

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.

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.

Questions 1- 17 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

NB: Failure to register this type of interest may be a criminal offence.

These are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You are required by law to declare DPI's relating to yourself **and** your partner. Section 30 of the Localism Act 2011 defines partner as your spouse or civil partner, a person with whom you are living with as husband or wife or a person with whom you are living with as civil partners.

Please clearly distinguish between those interests that are yours and those interests of your partner (as defined above).

To clarify what is required regarding interests that may relate to your spouse or partner, please would you simply enter these where relevant on your registration form making clear if the interest listed relates to them instead of you. You do not need to give details of who your spouse or partner is, simply that they have a relevant interest:

Eg. HUSBAND - Chairman of Village Cricket Club

Or COMMON LAW PARTNER - Owns 23 Acacia Avenue XXX

You can only include information you know about.... your spouse/partner is not under any legal obligation to share such information.

Q.1-11 Employment: Enter the name of you and/or your partner's employer and nature of your employment, office, your trade, profession or vocation where carried out for profit or gain (as a rule of thumb anything you have to declare for income tax purposes).

If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.

Give a short description of the activity concerned; eg: "Computer Operator" or "Accountant".

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.

Description of any contract for goods, services or works made between the authority and you /a firm in which you are a partner/ a company of which you are a remunerated director/a person or body specified

You should describe all contracts of which are aware. The date of the contract and a brief description of the goods, services or works included in the contract will normally be sufficient. You need not say what the financial arrangements are or the contract terms, but should say for how long the contract is for if you know.

Q.14 (& Q.42) Name of any person or body, other than a relevant authority, who has/have made any payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them eg. a political party at election time. It includes any payment or financial benefit from a trade union.

There is no distinction under this section between direct financial assistance such as payments of money directly to a councillor for election expenses and indirect assistance such as payment for election posters or leaflets.

Relevant authority means the Council. It could also include e.g. the Police Authority, if you have served on that authority as this Council's representative and claimed expenses from that authority. These do not have to be included.

Q.15 Name of any body having a place of business or land in the authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital (whichever is the lower);

You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the council's area (either South Cambridgeshire for district councillors or the parish area for parish councillors) and in which you have a substantial interest.

A **beneficial interest** is one where the owner of the interest is entitled to benefit from the asset concerned. Such an interest can arise directly through the legal ownership of an asset or indirectly where you are the beneficiary of a trust. It excludes those who hold assets under a trust but are not beneficiaries of that trust. In such situations the trustee holds the legal title to the assets in questions but has no beneficial interest to register.

You do not need to show the extent of your interest. [Deposits with Banks or Building Societies do not need to be shown.]

The term "**class of securities**" includes any instrument (such as a share, stock, bond or option) that indicates some form of ownership rights or creditor relationship with a particular body. In practice shares are the most commonly encountered form of securities.

The “**nominal value**” of shares is usually the face value declared on the share certificate when issued (in contrast to the “market value” which can often be considerably more buy may be less).

A body corporate is active in the borough if it has land or a place of business in the borough.

Q.16 Any land in the authority’s area in which you have a beneficial interest;

Enter here details of any land (within the area of the council to which this registration refers) in which you and/or your partner have a "beneficial interest."

This will include your place of residence if you own it or rent it and it is within the Council's area.

You should include any land in the area of the borough in which you have a beneficial interest (one in which you are entitled to benefit from the asset concerned).

You do not have to declare the value of the land.

You should give the address or a brief description to identify it - enough information to enable the location of the land to be identified (e.g. postal address or OS field reference). A plan identifying the land in question may be useful in some situations but is not a requirement.

You should also include any property from which you receive rent, or of which you are the mortgagee.

“Land” includes any buildings or parts of buildings.

Q.17 Address of any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

Enter here details of any land (within the area of the Council to which this registration refers) which you and/or your partner have a licence to occupy for a month or longer. An address or other description sufficient to identify the location should be given.

This includes any allotments you use.

Q18. Bodies of which you are a member or of which you are in a position of general control or management and to which you have been appointed by the Council

Enter details of school governorships, membership of trusteeships, local guilds, conservator positions, residents’ associations, estates committees (NB. Only those to which you have been appointed by the Council.

QUESTIONS 22 – 38 OTHER INTERESTS

Other interests are also referred to a “non-disclosable pecuniary interests” or “non-pecuniary 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.

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 parish council – i.e. if it is a body/group or organisation that operates within the parish area or which may apply for planning permission, a

grant, a licence etc. from your parish council where your connection with that group or body may have an influence on how you make a decision as a parish councillor. If something does arise on a parish 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.

Q22. Bodies which are public authorities or which exercise functions of a public nature:

Enter details of any body that carries out a function of a public nature – this is quite a wide definition and covers more than public authorities – ie. includes government agencies, other councils, public health bodies, development agencies, council-owned companies and school governorships.

Q26. Bodies which are directed to charitable purposes:

Enter details of membership of any registered charity eg. membership of Rotary or Lions. Membership of masonic organisations which are registered charities with the Charity Commission also fall within this definition.

Q30. Bodies whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

Enter details of a trade union, freemasons, political party, lobby group or pressure group or residents' association.

Q34. Membership of a trade union or professional association:

Enter the name of any trade union or professional association you are a member of (bearing in mind the advice above on local connections).

Q38. Membership of a private club or organisation not otherwise listed on the form:

Enter the name of any private club or other organisation you are a member of eg. a sports club (bearing in mind the advice above on local connections). Membership of religious organisations are not required to be included.

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