVERPOOL
CITY
COUNCIL 

DEFINITION

A PECUNIARY INTEREST:

Is an interest that a designated person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see section 442 of the *Local Government Act 1993*)?

A NON-PECUNIARY INTEREST:

Is a private or personal interest that does not amount to pecuniary interest as defined by the *Local Government Act 1993*

DEALING WITH PECUNIARY INTERESTS:

Section 459 of the *Local Government Act 1993* requires designated persons immediately declare in writing to the Chief Executive Officer the nature of a pecuniary interest the person has in any Council matters

DEALING WITH SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.16 of Council’s Code of Conduct provides that you must manage a significant non-pecuniary interest by either removing the source of conflict or otherwise by dealing with it the same way as you would if it were a pecuniary interest in accordance with section 451(2) of the *Local Government Act 1993*.

DEALING WITH NON-PECUNIARY INTERESTS:

Clause 4.14 of Council’s Code of Conduct states:

“How you manage a non-pecuniary interest will depend on whether or not it is significant.”

Clause 4.15 of Council’s Code of Conduct states:

“As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:

- a) a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse, current or former spouse or partner, de factor or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong

DEFINE YOUR INTEREST:

Is your interest:

Pecuniary (see dealing with pecuniary interests)?

Non-pecuniary (see dealing with non-pecuniary interests)?

MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details including item number on Council agenda or in TRIM if applicable)

NATURE OF THE INTEREST

Be specific and include information such as :

- The names of any person or organization with which you have a relationship
- The nature of your relationship with the person or organization
- The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a Councillor.

DEALING WITH LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.17 of Council’s Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances

IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?

If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).

ACTION PROPOSED

Tick one box only

In my opinion, **my interest is pecuniary** and I am therefore required to take the actions specified in Section 451(2) of the *Local Government Act 1993* and or any other action required by the Chief Executive Officer.

In my opinion, **my interest is non-pecuniary but significant**. I am unable to remove the source of conflict. I am therefore required to treat the interest as if I t were pecuniary and take the actions specified in Section 451 (2) of the *Local Government Act 1993*.

In my opinion, **my interest is non-pecuniary and less than significant**. I therefore make this declaration as I am required to do pursuant to clause 4.12 of Council's Code of Conduct. However, I intend to continue to be involved with the matter.

MEMBER OF COUNCIL STAFF

I, _____ (name) disclose the above interest. I acknowledge that I will take appropriate action as I have indicated above.

Signed: _____ Dated: _____ / _____ / _____

MAYOR (for a declaration made by Chief Executive Officer only)

I have noted the above declaration and I note your opinion and/or the action you have proposed.

Signed: _____ Dated: _____ / _____ / _____

CHIEF EXECUTIVE OFFICER (required for all declarations except that made by the CEO)

I have noted the above declaration and I note your opinion and/or the action you have proposed.

Signed: _____ Dated: _____ / _____ / _____

COMMENTS / RECOMMENDATIONS - Comments and/or recommendations from the relevant director or Chief Executive Officer (where the director or Chief Executive Officer does not concur with the opinion and/or proposed action of the member of Council staff).

DECLARATION OF INTEREST FORM

MEMBER OF COUNCIL STAFF

NAME OF MEMBER OF COUNCIL STAFF
DECLARING INTEREST:



DEFINITION

A PECUNIARY INTEREST:

Is an interest that the member of Council staff has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see section 442 of the *Local Government Act 1993*)?

A NON-PECUNIARY INTEREST:

Is a private or personal interest that does not amount to pecuniary interest as defined by the *Local Government Act 1993*

DEALING WITH PECUNIARY INTERESTS:

Section 459 of the *Local Government Act 1993* requires designated persons immediately declare in writing to the Chief Executive Officer the nature of a pecuniary interest the person has in any Council matters

DEALING WITH SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.16 of Council's Code of Conduct provides that you must manage a significant non-pecuniary interest by either removing the source of conflict or otherwise by dealing with it the same way as you would if it were a pecuniary interest in accordance with section 451(2) of the *Local Government Act 1993*.

