STILTON PARISH COUNCIL

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Declaration of Interest Procedure

Introduction

This procedure outlines the steps that should be followed by the Parish Council when a Councillor declares a disclosable pecuniary interest (DPI) or other relevant interest as required under the Localism Act 2011 and the Council's Code of Conduct.

Legal Background

Under the Localism Act 2011:

- A Councillor must declare any disclosable pecuniary interest (DPI) in matters being considered at a meeting.
- After declaring a DPI, a Councillor must not participate in discussions or vote on the matter and must leave the room for that item, unless they have been granted a valid dispensation, as outlined in the Parish Council's Code of Conduct.
- Failure to comply with these requirements is a potential criminal offence and a breach of the Council's Code of Conduct.

Procedure Steps

Step 1: Declaration of Interest

- When a Councillor declares a DPI or another interest that prevents them from participating in the discussion or voting, the Clerk must ensure that the declaration is recorded in the minutes.
- The Councillor will be reminded by the Chairman of their obligation to leave the room during the consideration of the relevant agenda item unless a dispensation has been granted
- If a Councillor is providing information on an agenda point, this is presented and when completed, the Councillor then leaves the meeting to allow the discussion part of the agenda point to take place.

Step 2: Request for the Councillor to Leave

- The Chair of the meeting should politely but firmly request that the Councillor leaves the room during the discussion of the item in question.
- The Chair should explain that this is a legal requirement and necessary to maintain the integrity and transparency of the Council's decision-making process.

Step 3: Refusal to Leave

- If the Councillor refuses to leave, the Chair should:
    1. **Pause the meeting** to remind the Councillor that failure to comply with the legal requirement to leave the room is a breach of the Localism Act 2011 and may result in legal action.
    2. Inform the Councillor that continued refusal to leave the meeting may be reported as a potential breach of the Code of Conduct, which could result in an investigation by the Monitoring Officer.

Step 4: Suspension of the Meeting

- If the Councillor continues to refuse to leave, the Chair has the authority to **suspend the meeting temporarily** until the issue is resolved.
- The Chair should seek advice from the Parish Clerk if needed during this suspension.

Step 5: Resumption of the Meeting

- Once the Councillor has left, the Chair should resume the meeting and ensure the discussion of the agenda item proceeds in their absence.

Step 6: Reporting the Breach

If the Councillor has participated in the meeting despite declaring an interest:

1. The Parish Clerk should record the Councillor's refusal to leave in the minutes.
2. The incident should be reported to the Monitoring Officer at Huntingdonshire District Council for investigation of a possible breach of the Code of Conduct.
3. The Monitoring Officer may consider further action.

Step 7: Potential Criminal Consequences

- The Parish Council should inform the Councillor that refusal to follow the rules regarding DPIs could result in:
  - A criminal investigation and prosecution under Section 34 of the Localism Act 2011.
  - Penalties, including a fine or disqualification from office, if found guilty.

Policy Review

Reviewed: 12 May 2026
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