

**TAVISTOCK TOWN COUNCIL
BUDGET AND POLICY COMMITTEE
TUESDAY 26th MAY 2026**

**BRIEFING NOTE
COMMERCIAL & RELATED TYPE CONFLICTS OF INTEREST**

1. BACKGROUND

- 1.1 The Committee will be aware that, in general terms, matters such as conflicts of interest for elected Members are addressed through the standards regime as introduced by the Localism Act 2011. That includes, amongst others mandatory declarations of certain types of interest, together with requirements attaching to a local Code of Conduct.
- 1.2 In general terms there are prescribed circumstances in which an affected Member may stay and participate, or be required to leave the room during deliberations. In some circumstances the Authority can grant dispensations, in others such as for those serving on two or more local authorities they may be more general.
- 1.3 For the category of interests arising under the Code it is the responsibility of the Member to decide if they have an interest.

2. ISSUES & OPTIONS

- 2.1 However, in practice the statutory Standards regime itself may not cover all circumstances where Members are conflicted and there are areas where the courts can also intervene (including but not necessarily limited to actual, presumed or apparent bias).
- 2.2 There are also those circumstances where what might otherwise be classed as a commercial or equivalent conflict of interest arises between two local authorities upon both of which a Member may serve. Examples¹ might include:
 - a) Where both authorities are independently bidding or otherwise separately engaged in a contract or other arrangement for goods, services or land etc, and knowledge of the commercially sensitive and/or confidential negotiating position of one, other or both can potentially compromise the Member and/or the public interest;
 - b) Where there are or may be proceedings, including but not limited to those arising under a landlord tenant relationship as between the parties, and knowledge of the privileged legal or

¹ Note: the list is not intended to be exhaustive

other advice being given to one, other or both parties can compromise the position of one or both and/or the public interest/purse.

- 2.3 This class of conflict of interests both of a 'commercial' type, and other interests as between authorities are most likely to arise, although not exclusively, in circumstances where the conflicted Member occupies a remunerated office of general management or control or equivalent in one or other of the organisations. In such circumstances it is possible that the interest both falls both within and/or beyond² the disclosable pecuniary interest obligations of the Code.
- 2.4 In the case of Tavistock Town Council that might most likely arise in circumstances of a Town Councillor also serving on the Hub Committee (de facto Cabinet) of West Devon Borough Council³.
- 2.5 To be clear this is not to infer that such a Member would wilfully or even knowingly act prejudicially in such a situation. But it is to recognise that, when serving in each role respectively, the Member has an obligation to act in the interests of that particular organisation which, at best, may not be possible – at worst may be prejudicial. Put simply one cannot unknow what one knows and therefore cannot demonstrate probity, especially when what one knows is not and cannot be in the public domain because it is legally privileged/commercially sensitive etc.
- 2.6 Accordingly in the past arrangements were put in place to protect the interests of the Council when the Mayor and Leader of the Borough were considered to be conflicted. More recently this situation was acknowledged by this Committee again last year when it was agreed at the June Meeting:

as both the Chairman and Vice Chairman of the Committee were also Members of West Devon Borough Council, it was agreed that should a conflict of interest arise in the future, on any matter concerning the Borough Council, both parties would be asked to leave the Meeting, and a temporary Chairman would be appointed to continue.

- 2.7 Turning now to the 2026-2027 Civic Year:
- a) Two Members of the Town Council serve on the Hub Committee of West Devon Borough Council - Councillors Ewings (Leader WDBC) and Councillor Moody (Deputy Mayor Tavistock Town Council);
 - b) The Mayor of the Town Council also serves on the Borough Council and does not occupy such a position on the Hub Committee but does Chair its Audit and Governance Committee.

² Ie other legal remedies than the Code alone potentially being available.

³ Note: the Town Council does not currently have any 'twin hatters' also serving on the County Council

- 2.8 Therefore with the main office holders of the Town Council, and the Leader of the Borough Council potentially affected, it may be prudent to seek consensus on how best to take matters forward in advance of any issue(s) which might, or might not, arise.

3. CONCLUSION

- 3.1 There is an understandable tension between the legitimate expectations of a Member/operation of the standards regime and the application of their need to know etc on the one hand, with transparency/integrity and (sometimes) the public interest on the other.
- 3.2 In the circumstances it is suggested that the presumption should generally be in favour of all Member involvement. But that in the interests of probity, and as previously, a voluntary undertaking be sought from those who hold office on the Borough Council (most especially Hub Members for the reasons listed above) and also serve on the Town Council, that they would not participate in any discussion or debate and withdraw from the meeting in any situation where a material conflict of interest – commercial or other, might arise. Most especially, in those circumstances where the Council receives legal or other professional advice that such involvement was potentially contrary and/or prejudicial to the principles applying to commercial, sensitive, confidential matters/information as might arise between the respective authorities. This is in addition to any declarable prejudicial interest the Member themselves may assess as arising under the Code of Conduct itself.
- 3.3 It should be noted that, at the time of writing, there were no 'non-office' holders on the Borough who also served on both Councils. However it is acknowledged that, in such circumstances, a prejudicial conflict of interest, albeit perhaps of a different order might still arise.
- 3.4 The foregoing are without prejudice to other provisions/requirements applying to elected Members in relation to, for example, treatment of confidential and/or sensitive information, predetermination etc.

4. RECOMMENDATION

- 4.1 the Committee and Council
- i) invite the office holders as listed in para 2.7(a);
 - ii) and consider whether to include 2.7(b) and any other 'twin hatters' should future Membership change given they do not hold an equivalent position on the Borough Council;

to agree to proceed along the lines as set out in para 3.2 above in the interests of probity, transparency and the public interest.

- 4.2 Furthermore, in the event that an issue of such a type arises which would otherwise normally be subject to consultation with the Mayor and Deputy Mayor, that in those circumstances such consultation take place instead with the most recent former Mayors who do not also serve on West Devon Borough Council, namely Councillors S Hipsey and P Ward, with Councillor A Hutton designated reserve.
- 4.3 The instructions of the Committee and Council are sought.

**CARL HEARN
TOWN CLERK
TAVISTOCK TOWN COUNCIL
MAY 2026**