



# MIAA 2024/25 Checklist Series – Local Authority - Conflicts of Interest


September 2024

As custodians of taxpayer money, local authorities have a duty to the public to ensure that decisions involving council funds are not influenced by outside interests or expectations of private gain. Due to the complexity of local government, conflicts are inevitable and so it is important that they are managed effectively and presented with transparency to the taxpayer.

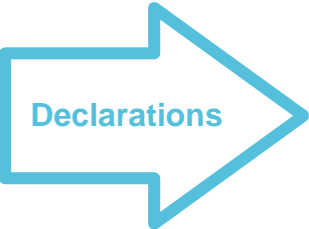
The Localism Act 2011 places requirements on monitoring officers with regards the registering of members and co-opted members interests.

MIAA has developed the checklist below to support local authorities in reviewing their conflicts of interest arrangements.


## Conflict of Interest Checklist

	Areas to consider	Organisation's Response
 <b>Governance Arrangements</b>	<b>Governance Arrangements</b>	
	Do you have a written code of conduct for managing councillor conflicts of interest which has been appropriately approved and communicated?	
	Do you have a written policy for managing employee conflicts of interest which has been appropriately approved and communicated? Does the policy set out roles and responsibilities, processes to be followed and consequences of non-compliance?	
	Do you have a written policy for managing gifts and hospitality which has been appropriately approved and communicated?	
	Do you have a written policy for bribery and corruption which has been appropriately approved and communicated?	

Areas to consider		Organisation's Response
	Have you identified a team or individuals to keep these documents under review, ensuring they are in line with national guidance; providing advice, training and support on how interests should be managed; maintaining register(s) of interests etc?	
	Have you considered conflicts of interest when appointing members of committees, senior employees and other staff in advisory roles?	
	Do you require all officers to declare any interest during the recruitment process?	
	Do you require senior employees and other staff in advisory roles to declare secondary employment?	
	Do you provide training to officers and Committee chairpersons on how conflicts of interests should be managed?	


	Areas to consider	Organisation's Response
	<b>Declarations of Interest and Gifts &amp; Hospitality</b>	
	Do you require declarations to be made (including material interests, non-pecuniary interests e.g. unpaid directorships and/or a role of a public nature that seeks to influence opinion or public policy, second jobs etc...) at the earliest convenience and within 28 days via a positive declaration (for councillors this should be 28 days post-election)?	
	Do you require councillors to update their declaration for any significant changes at the earliest convenience and at least within 28 days?	
	Do you require councillors to register with the monitoring officer gifts or hospitality with an estimated value of at least £50 within 28 days of its receipt? (As per to model councillor code of conduct)	
	Do you require staff in advisory/decision making roles to update their declaration of interests or make a nil return at least annually? Have you defined which roles are advisory/decision making and therefore are required to complete a declaration of interests form?	
	Are declarations of interest a standing item on meeting agendas and does the chair of meetings have access to a declarations of interest checklist?	

Areas to consider		Organisation's Response
	If any conflicts of interests declared do minutes of meetings set out how this was handled?	
	Do you have a process for ensuring that staff in advisory/decision making roles who change roles during the year are required to complete a new declaration as part of the changeover or promotion?	


Areas to consider		Organisation's Response
	<b>Register of Interests, Gifts and Hospitality</b>	
	Has a team or individuals been assigned responsibility for maintaining the registers of interests, gifts and hospitality?	
	Has this been clearly communicated across the local authority?	
	Do you have an annual process in place to confirm that all registers of interests are accurate and up to date, including nil returns where there is no change in interests?	
	Have you established and regularly maintain a register of interests of members and co-opted members of the authority as required by the Localism Act 2011?	

Areas to consider		Organisation's Response
	Are declarations of interest forms reviewed for any potential issues and action taken where appropriate?	
	Do you retain interests on the register in line with local policy/guidance on records retention?	
	<p>Do you ensure a copy of the members/co-opted members register of interest is:</p> <ol style="list-style-type: none"> <li>1) Available for inspection at a place in the authority's area at all reasonable hours?</li> <li>2) Published on the authority's website?</li> </ol> <p>(Requirements of the Localism Act 2011)</p>	
	<p>Do you maintain registers of gifts and hospitality including the following details as a minimum?</p> <ul style="list-style-type: none"> <li>• Recipients Name</li> <li>• Current position held by the individual</li> <li>• Date of offer and/or receipt</li> <li>• Details of the gift or hospitality</li> <li>• Estimated Value of the gift or hospitality (including cumulative total where appropriate)</li> <li>• Details of the supplier / offer (e.g. the name and nature of their business)</li> </ul>	

Areas to consider		Organisation's Response
	<ul style="list-style-type: none"> <li>Whether the gift or hospitality was accepted or declined and rationale.</li> </ul>	
	Are the registers of gifts and hospitality reviewed by a senior officer?	
	Do you publish at least annually the councillor register of gifts and hospitality on the council's website?	

Areas to consider		Organisation's Response
	<b>Decision Making Processes and Contract Monitoring</b>	
	Do you have a mechanism, such as a Procurement Policy, in place to require bidders/potential contractors to declare any interests as part of the bidding process?	
	Do you have processes to confirm that conflicts of interests are managed appropriately during contract monitoring processes and how non-compliance with policies and procedures will be addressed?	
	Are conflicts of interest in relation to procurement decision summarised and include details as to how they were managed?	

Areas to consider		Organisation's Response
	Do procurement waiver forms include declaration of interest?	
	Do you maintain procurement decisions registers which are readily available on the council website?	

Areas to consider		Organisation's Response
	<b>Identifying &amp; Managing Non-Compliance</b>	
	Have you developed a clear process for reporting and managing breaches that is detailed in relevant policies/code of conduct etc...?	
	Has a team or individual been selected to be notified of breaches and is there clarity on how individuals should raise concerns?	
	Following an identified breach are defined processes in place outlining what action should be taken? Is compliance with this process monitored?	