

# Register of Members' Interests: Guidance notes

Relevant legislation:

The Localism Act 2011

The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

## Important notes

### **All information:**

Under the Act and the Regulations you must register **Disclosable Pecuniary Interests**. If you fail to do so, and then take part (i.e. speak or vote or both) at a Council or committee meeting, you may be committing a criminal offence. You must set these out in Appendix A of the Register of Interests.

Under the new Code of Conduct you must also register the other interests set out (in Appendix B of the Register). If you fail to do that it may be contrary to the Code, but it will **not** be a criminal offence.

You must complete the Register, sign and date it, and return it to the Monitoring Officer within **28 days** of whichever is the later of:

- your election, appointment or co-option onto the Council, or
- the date that the Council adopts the Code of Conduct (ie by 28<sup>th</sup> July 2012)

You are required to tell the Monitoring Officer of any changes to your existing interests or about any new interests within **28 days** of becoming aware of change/new interest. You must also tell the Monitoring Officer **within 28 days** of any interest disclosed at a meeting that is not already in your Register or been notified to the Monitoring Officer.

The Localism Act requires that the information that you give on this form is kept in a Register that must be:

- available for inspection by the public, and
- published on the Council's website

### Sensitive Information

Where the Monitoring Officer agrees that any information relating to your interests is '**sensitive**', then that information may be excluded from the public. Sensitive information is defined as information whose availability to the public is likely to create a serious risk that any person may be subjected to violence or intimidation.

You must notify the Monitoring Officer within 28 days of any change which means that the information is no longer sensitive.

## **Explanatory Notes to help you complete the Register**

The new rules on the Members' Code of Conduct have some similarities to the previous rules ("the 2007 Code") but it also has some important differences.

### **Similarities:**

- You still have to comply with the General Principles set by the Nolan Committee,
- You still have to register your interests with the Monitoring Officer
- The interests that you have to register are similar to those that you had to register before, but the legal description of them has changed. They are no longer 'personal' and 'prejudicial' but 'pecuniary' and 'non-pecuniary'
- The '**disclosable pecuniary interests**' ("DPI") are prescribed by the Regulations but are similar to the list of personal interests under the 2007 Code. You should state whom you work for, name anyone who sponsors you, describe the land you own or rent, any contracts you or your partner have with the Council and the name companies in which you hold shares
- You still need not register interests that are sensitive
- You are still entitled to apply for a dispensation if so many members have a DPI that it hinders the conduct of authority business or for any other reason

### **Differences:**

- There is now no model code and each authority has to adopt its own
- You now have to register the 'disclosable pecuniary interests' **that you are aware of which belong to** your:
  - Spouse
  - Civil partner, or
  - The person you live with as though you are husband and wife or civil partners.
- These people are referred to below as your "spouse or partner"
- If you participate in a meeting when you have a DPI, and have no dispensation, you may commit a criminal offence
- It is a requirement that all your registered interests, and those of your spouse or partner, be published on the Council's website as well as being available for inspection at the Council's offices.

In addition to the disclosable pecuniary interests, the Council has resolved that certain **other interests** should also be listed in the register. You need to declare these other interests but can remain in the meeting room and take part in the debate and vote. You **do not need** to include your spouse or partner's 'other interests' in Appendix B of the Register.

## **Appendix A of the Register**

## Disclosable Pecuniary Interests

**(Your interests and those interests of your partner and spouse that you are aware of)**

<b>Employment, office, trade, profession or vocation</b>	
<p>Definition in the Regulations:</p> <p>Any employment, office, trade, profession or vocation carried on for profit or gain</p>	<p>You should show every employment, office, trade, profession or vocation that is for profit or gain. Give a short description of the activity concerned, for example, "Computer Operator" or "Accountant"</p> <p>State your employer's name and address. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school's governing body.</p> <p>You <b>do not</b> need to say how much you earn.</p>
<b>Sponsorship</b>	
<p>Definition in the Regulations:</p> <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided</p>	<p>Give the names of people or bodies who have made payments to you towards your expenses as a Councillor (excluding payments made to you by the Council itself) or towards your election expenses</p>

