

# Dual-hatted members and the Code of Conduct

## What is a dual-hatted member?

Dual-hatted members are members who serve on two or more relevant authorities; for instance, a member who is both a district and parish council member.

## When should a dual-hatted member declare an interest?

If a dual-hatted member is taking part in a council meeting and an issue is under discussion which affects that member's other authority, then provided that they do not have a prejudicial interest, under paragraph 9(2) of the Code of Conduct the dual-hatted member only needs to declare a personal interest if they intend to speak on the matter involving the other authority. If the member does speak on the matter then they must declare a personal interest, but they are still able to vote.

Members must consider carefully, however, if the nature of the matter under discussion means that their membership of another authority may also give rise to a prejudicial interest.

For dual-hatted members who would not otherwise have a prejudicial interest for any other reason, a prejudicial interest will arise as a result of membership of the other authority if all of the following conditions are met:

- the matter affects the other authority's financial position or is about a licensing or regulatory matter applied for by the other authority
- the matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c) of the Code
- a reasonable member of the public with knowledge of the relevant facts would believe that the member's ability to judge the public interest would be impaired

Standards for England takes the view that where a regulatory application, including a matter of consent or approval, is made by a body on a member's register of interests, or a matter is discussed that would impact upon the financial interests of a body on a member's register of interests, then a prejudicial interest will arise. For example if a parish council planning application was being considered at a district council meeting, a member of the planning committee who is also a parish council member would need to declare a personal and prejudicial interest when that matter is considered, leave the chamber and not vote.

## Predetermination and dual-hatted members

A dual-hatted member does not automatically have an interest in an item just by virtue of having considered the issue at the meeting of a different authority. If the issue does not meet the normal criteria for needing to declare a personal interest, then an interest does not need to be declared. However, the issue of predetermination or bias may need to be considered where members sit on different bodies determining matters. Further information on this can be found here.