DEALING WITH NON-PECUNIARY INTERESTS:

Clause 4.14 of Council's Code of Conduct states:

“How you manage a non-pecuniary interest will depend on whether or not it is significant.”

Clause 4.15 of Council's Code of Conduct states:

“As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:

- a) a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de factor or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong

DEFINE YOUR INTEREST:

Is your interest:

Pecuniary (see dealing with pecuniary interests)?

Non-pecuniary (see dealing with non-pecuniary interests)?

MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details including item number on Council agenda or in TRIM if applicable)

NATURE OF THE INTEREST

Be specific and include information such as :

- The names of any person or organization with which you have a relationship
- The nature of your relationship with the person or organization
- The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your interest as a member of Council Staff.

DEALING WITH LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.17 of Council's Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances

IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?

If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).

ACTION PROPOSED

Tick one box only

In my opinion, **my interest is pecuniary** and I am therefore required to take the actions specified in Section 451(2) of the *Local Government Act 1993* and or any other action required by the Chief Executive Officer.

In my opinion, **my interest is non-pecuniary but significant**. I am unable to remove the source of conflict. I am therefore required to treat the interest as if I were pecuniary and take the actions specified in Section 451 (2) of the *Local Government Act 1993*.

In my opinion, **my interest is non-pecuniary and less than significant**. I therefore make this declaration as I am required to do pursuant to clause 4.12 of Council's Code of Conduct. However, I intend to continue to be involved with the matter.

MEMBER OF COUNCIL COMMITTEE

I, _____ (name) am a member of the

_____ (name of Committee)

I wish to disclose the above interest. I acknowledge that I will take appropriate action as I have indicated above.

Signed: _____ Dated: ____/____/____

CHIEF EXECUTIVE OFFICER (required for all declarations made by Council Committee members)

I have noted the above declaration and I note your opinion and/or the action you have proposed.

Signed: _____ Dated: ____/____/____

Please note: A copy of this Declaration will be entered into Council's Declaration of Interests Register.

DECLARATION OF INTEREST FORM

**MEMBER OF COUNCIL
COMMITTEE**

NAME OF MEMBER OF COUNCIL COMMITTEE

DECLARING INTEREST:

**LIVERPOOL
CITY
COUNCIL** 

DEFINITION

A PECUNIARY INTEREST:

Is an interest that the member of a Council Committee has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see section 442 of the *Local Government Act 1993*)?

A NON-PECUNIARY INTEREST:

Is a private or personal interest that does not amount to pecuniary interest as defined by the *Local Government Act 1993*

DEALING WITH PECUNIARY INTERESTS:

Section 451 of the *Local Government Act 1993* requires Committee members to disclose a pecuniary interest, the nature of a pecuniary interest, leave the Committee meeting, and not participate in discussions or voting on the matter involving the pecuniary interest. (See also Clause 4.7(b) of the Code of Conduct.)

DEALING WITH SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.16 of Council’s Code of Conduct provides that you must manage a significant non-pecuniary interest by either removing the source of conflict or otherwise by dealing with it the same way as you would if it were a pecuniary interest in accordance with section 451(2) of the *Local Government Act 1993*.

DEALING WITH NON-PECUNIARY INTERESTS:

Clause 4.14 of Council’s Code of Conduct states:

“How you manage a non-pecuniary interest will depend on whether or not it is significant.”

Clause 4.15 of Council’s Code of Conduct states:

“As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:

- a) a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse, current or former spouse or partner, de factor or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong

DEFINE YOUR INTEREST:

Is your interest:

Pecuniary (see dealing with pecuniary interests)?

Non-pecuniary (see dealing with non-pecuniary interests)?

MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details, including the item number on the Council Committee business paper.)

NATURE OF THE INTEREST

Be specific and include information such as :

- The names of any person or organization with which you have a relationship
- The nature of your relationship with the person or organization
- The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your interest as a member of a Council Committee.

DEALING WITH LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:

Clause 4.17 of Council’s Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances

IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?

If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).