<p>within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>	<p>within the last 12 months before the date of this notification.</p> <p>You <b>do not need</b> to give the amounts of any payments.</p> <p>This includes any payment made by your political party and agent at the election and any payment or financial benefit from a trade union.</p> <p><b>If your spouse or partner</b> is also a councillor you must include any such payments or expenses of which you are aware that s/he has received</p>
<p><b>Contracts</b></p>	
<p>Definition in the Regulations:</p> <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>	<p>You should describe all current contracts which are:</p> <ul style="list-style-type: none"> <li>• contracts for the supply of goods, services or execution of works to or for the Council or on the Council's behalf; and</li> <li>• made between your Council and yourself or</li> <li>• made between the Council and a company or firm in which you have a beneficial interest or of which you are a director or a partner or</li> <li>• made between the Council and your <b>spouse or partner</b> or a company or firm in which your spouse or partner is a director or business partner (of which you are aware)</li> <li>• and which is still operating</li> </ul> <p>You do not need to say what the financial arrangements are, but you should say how long the contract is for. Once the contract has been fully discharged it can come off the register.</p>

<b>Land</b>	
<p>Definition in the Regulations:</p> <p>Any beneficial interest in land which is within the area of the relevant authority</p>	<p>You should include any land in your Council's area in which you (or your spouse or partner) have a <b>beneficial interest</b>: i.e. land in which you have some proprietary interest for your own benefit.</p> <p>You should give the address (including postcode) or a brief description to identify it. If you live in the Council's area you should include your home under this heading (whether you occupy it as owner, occupier, lessee, licensee or tenant).</p> <p>You should also include any property from which you <b>receive</b> rent, or of which you are the mortgagee.</p> <p>"Land" includes any buildings or parts of buildings, but it does <i>not</i> include an interest such as an easement or other right over land which doesn't carry with it a right for you or your partner or spouse to occupy the land or to receive income from it. You need not register those.</p>
<b>Licences</b>	
<p>Definition in the Regulations:</p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>	<p>If you (or your spouse or partner) have a <b>licence</b> to occupy land you need only register it if the licence is for a month or longer.</p>
<b>Corporate tenancies</b>	
<p>Definition in the Regulations:</p> <p>Any tenancy where (to your knowledge):</p>	<p>You should list any tenancies of property where the <b>landlord is the Council</b> and the tenant is yourself, or a company of which you (or your spouse or partner) are</p>

<p>(a) the landlord is the relevant authority; and  (b) the tenant is a body in which the relevant person has a beneficial interest</p>	<p>a director or in whose securities you or they or have a beneficial interest</p>
<p><b>Securities</b></p>	
<p>Definition in the Regulations:</p> <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p>In this context “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.</p>	<p>You should list the names of any companies, industrial and provident societies or other corporate bodies that (to your knowledge) have land or a place of business in the Council’s area and in which you (or your spouse or partner) hold shares or other securities of over £25,000 or one hundredth of the total issued share capital.</p> <p>The <b>extent</b> of your interest or the actual <b>amount</b> of your holding <b>doesn’t need</b> to be disclosed, and you do not need to disclose money in a bank or building society account.</p>
<p><b>Appendix B of the Register</b></p> <p><b>Other interests that should be registered</b></p>	

**(relating to you only)**

Membership of certain bodies	This includes membership of bodies in which you are in a position of general control of management: <ul style="list-style-type: none"><li>• to which you were appointed or nominated by the Council to serve as the Council's own representative</li><li>• exercising functions of a public nature</li><li>• directed to charitable purposes</li><li>• whose principal purposes include influence of public opinion or policy or political parties</li></ul>
Gifts or hospitality	This relates to individual gifts or hospitality with an estimated value of £50 or more