



## **REGISTER OF MEMBERS' INTERESTS**

**Guidance Notes for Councillors on registering interests  
under the Localism Act, the Relevant Authorities (Disclosable  
Pecuniary Interests ) Regulations and the Code of Conduct**

## INTRODUCTION

These Guidance Notes have been produced to help with the requirements in the Code of Conduct for:-

- (a) you to register your interests; and
- (b) to keep your registered interests up to date.

The headings used in these guidance notes correspond to the registration form and it is important that you read these Guidance Notes before completing your registration form.

You must register your interests under the Code within 28 days of the adoption of the Council's Code of Conduct or 28 days of your election as a Member or Co-opted member of the Council.

You must then keep your registered interests up to date by notifying the Monitoring Officer in writing of any additions or changes to those interests within 28 days of those changes occurring.

Failure to register your interests, or to keep your register entry up to date, may be a breach of the Localism Act 2011 and be subject to criminal sanctions or a breach of the Code of Conduct which may be subject to a complaint under the Council's Standards Arrangements.

## SENSITIVE INFORMATION

The Code includes provision to apply to the Monitoring Officer not to include "sensitive" information in the register of interests.

Sensitive information is *"information whose availability for inspection by the public creates, or is likely to create, a serious risk that you, or a person who lives with you may be subjected to violence or intimidation."* This could include, for example, any sensitive employment.

If you believe that any of the information you are required to register under the Code falls within this definition, and you do not wish to include it on the Register, you should provide that information to the Monitoring Officer and explain your concerns about its disclosure, including why it is likely to create a serious risk that you, or a person who lives with you, will be subjected to violence or intimidation. If the Monitoring Officer agrees, you will not need to include this information in your register entry, for so long a time as it remains "sensitive".

## FURTHER HELP

If, having read the guidance notes, you feel you need further clarification or information to assist you in completing your own registration form, please contact the Monitoring Officer.

## INTERESTS WHICH MUST BE REGISTERED UNDER THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS ) REGULATIONS

*(Note: For the purpose of this section any reference to partner includes your spouse or civil partner, a person with whom you are living as husband and wife, a person with whom you are living as civil partners.)*

### 1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION

You must enter every job you have and/or office, business, trade, profession or vocation which you or your partner carries out. You should describe your employment etc, using a short description, such as your job title (eg Administrative Officer), or the title of your trade (eg builder).

If you are employed you must give the full name of your employer or the people who have appointed you to work for them.

If you are a sole trader you must include the name of your business.

You must also enter the name of any firm(s) in which you are a partner.

You must give the **full** company name of any company or companies of which you are a **paid** Director. You must also enter these details if you are entitled to receive payment even if you do not actually receive any payment.

### 2. SPONSORSHIP

You must enter the name of any individual or organisation, including your political party or trade union, who -

- (a) made a financial contribution, whether direct or indirect, to your election campaign within the last 12 months

*(Note:*

*Direct financial contribution means payment of money directly to you for election or other expenses.*

*Indirect contributions include, for example, payment for election posters or leaflets)*

- (b) assists you with the costs of carrying out your duties as a Councillor.

You do **not** need to include details of any payments made to you by the Council or any other Local Authority of which you are a Member. This section is not applicable to your partner.

### **3. SECURITIES**

You must give the name of any person or body which, to your knowledge) has business premises in, or operates or has an interest in land (e.g. owns, leases or has a mortgage) in the Council's area, for example on which plant/equipment is located (eg, telephone boxes, electricity sub stations) **and** in which you or your partner have a beneficial interest in a class of securities that exceeds £25,000 in nominal value or 1% of the total issued share capital of the corporate body.

The nominal value of shares is the face value of those shares not their current market value which may be more or less than the face value at any given time.

The nominal value of any shares you own should be stated on the share certificate and will be specified in the memorandum of association of any Company limited by shares or by guarantee with a share capital.

#### **Definitions**

*“Body” - includes companies, building societies, industrial and provident societies, public corporations (such as the British Broadcasting Corporation) and insurance companies.*

*“Class of securities” – includes any instrument (such as a share, bond, stocks, debentures or any other rights to receive dividends or interest) that indicates some form of ownership rights or creditor relationship with a particular body.*

*“Beneficial interest” – is one where the owner of the interest is entitled to the benefit of the asset concerned. This can arise directly through the legal ownership of an asset or indirectly where the member concerned is the beneficiary of a Trust. It does not include those who hold assets under a Trust but are not beneficiaries of that Trust.*

### **4. CONTRACTS WITH THE COUNCIL**

You must give brief details of any contract which you personally or your partner have with the Council for the provision of goods or services or to carry out works, including the date of the contract.

You must also give details of any contract between the Council and any firm in which you are a partner and/or any company of which you are a paid Director.

