

## **DECLARATIONS OF INTERESTS AND DISPENSATIONS**

### **1. Introduction**

This provides general guidance for Members on declaring interests at a meeting. The interest or interests to be declared, if they are relevant to any item of a meeting agenda, must also be listed in that Member's Register of Interests.

Members may need to obtain specific advice on declarations of interests at particular meetings for particular items. Any Member who considers they require further advice is recommended to contact their Monitoring Officer in advance of the meeting.

Wherever possible, Members are requested to identify any potential interest before the meeting to allow considered advice to be provided.

### **2. Advice to Members**

There are only two types of interests that should be declared, if relevant to the meeting - a Disclosable Pecuniary Interest and an Other Significant Interest. Definitions for each are provided below and later in this guidance.

#### **a) What is a Disclosable Pecuniary Interest?**

Disclosable Pecuniary Interests are prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Disclosable Pecuniary Interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband and wife or a person with whom you are living as if they were your civil partner, so far as you are aware of the interests of that person. The categories of Disclosable Pecuniary Interests, defined by the Regulations are set out in the definitions section of this document.

#### **b) What is an Other Significant Interest?**

An Other Significant Interest is one which affects the financial position of an "Associated Person" or relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on behalf of you and / or an "Associated Person".

An "Associated Person" means (either in the singular or plural):

1. a family member or any other person with whom you have a close association, including your spouse, civil partner, or someone with whom you are living as husband and wife, or as if you are civil partners; or
2. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

3. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
4. any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
5. any body in respect of which you are in a position of general control or management:
  - a. exercising functions of a public nature; or
  - b. directed to charitable purposes; or
  - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

### **3. Action to be taken if you have an Interest to declare**

If you have a Disclosable Pecuniary Interest in an item on the agenda you must:

1. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the arrangements regarding sensitive interests).
2. Leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst the discussion of the item takes place and you cannot vote on the matter. In addition you must not seek to improperly influence the decision.
3. If you have, however, obtained a dispensation from the Monitoring Officer you may remain in the room and participate in the meeting. If the dispensation has been granted it will stipulate the extent of your involvement, such as whether you are able to fully participate and vote on the matter in which you have an interest.

If you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

- not participate in any discussion of, or vote taken on, the matter at the meeting; and
- withdraw from the meeting room in accordance with the Authority's Procedure Rules.

### **4. Summary of Legal, Financial and Other Implications**

There are no legal, financial and other implications arising from this report.

**Local Government Act 1972 – section 100d**  
**List of background documents**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

## Definitions

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<i>Subject</i>	<i>Prescribed description</i>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  Any unpaid directorships
<b>Sponsorship</b>	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.
<b>Contracts</b>	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) and which has not been fully discharged.
<b>Land and property</b>	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.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	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.
	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

<i>Subject</i>	<i>Prescribed description</i>
<b>Securities</b>	(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 has 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 have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body 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)