

DUAL-HATTED MEMBERS Factsheet

A. What is a dual-hatted member? Dual-hatted members are Councillors who serve on two or more authorities; for instance, a Member who is both a Borough and Parish Councillor.

B. Will I always have an interest or be conflicted in other ways because of my membership of another authority/body, particularly if I have considered the matter at a meeting of the other authority/body? No – although you will not automatically have an interest or be conflicted (through predetermination or bias) in an item under discussion at Borough Council level, you should always consider whether you have an interest which affects you to a greater extent than Council Tax payers etc and whether a reasonable member of the public, with knowledge of the relevant facts, would believe that your ability to judge the public interest would be impaired.

C. When will my membership of another authority/body give rise to a prejudicial interest? If *all* of the following conditions are met:

- the matter being discussed, affects the other authority's/body's financial position; and
- your interest affects you to a greater extent than Council Tax payers etc; and
- a reasonable member of the public with knowledge of the relevant facts, would believe that your ability to judge the public interest would be impaired.

Note: A regulatory application, including a matter of consent or approval, licence, permission or registration made by the other authority/body, is considered to have an impact upon the financial interests of that authority/body.

D. When will my membership of another authority/body give rise to a disclosable pecuniary interest? Where for example, you are employed by the other authority as a parish clerk.

E. Can I participate in the discussion and vote on an item in which I have a prejudicial or disclosable pecuniary interest? Only if you have been granted a dispensation to speak or to speak and vote. Otherwise, you must withdraw from the meeting room during the debate and vote on the item.

Remember to declare at the beginning of the meeting, or as soon as you become aware of the interest, the existence and nature of the interest and how the business under consideration relates to your membership of the other authority/body.

F. Do I need to consider whether my membership of another authority/body raises other conflicts? Yes – although you may not have a prejudicial or disclosable pecuniary interest, you may be conflicted because of actual or perceived predetermination or bias.

G. Can I represent my constituents if I have a prejudicial or disclosable pecuniary interest or if I am conflicted in other ways? Yes, by:

- making written representations - these should be addressed to officers;
- arranging for another Member to represent the views of your constituents.

H. Which Code applies if I am on more than one authority or if I represent the Borough Council on another authority? You must abide by the code of conduct that applies to the authority whose business you are carrying out at the time. So for example, if you are a Borough Councillor and also a Kent County Councillor, you will be bound by the County Council's code of conduct when carrying out County Council business.

If you represent the Borough Council on any other body, you must comply with the Borough Council's Code of Conduct – except where it conflicts with any other legal obligations by which the other body is bound. You should seek legal advice if you consider that the provisions of the Borough Council's Code of Conduct conflict with other legal obligations. These circumstances will not arise very often.

I. If I serve on more than one authority, do I need to register my interests for each authority?
Yes.

J. Find out more - The Probity in Planning Protocol and the Probity in Licensing Protocol offer further guidance. Advice or clarification can be sought from the Monitoring Officer or the Head of Legal Services.