Guidance Notes for the Register of Members’ Disclosable Pecuniary Interests and Non Statutory Disclosable Interests (other)

Part 1 – Disclosable Pecuniary Interests

These notes provide guidance about the information members should include on the register of disclosable pecuniary interests form. The relevant section of the register is given in bold, followed by a list of guidance points.

It is a legal requirement that each member must register their disclosable pecuniary interests and those of their partner. (N.B. DCLG guidance suggests that the member may choose to register their partner’s interests as if they were their own).

Each individual member must make their own judgement about making a declaration and they should not rely on a direction from an officer, though if in doubt they should seek advice from the Monitoring Officer. If you require any assistance in completing your members interests form, please contact the Monitoring Officer at fiona.mcmillan@peterborough.gov.uk for assistance.

All members are required to complete the form within 28 days of the code of conduct having been adopted by their parish council or within 28 days of being elected, re-elected or appointed to the parish council.

Outside of this period, when members have declared a disclosable pecuniary interest at a meeting and that interest was not on their register, they must update their register within 28 days of that meeting. The same rule applies to members making decisions when acting alone.

Failure to register or to declare a “disclosable pecuniary interest” is a criminal offence. So is speaking and voting, unless you have a dispensation. This is punishable by a fine of up to £5,000 and/or disqualification as a councillor for up to five years.

1. EMPLOYMENT OFFICE TRADE PROFESSION OR VOCATION

- You should declare the name of you/your partner’s employer if employed
- If you or your partner are self-employed or run your own business you should declare this information
- You should declare every type of employment, office, trade, profession or vocation that you or your partner carry out or should declare for income tax purposes.
- You should include the name of any firm of which you or your partner are a Partner, and the name of any company of which you are a remunerated Director. Also include any body which has appointed you with or without remuneration.

Note: whilst the declaration required does not include any voluntary or unpaid post please remember that ‘gain’ could include other rewards e.g. bonus payments or share dividends, expenses payments etc.

2. SPONSORSHIP

Note: this next section only applies to you:

- You should include any payment made to you for expenses incurred as a member here. You should show here the name of any person or body, except the Council, who has made a payment to you in respect of your election expenses
- You should include any payment made to you by a trade union.

Note: It is likely that if you are a member of a registered political party you will have had your expenses met by your political party or any other organisation and you are advised to check this before completing this section.

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3. CONTRACTS

You should describe all contracts, of which you or your partner are aware, which are not fully discharged and which are:

- contracts between the parish council and yourself and/or your partner for the supply of goods, services or works to the parish council or on the parish council’s behalf; and
- contracts between a firm in which you or your partner are a Partner, or a company of which you are a Director, or in which you have a beneficial interest (as disclosed in section 1) and the parish council for the supply of goods, services or works to the parish council or on the parish council’s behalf.
- You need not say what the financial arrangements are, but should say for how long the contract is.

4, 5 & 6. LAND LICENCES AND CORPORATE TENANCIES

- You should declare any land in the parish council area in which you / your spouse, partner have a beneficial interest (that is, in which you or your partner have some proprietary interest for your own benefit). You should give the address or a brief description sufficient to identify it. If you or your partner live in parish council area you should declare your home as owner, lessee, or tenant.
- You should also declare any property from which you or your partner receive rent, or of which you are the mortgagee.
- You should declare land in the parish council area which you or your partner have a right either alone or jointly with another to occupy for 28 days or longer, but neither own nor have a tenancy of. You should declare the address or a brief description to identify it.
- You should list any tenancies of property of which you or your partner are aware that the landlord is the parish council and the tenant is either a firm in which you or your partner are a partner or a company of which you or your partner are a Director or in which you or your partner have a beneficial interest.

Note: "Land" includes any buildings or parts of buildings.

7. SECURITIES

- If you or your partner own shares or other forms of equity in a company or other body which has a place of business within the parish council area, you will need to consider whether the interest is to be registered.
- You need to identify the nominal value; this is the amount of shares indicated on the certificate; not the market value. If this exceeds £25,000, you need to register the name of the company or body.
- If this is less than £25,000 but your or your partner’s share is more than 1% of the total issued share capital, you need to register the name of the company or body.

Part 2 – Non-Statutory Disclosable Interests

Non Statutory Disclosable Interests (note – these are not disclosable pecuniary interests)

Where required to by the parish council code of conduct, you should provide details of any other interests you wish to declare but which are not disclosable pecuniary interests. Examples could include:

- membership of, or position of control or management in any body to which you have been appointed by the Council as its representative;
- membership of a body whose principal purposes include the influence of public opinion or policy;
- membership of a charitable organisation, a trade union, professional association or a private club;
- anything which relates to one of the disclosable pecuniary interests set out in this code but which affects a family member or other person with whom you have a close association other than your partner.
This category should not include organisations through which you have a disclosable pecuniary interest. Such organisations should be listed in the appropriate place elsewhere on the register. Please note that the examples listed above are not exhaustive.

**Sensitive Information**

- Where you consider that the information relating to any of your or your partner’s personal interests is sensitive information, and your authority’s Monitoring Officer agrees, you need not include that information when registering that interest, or as the case may be, a change to that interest.
- You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under the previous paragraph is no longer sensitive information, notify the Monitoring Officer and the parish clerk, asking that the information be included in the authority’s register of members’ interests.
- “Sensitive information” means 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.