

# Broads Authority

15 May 2026

Agenda item number 19

## Proposed amendment to Member Code of Conduct - interests of Navigation Committee members

Report by Monitoring Officer and Head of Governance

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### Purpose

To consider amendments to the member Code of Conduct relating to declarations of interests and dispensations for members of the Navigation Committee.

### Recommended decision

To approve:

- i. That the Member Code of Conduct be amended by the addition of the words “For members of the Navigation Committee only, consultation on navigation matters other than the level of navigation tolls, irrespective of the nature and extent of the interest” to paragraph 9 of Appendix B of the Code.
  - ii. The addition of an explanatory note in Appendix B to provide clarity to the wording “financial interest and wellbeing”.
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# 1. Introduction

- 1.1. The Broads Authority is a Relevant Authority under section 27 of the Localism Act 2011. As such, it must adopt a code of conduct reflecting the Nolan principles governing the conduct of its members and setting out rules relating to the declaration of interests and the participation in decision making of those with such interests.
- 1.2. The Authority’s current code is taken from a national model code provided by the Local Government Association (LGA), though the Authority may and has departed from the LGA Model Code to suit its own particular circumstances.
- 1.3. One of those particular circumstances is that under sections 9 of the Norfolk and Suffolk Boards Act 1988, the Authority must establish a Navigation Committee of 13 members of whom 5 are members of the Authority and 8 are not. Those 8 persons are appointed by the Authority after consultation with bodies appearing to the Authority to represent a range of uses and interests in relation to the navigation waters of the Broads.
- 1.4. The Authority must consult the Navigation Committee before determining the level of navigation tolls or charges and on the preparation of the annual budget, including in particular any income or expenditure attributable to the navigation area.
- 1.5. The Authority also consults the Navigation Committee on a range of other issues which may significantly affect the use or enjoyment of the whole or any part of the navigation area and applications for planning permission for developments likely to significantly affect navigation. In so doing, the Navigation Committee is acting in a consultative capacity rather than deciding an issue itself.
- 1.6. Given that the purpose of the Navigation Committee is to enable the Authority to consult persons with particular interests in navigation, it is appropriate to facilitate the participation of Committee members in providing advice to the Authority whilst ensuring transparency as to the interests held by those persons.
- 1.7. This report proposes a change to the Member Code of Conduct to achieve the above.

# 2. Current member interest requirements

- 2.1. Paragraph 9 of the Code of Conduct requires that members (including appointed members of the Navigation Committee) register and disclose interests. Table 1 sets out disclosable pecuniary interests (DPIs) which must by law be registered and disclosed. Appendix B sets detailed provisions on registering and disclosing interests. Interests fall into the following categories:-

Interest type	Summary of interest	Requirement
DPI	Table 1 interests – includes member and member’s	Must be declared. Cannot speak or vote or remain in

Interest type	Summary of interest	Requirement
	partner's employment or property ownership	the room without a dispensation.
<b>Other Registrable Interest (ORIs)</b>	Table 2 - Unpaid directorships, bodies to which the member is appointed by the Authority, positions of control or management in other public, charitable or lobbying organisations.	Must disclose if matter directly relates to financial interest or wellbeing of ORI. Can remain and speak only if public can do so. Otherwise, cannot speak or vote or remain in the room without a dispensation.
<b>Non-Registrable Interest (NRI) - para 6</b>	Matter <b>directly relates</b> to members' financial interest or wellbeing or that of a relative or close associate	Must disclose. Can remain and speak only if public can do so. Otherwise, cannot speak or vote or remain in the room without a dispensation
<b>NRI – para 7</b>	Matter <b>affects</b> own financial interest or wellbeing, relative, close associate or ORI body	Must disclose. Can remain and speak.
<b>NRI – para 8</b>	Matter <b>affects</b> own financial interest or wellbeing, relative, close associate or ORI body:-  (a) to greater extent than affects financial interests of majority of inhabitants of BA area, and  (b) reasonable member of public knowing all facts would believe that would affect view of wider public interest	Must disclose. Can remain and speak only if public can do so. Otherwise, cannot speak or vote or remain in the room without a dispensation

2.2. Paragraph 9 of Appendix B of the Code provides a permanent dispensation for Navigation Committee members to enable them to declare, speak and vote on consultation on the level of navigation tolls where the extent of their interest is limited to (a) a liability to pay a navigation toll or (b) the holding of any employment, office,

trade, profession or vocation carried on for profit or gain in an entity liable to pay a navigation toll.

- 2.3. The purpose of the above is to enable Navigation Committee members who either pay a navigation toll themselves or own, run or manage a hire boat operator to nonetheless speak and vote on toll setting consultation.
- 2.4. Some Navigation Committee members have applied and been granted dispensations by the Monitoring Officer to participate in consultations on wider navigation matters, such as on pilotage or weed cutting.
- 2.5. It is proposed to avoid the need for requests for such specific dispensations in the future by extending the scope of paragraph 9 of Appendix B of the Code to consultation on any navigation matter, as follows (additional wording in bold):-

*“For the following interests, once you have made a declaration you may nonetheless attend a meeting and vote:*

- *Setting of navigation tolls, where the extent of the interest is limited to a liability to pay a navigation toll by reason of owning one or more private vessels.*
- *For members of the Navigation Committee only, consultation on the level of navigation tolls where the extent of the interest is limited to:*
  - a. *a liability to pay a navigation toll or*
  - b. *the holding of any employment, office, profession or vocation carried on for profit or gain in an entity liable to pay a navigation toll*
- ***For Members of the Navigation Committee only, consultation on navigation matters other than the level of navigation tolls, irrespective of the nature and extent of the interest, at meetings of the Navigation Committee.***
- *An allowance, payment or indemnity given to members”.*

