

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

GUIDANCE TO DISTRICT AND PARISH COUNCILLORS

**REGISTERING “DISCLOSABLE PECUNIARY INTEREST” AND “OTHER INTERESTS”
FOLLOWING THE LOCALISM ACT 2011**

This guidance note is intended to give general guidance on how to complete the Register of Interests form which has been issued to all councillors and should be read in conjunction with that form. The relevant part of the form is repeated in bold below, followed by the corresponding guidance.

The Register of Interests is required so that the public know which of your interests might give rise to a conflict of interest when you are making council decisions. It assists transparency in decision making and helps to ensure that the integrity of local governance is maintained. The onus is on the individual councillor to make their own judgement about making a declaration and if in doubt they should seek advice.

Registering Interests

All councillors will be asked to update their Register of Interests on an annual basis. Any changes to interests during the year, which may include changing address or employer, must be notified to the Monitoring Officer within 28 days.

The Council's Code of Conduct contains three different categories of interests – Disclosable Pecuniary Interests (DPI); Other Registerable Interests (ORI); and Non-Registerable Interests (NRI).

For the first two categories these are interests which must be recorded on a public register except in limited circumstances. The third category do not need to be recorded on the register but will need to be declared as and when they arise i.e. at a meeting. For further information, please see below.

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.

Please see the 'Completing the Declaration form' section of this document for further information and guidance on how to correctly complete the form.

A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

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

Disclosable Pecuniary Interest (DPI)

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the 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”.

Please note you are required by law to declare Disclosable Pecuniary Interest relating to yourself and your partner. Failure to register this type of interest may result in a criminal conviction.

“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 as defined by section 30 of the Localism Act 2011.

Non-participation in case of disclosable pecuniary interest

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.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Other Registerable Interests (ORI)

Other interests are also referred to a “non-disclosable pecuniary interests” or “non-pecuniary interests”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests). These are included in the form to ensure transparency in regard to your decision-making. Please note that you must only register other interests if they relate to you. You DO NOT have to register any “other interests” relating to your partner.

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), 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 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.**

Non-Registerable Interests (NRI)

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 the financial interests or well-being of a relative or close associate, **you must disclose the interest and make a declaration at the meeting itself** (please see Table 3 for further information). 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 by the Monitoring Officer. If it is a 'sensitive interest', you do not have to disclose the nature of the interest but will still need to make a declaration of a non-registrable sensitive interest.

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 wellbeing of a body included under Other Registrable 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.

Where a matter affects the financial interest or well-being of you, a relative or close associate:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision 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.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

In relation to other interests which are not "Disclosable Pecuniary Interests" the crucial thing to consider is whether any interest has any likely or possible connection with the business of the council – i.e. if it is a body/group or organisation that operates within the parish area/district or which may apply for planning permission, a grant, a licence etc. from your council where your connection with that group or body may have an influence on how you make a decision as a councillor. If something does arise on the agenda that you have not predicted on your register of interest then you can always make a declaration at that meeting or amend your register to reflect this as and when it occurs and seek advice from the Monitoring Officer/Clerk on how to proceed in the meeting.

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
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

	You no longer need to declare any charitable activities,
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, 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 This will include election expenses if you are a member of a political party which pays these.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor 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 council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor 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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest 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 Registrable Interests

You must register as an Other Registerable Interest :

- a. any unpaid directorships
- 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 your authority
- c. 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) of which you are a member or in a position of general control or management

Table 3: Guidance on Non-registrable Interests

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 on your Declaration form 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 by the Monitoring Officer.

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.

NOT ON FORM

Declared at meetings.

Example:

Planning application by spouse

Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.

- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Guidance on Completing the Declaration of Interests Form

As a member or co-opted member you must, before the end of 28 days beginning with the day on which you became a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which you or your spouse or civil partner or equivalent have at the time when the notification is given. It is important to keep your register of interests up to date. On re-election or re-appointment as a member or co-opted member you should notify the Monitoring Officer of any disclosable pecuniary interests which you or your spouse or civil partner or equivalent have, and which you have not previously notified. You should do this before the end of 28 days beginning with the day on which you were re-elected or re-appointed. Following any disclosure of an interest not on the council's register or the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure. (A pending notification is one where the Monitoring Officer has been notified of the interest but it has not yet been entered in the register).

If you have any concerns or questions regarding your declaration of interests form, please contact the Monitoring Officer.

Sensitive Information

If you have an interest the nature of which is that you and the Monitoring Officer considers that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, then details of that interest will be excluded from the public register. Instead, the register will state that you or your spouse or civil partner or equivalent have an interest, the details of which are withheld because of this provision. Please complete the Sensitive Interests form appended to the Declaration form and the Monitoring Officer will review the request.

Whose interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, or

- those of a spouse or civil partner of the member or co-opted member
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners in each case where the member or co-opted member is aware that the other person has the interest.

FILLING IN YOUR FORM – Please refer to highlighted annotations for examples

YOUR DETAILS

I, [Name]

Write your full name.

Example: I, John Doe

IMPORTANT DECLARATION (READ ONLY)

This section explains your legal duties:

- Do not omit relevant information

- Do not provide false or misleading information

- Update changes within 28 days

Section 1 – Disclosable Pecuniary Interests

Important:

- Include your interests AND your partner/spouse's interests

- If none, write "None"

Box 1: Employment etc. You must include details of, “any employment, office, trade, profession or vocation carried on for profit or gain”.

