

North Yorkshire Council

Standards and Governance Committee

15 September 2023

Declaration of Interests

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To respond to a question raised by the Standards and Governance Committee as to whether membership of a masonic lodge would need to be registered under the Code of Conduct and declared at meetings.

2.0 BACKGROUND

- 2.1 The Standards and Governance Committee asked that the Monitoring Officer provide guidance as to whether being a member of any masonic lodge would be an interest that needs to be registered and declared when it relates to an item of business under consideration at a meeting.
- 2.2 In line with the Local Government Association's Model Code of Conduct, North Yorkshire Council's Code of Conduct makes provision for three types of interest being: Disclosable Pecuniary Interests; Other Registrable Interests; and Non-registrable Interests.
- 2.3 Membership of any masonic lodge is not a Disclosable Pecuniary Interest under the relevant regulations and code. In so far as whether it is an Other Registrable Interest then North Yorkshire Council's Code of Conduct provides that:-

"The interests other than disclosable pecuniary interests which are required by the Council in its adopted Code of Conduct to be registered in the Register of Members' Interests are:-

1. Unpaid directorships

2. Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

3. Any body:-

i. exercising functions of a public nature

ii. directed to charitable purposes or

iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association) of which you are a member or in a position of general control or management

of which you are a member or in a position of general control or management."

3.0 GUIDANCE

3.1 Under the Council's Code of Conduct, councillors are therefore required to register membership of a masonic lodge if it is a body that has "charitable purposes."

3.2 In terms of the act of registering interests then the Council's code states,
"Disclosure of Other Registrable Interests on taking office

(1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 [Other Registrable Interests] which you have at the time when the notification is given. This relates only to your own interests.

(2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 [Other Registrable Interests] not entered in the Council's register when the notification is given.

(3) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 [Other Registrable Interests] or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer."

3.3 In so far as declaring the interest then the Code of Conduct explains that,

"(1) Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest to the meeting.

(2) You may speak on the matter only if members of the public are also allowed to speak on it but otherwise must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it."

3.4 The former Standards Board for England archived case review number 10 contains the following reference:-

Q63: Is membership of the Freemasons included?

Some but not all Masonic organisations are registered charities with the Charity Commission. Membership of those that are registered clearly falls within the scope of this provision.

However, the reference to any body "directed to charitable purposes" was clearly intended to also cover organisations not falling within the legal definition of a charity. Although ultimately a member must judge the matter for themselves, Standards for England believes that many Masonic organisations will fall within the scope of this provision.

This is reinforced by the United Grand Lodge of England's description of Freemasonry as "...the UK's largest secular, fraternal and charitable organisation".

In the case of R (on the application of Port Regis School Ltd) v North Dorset District Council and another [2006] EWHC 742 (Admin), the judge considered a case about two councillors who were masons. They had been involved in making a decision about a planning application which was submitted by another mason's lodge to which they did not belong. The members had not declared prejudicial interests when the matter came before the committee.

The judge said:

“I have concluded that ... freemasonry does not require a freemason, when in local government, to be partial to any other freemason or to the interests of freemasonry. I have concluded that freemasonry, by the standards it requires, underpins the requirements of impartiality and fairness set by the law, for example, by requiring observance of the law of the land and that others be treated equally, and that a mason ‘...be exemplary in the discharge of [his] civil duties...’

“I have concluded that, in the circumstances of this case, membership by the two councillors of the general body of freemasonry does not give rise to apparent bias in connection with the decision of the full Council... and the application for judicial review is dismissed.”

4.0 RECOMMENDATION

4.1 That the Committee notes the guidance relating to registration and declaration of interests.

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.