You must also give details of any contract between your Council and any person or body in which you have registered an interest under paragraph 3 above.

Where the contract relates to use of land or a property, the land must be identified on the register.

You do **not** need to state the value of the contract or its terms.

## **5. LAND**

You must give details of any land (**including your home**) in the Council's area which you own (whether outright or subject to a mortgage) or which you rent or lease. You should also give details of any land you are entitled to the proceeds of either directly or under the terms of a Trust.

The address or other description you include in the Register must be good enough for someone not familiar with the area to identify the location (eg, you must provide the address or, for example, a map/plan identifying the land, or a map reference and/or field number if the address alone is not sufficient to identify the land).

## **6. LICENCES**

You should give the address of any land (including any house or other premises) in the Council's area which you have a licence to occupy for 28 days or more.

If there is no address you should give a description of the land as suggested in paragraph 9 (i.e. a map reference or field number). You do not need to enter here any land or property you have already registered under paragraph 5.

## **7. CORPORATE TENANCIES**

You must give the address of any land owned by the Council which is let to you, your partner or to a firm in which you are a partner or a company of which you are a paid Director or to a body you have registered in Section 3 of the form.

This includes any land owned by the Council outside its area.

## INTERESTS THAT MUST BE REGISTERED AS PERSONAL INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

### **8. BODIES TO WHICH YOU ARE APPOINTED OR NOMINATED BY YOUR COUNCIL**

You must list all of the outside bodies to which you have been appointed or nominated by the Council.

### **9. ANY BODY EXERCISING FUNCTIONS OF A PUBLIC NATURE**

You must give details of any body exercising functions of a public nature of which, in your own right, you are a member, or in which you hold a position of control or management.

*What is “a body exercising functions of a public nature”?*

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

If you answer “yes” to any one of the above questions, it is likely that the body in your case is exercising functions of a public nature and that your membership or position of control/management in it must be registered.

Examples of bodies which fall within this definition include regional and local development agencies, other government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of an authority, school governing bodies.

If you need further information or specific advice on this matter, please contact the Monitoring Officer.

## **10. ANY BODY DIRECTED TO CHARITABLE PURPOSES**

In this section, you must give details of your membership of, or any position of general control or management you hold in, any company directed to charitable purposes, including any such company limited by guarantee. You must include any company where you are a member of the Board and give details of your membership of any industrial and provident society, or any charitable organisation, including Registered Charities (either local or national).

You should note however that this provision does not require you to register all your shareholdings. Shareholdings with a nominal value of above £25,000 must be registered separately and you do not need to register any further such interests under this section. Similarly, you do not need to register the name of any building society in which you simply have investments or from whom you have borrowed money.

The Standards for England is no longer in existence. However, the advice given on charitable bodies and the Freemasons is still good advice and members are recommended to follow the guidance as good practice.

The term "*body directed to charitable purposes*" was clearly intended to cover organisations not falling within the legal definition of a charity. Any organisation directed towards charitable purposes (as that term is commonly understood) to any significant degree must therefore be registered. This could include for example, depending on the constitution, bodies such as Parent/Teacher Associations, Village Hall Management Committees etc, even though such organisations may not be formally Registered Charities.

Membership of any Freemasons' Lodge(s) must also be registered under this heading together with membership of the Freemason Grand Charity. This is because part of the Freemasons' annual subscription fee goes automatically to the Freemason Grand Charity and therefore membership of the Freemasons falls within the definition "*other body directed to charitable purposes*". This is reinforced by the United Grand Lodge of England's description of Freemasonry as "*the UK's largest secular, fraternal and charitable organisation*".

## **11. ANY BODY WHOSE PRINCIPAL PURPOSES INCLUDE THE INFLUENCE OF PUBLIC OPINION OR POLICY**

You must enter details of your membership of, or any position of general control or management you have in, any political party and/or political party councillor associations, pressure group, lobbying company or other similar organisation.



You must also give details of any trade union of which you are a member, or in which you have a position of control or management.

**12. ANY EASEMENT, SERVITUDE INTEREST OR RIGHT OVER LAND WHICH DOES NOT CARRY WITH IT THE RIGHT FOR YOU (ALONE OR JOINTLY) TO OCCUPY LAND OR RECEIVE INCOME.**

You must disclose any interest in land which does not entitle you to occupy the land or receive any income. This would include, for example, an option to purchase land.

**13. GIFTS OR HOSPITALITY RECEIVED**

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

You must also disclose the offer of gifts or hospitality that you are offered even if you do not accept it.

*Note: These Guidance notes are subject to change following the issue of guidance notes on Disclosable Pecuniary Interests by the Department of Communities and Local Government.*

*Sue Lyons  
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