Please ensure that:

- you include a short description of the activity concerned: for example, "IT Consultant" or "Nurse".
- you give the name of any employer, e.g. the company which pays your salary or wages.
- where an office is held, the name of the person or body who made the appointment is given.

Please note that:

- the Monitoring Officer does not consider that receiving a basic or special responsibility allowance further to council duties to be a disclosable pecuniary interest.
- there is no need to enter (as examples) “retired” or “retired nurse” – if there is nothing which applies to you or your spouse/partner under this section, please simply enter “None”.

Write job title and employer.

Example:

Councillor: Teacher – Bedford High School

Partner: Self-employed plumber

OR None

Box 2: Sponsorship

You must include details of, “any payment or provision of any other financial benefit (other than from the Council of which you are a member or co-opted member) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. (The “relevant period” being the period of twelve months ending with the day when you make a notification). This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.”

Please note:

- the time period mentioned in the section “When should the monitoring officer be notified of disclosable pecuniary interests”.
- allowances received or paid by other Council’s should be declared in this section.
- this will include election expenses paid for by a political party.

Include financial help in last 12 months (election, duties).

Example:

Labour Party – election expenses (£1,500)

GMB Union – conference costs

OR None

Box 3: Contracts

You must include details of, “any contract between you, or your spouse, civil partner or equivalent, or a body in which either of you have a beneficial interest, and the council of which you are a member or co-opted member:

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged”

1. A body in which you or your spouse, civil partner or equivalent have a beneficial interest means a firm in which you/they are a partner, or a body corporate of which you/they are a director, or in the securities of which you/they have a beneficial interest).

2. “Director” includes a member of the committee of management of an industrial and provident society.

Any contracts with the council.

Example:

Director, ABC Cleaning Ltd – council contract

OR None

Box 4: Land and Property

You must include details of, “any land which is within the area of your Council in which you or your spouse, civil partner or equivalent have a beneficial interest.”

3. Land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your spouse, civil partner or equivalent (alone or jointly with another) to occupy the land or to receive income.

Please ensure that:

- you give the address or a brief description to identify the land and property
- if you live in the area of the Council of which you are a member or co-opted member, you include your home under this heading as owner, lessee or tenant.

Please remember that:

- this provision is likely to include the address where you live.
- the requirement relates only to land in the area of the Council in respect of which you are making the notification.

List all land/property in council area.

Example:

10 High Street, Cambourne (home)

5 Orchard Close, Histon (rental)

OR None

Box 5: Licences

You must include details of, “any land which is within the area of your Council for which you or your spouse, civil partner or equivalent hold a licence (alone or jointly with others) to occupy for a month or longer.”

Please ensure that you give the address or a brief description to identify the land.

Permission to occupy land.

Example:

Allotment plot no. 12

OR None

Box 6: Corporate Tenancies

You must include details of, “any tenancy where (to your knowledge)

- the landlord is the Council of which you are a member or co-opted member and;
- the tenant is a body in which you or your spouse, civil partner or equivalent have a beneficial interest.”

Please note:

- A body in which you or your spouse, civil partner or equivalent have a beneficial interest means a firm in which you/they are a partner, or a body corporate of which you/they are a director, or in the securities of which you/they have a beneficial interest.
- “Director” includes a member of the committee of management of an industrial and provident society.

Council landlord and linked organisation.

Example:

Director, Community Hub Ltd – tenant of council premises

OR None

Box 7: Securities

You must include details of, “any beneficial interest of you or your spouse, civil partner or equivalent in securities of a body where: That body (to your knowledge) has a place of business or land in the area of the council of which you are a member or co-opted member, and either,

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- 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 you or your spouse, civil partner or equivalent have a beneficial interest exceeds one hundredth of the total issued share capital of that class.”

Please note:

- “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
- You do not have to show the extent of your interest

Shares over threshold in local companies.

Example:

Shareholder (2%) in Green Energy Ltd

OR None

Section 2 - Other Registerable Interests

Only include your interests.

In this section of the form, you are required to disclose:

Box 1: Any unpaid directorships

Director (unpaid), Village Hall Trust

OR None

Box 2: The name of 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 Council.

Trustee – Community Leisure Trust

OR None

Box 3: The name of any body (i) exercising functions of a public nature or (ii) directed towards charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Member, National Trust

Committee member, Friends of Local Park

Member, Conservative Party

OR None

Box 4: The name of any person from whom you have received a gift or hospitality with an estimated value of: (i) at least £50 in relation to a one-off transaction, or (ii) at least £100 from a single source over a period of 12 months

Dinner from XYZ Developments (£75)

Event tickets (£120)

OR None

NOTIFICATION OF A “SENSITIVE INTEREST” UNDER SECTION 32, LOCALISM 2011

An interest the nature of which is that you and the Monitoring Officer considers that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, then details of that interest will be excluded from the public register

Interest: Home address

Reason: Risk of intimidation

If you still have queries on how to complete the form please contact the Monitoring Officer on monitoring.officer@scambs.gov.uk for advice.