

## **Register of Members' Interests: Guidance notes**

Relevant legislation:

The Localism Act 2011

The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

### **Important Notes to read before you complete your Register of Interests**

#### **Relating to all information in the Register:**

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 Part 1 of the Register of Interests.

Under the Code of Conduct you must also register **other interests** in Part 2 of the Register. These include membership of specified bodies, or other bodies or interests that might create a conflict of interest in carrying out your duties as a councillor. 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 South Hams District Council's 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

You must tell the Monitoring Officer (by completing and returning an **Amendment Form** – available from the Council's website or 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**

- Each Council has its own Code of Conduct and (as well as being a statutory requirement) the Council's Code requires Members to register 'disclosable pecuniary interests' (DPIs) and personal interests with the Monitoring Officer
- The Register is accordingly divided into two parts: Part 1 of the Register records DPIs and Part 2 registers personal interests.

### **Disclosable pecuniary interests:**

- **DPIs** are prescribed by the Regulations. You must state:
  - whom you work for,
  - the name of anyone who sponsors you in your election
  - interests in any land you own or rent or otherwise have an interest in (in the Council's area),
  - any contracts you have with the Council and
  - the name companies in which you hold shares (which has a place of business in the Council's area)
- As well as your own DPIs you must also register any DPIs **that you are aware of which belong to the person you live with**. This includes 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 of 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.
- You need not register interests that are sensitive (as agreed by the Monitoring Officer)
- You may apply for a dispensation in specified circumstances where you have a DPI – please speak to the Monitoring Officer.
- You must declare these interests at the beginning of meetings (or where you become aware of them). For DPIs you must also leave the meeting room, and not take part in the debate or vote).

### **Personal Interests:**

- In addition to the disclosable pecuniary interests, the Council has resolved that **Personal Interests** should also be listed in the register, in the interests of being open and transparent. 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 'personal' interests in Part 2 of the Register.

## Part 1 of the Register

### Disclosable Pecuniary Interests

These are your DPIs and those DPIs of your partner/spouse that you are aware of

You should complete the form in the same way for your spouse/partner, as for your own interests, but you do not need to state separately which are your interests and which are your spouse/partner's.

#### Employment, office, trade, profession or vocation

Definition in the Regulations:

Any employment, office, trade, profession or vocation carried on for profit or gain (carried on by you or spouse/partner)

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"

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.

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

You **do not** need to say how much you earn.

You must also register and disclose every employment, office, trade, profession or vocation (that you are aware of) in which **your spouse or partner** is engaged.

#### Sponsorship

Definition in the Regulations:

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

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 **within the last 12 months** before the date of this notification.

You **do not need** to give the amounts of any

<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>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 / 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 (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 of 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>
<p><b>Land</b></p>	
<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 <b>should include your home under this heading (whether you occupy it as owner, occupier, lessee, licensee or tenant).</b></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/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/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>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest</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/ partner) are a director or in whose securities you or they or have a beneficial interest</p>
<b>Securities</b>	
<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>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/ partner) hold shares or other securities of over £25,000 or one hundredth of the total issued share capital.</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>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>Part 2 of the Register</b></p> <p><b>Other interests that must be registered (relating to you only)</b></p>	
<p>Any membership of any body</p>	<p>This includes membership of bodies:</p> <ul style="list-style-type: none"> <li>• to which you were appointed or nominated by the Council (either at the Annual Meeting or subsequently) 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 principle purposes include influence of public opinion or policy or political parties</li> </ul>
<p>Any other body or area which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £100.</p>	<p>This is to allow you to be open about such other aspects of your personal affairs, if you so wish, and to declare the receipt of substantial gifts or hospitality.</p>