### 3. Providing context to wording in the Code of Conduct

- 3.1. At the meeting of the Standards Committee on 19 March 2026, a Member queried the wording in Appendix B in the Code of Conduct and asked for an explanatory note be added to define “financial interest or wellbeing” in the context of the Code.
- 3.2. It was agreed that more practical advice could be provided to Members to clarify this in future Code of Conduct training and an explanatory note could be added to the Code of Conduct. The LGA has provided guidance on its model code and in particular on ORI and NRIs. This guidance is set out in full in Appendix 2 to this report for ease of reference.
- 3.3. That guidance includes the following:-

***What does “affecting well-being” mean?***

*The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.*

- 3.4. It is therefore proposed that the explanatory note should consist of the wording from the LGA’s guidance on the model code and as set out in the tracked changes in Appendix 1 to this report.

## **4. Financial implications**

- 4.1. There are no specific financial implications.

## **5. Risk implications**

- 5.1. There are no specific risk implications.

## **6. Conclusion**

- 6.1. The report sets out an additional dispensation widening the ability of members of the Navigation Committee to contribute to consultations on navigation matters, notwithstanding interests they may hold.
- 6.2. A report was presented to the Members of the Standards Committee on 19 March 2026 where they recommended that the Authority approve the amendment to the Member Code of Conduct with the addition of the words “For Members of the Navigation Committee only, consultation on navigation matters other than the level of navigation tolls, irrespective of the nature and extent of the interest, at meetings of the Navigation Committee” to paragraph 9 of Appendix B of the Code.
- 6.3. That Appendix B of the Code includes an explanatory footnote to define “financial interest or wellbeing” in section 5, 6 and 7 as set out in the tracked changes in Appendix 1.

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Appendix 1 – Member Code of Conduct: Appendix B – Registering interests

Appendix 2 – LGA guidance on other registrable interests

## Appendix 1 – Member Code of Conduct: Appendix B – Registering interests (with tracked changes)

You must, within 28 days of your appointment as a member or co-opted member of the Authority, register with the Authority’s Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘**sensitive interest**’ is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

### Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which **directly relates** to the financial interest or well-being<sup>1</sup> of one of your Other Registerable Interests (as set out in **Table 2**), you

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<sup>1</sup> The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied (see paragraph 8).

8. Where a matter (referred to in paragraph 7 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the Broads Authority area and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

9. For the following interests, once you have made a declaration you may nonetheless attend a meeting and vote:

- Setting of navigation tolls, where the extent of the interest is limited to a liability to pay a navigation toll by reason of owning one or more private vessels.

- For members of the Navigation Committee only, consultation on the level of navigation tolls where the extent of the interest is limited to:
  - a. a liability to pay a navigation toll or
  - b. the holding of any employment, office, trade, profession or vocation carried on for profit or gain in an entity liable to pay a navigation toll.
- For Members of the Navigation Committee only, consultation on navigation matters other than the level of navigation tolls, irrespective of the nature and extent of the interest, at meetings of the Navigation Committee.
- An allowance, payment or indemnity given to members.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the relevant authority) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Subject	Description
<b>Land and Property</b>	Any beneficial interest in land which is within the executive area of the Authority. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the executive area of the Authority for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the member's knowledge)— (a) the landlord is the Authority; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the executive area of the Authority; and (b) either— i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners have a beneficial interest

Subject	Description
	exceeds one hundredth of the total issued share capital of that class.

\*‘director’ includes a member of the committee of management of an industrial and provident society; ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

<p>You must register as an ‘Other Registerable Interest’:</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) 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 the Authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p>of which you are a member or in a position of general control or management</p>
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## Appendix 2 – LGA guidance on other registrable interests

### Other registerable interests

#### (Paras 6, 8 and 9 of Annex B)

The second category of interests are ‘other registerable interests’ or ORIs.

If you have an ‘Other Registerable Interest’ – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to the finances or wellbeing of that interest. (para 6); or
2. when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paras 8 and 9).

### **An interest ‘directly relates’ to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation**

For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation’s case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial

impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer (or clerk if you are a parish councillor).

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

## Non-registerable interest

[\(paras 7, 8 and 9 of Annex B\)](#)

The third category of interests is Non-registerable interests or NRIs.

A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

- **a.** when a matter directly relates to that interest. Or
- **b.** when a matter affects that interest to a greater extent than it affects the majority of inhabitants and
  - a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.

As with DPIs you can be granted a dispensation (see below).

### **What is the difference between 'relates to' and 'affects'?**

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

'Affects' means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

### **What does "affecting well-being" mean?**

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

### **What are the definitions of relative or close associate?**

The Code does not attempt to define "relative" or "close associate", as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (eg whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is

someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

### What if I am unaware of the interest?

You can only declare an interest in a matter if you are aware of the interest. For example, a company of which your father-in-law is a director may have made an application to the local authority. You may not be aware that he is a director, and you are not expected to have to ask about the business affairs of your relatives or acquaintances simply because you are a councillor. However, you would need to declare an interest as soon as you became aware.

A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter's address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the monitoring officer.

### Do I always have to withdraw if I have an 'other registerable interest' or a non-registerable interest to declare?

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

If the matter is an 'other registerable interest' or a non-registerable interest you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or wellbeing of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

1. Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?

For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:

2. Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (*see guidance on predetermination and bias in Part 2*) and if the answer is yes to that question then you must not take part in the meeting.

You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are discussing closure of the local authority-run home where your elderly parent lives. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your parent.

### **What does 'withdraw from the meeting' mean?**

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by time limits. However, unlike the public you would then withdraw once you had spoken.

This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a 'virtual waiting room' while the item is discussed.