

**APPENDIX 2**



**Nottinghamshire County Council**

**Councillor Interests Protocol**

Councillors and Co-opted members are required by law to register certain interests, and to declare them when taking part in meetings. Failure to do this is a criminal offence. The Council's Code of Conduct and meeting procedure rules also require Councillors and Co-opted members to declare private interests, whether pecuniary or non-pecuniary.

This Protocol provides information and guidance to assist Councillors and Co-opted members.

## Important Information

### 1. Deadlines

The law requires Disclosable Pecuniary Interests to be registered within certain time limits. These are summarised below for ease of reference.

- Within 28 days of taking office as a councillor you must submit your declaration of interest.
- If you have been re-elected you do not need to submit a new form, but within 28 days of re-election you do need to review your declaration and submit any new/revised information, or confirm that there have been no changes.
- If you declare a DPI at a committee meeting that is not already on the register, you must submit written notice of it within 28 days of the meeting.
- You will be required to check on an annual basis that your declaration of interest is up to date.

### 2. Criminal Offences

Failure to comply with some legal requirements is a criminal offence. These are summarised below for ease of reference.

- Failure to comply with the timescales above is a criminal offence.
- It is also a criminal offence to participate and vote in a meeting where you have a Disclosable Pecuniary Interest, or to take any other steps in relation to the matter.
- Providing false or misleading information is a criminal offence.
- Conviction can lead to a fine and disqualification from being a councillor for 5 years.

## Guidance

Appendix	Details	Page
1	Interests that must be registered by law – Disclosable Pecuniary Interests	3
2	How to complete the declarations form – a sample form	5
3	Further information regarding the 'securities' DPI	10
4	Declaring interests in meetings, including the circumstances in which you must not take part in a meeting and must not vote	11

## Appendix 1

### DISCLOSABLE PECUNIARY INTERESTS

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</p> <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>
Contracts	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the council</p> <p>Under which goods or services are to be provided or works are to be executed; and</p> <p>Which has not been fully discharged</p>
Land	<p>Any beneficial interest in land which is within the council's area.</p> <p>For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</p>

Licences	Any licence (alone or jointly with others) to occupy land in the council's area for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge) –</p> <p>The landlord is the council; and</p> <p>The tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>That body (to your knowledge) has a place of business or land in the council's area; and</p> <p>Either –</p> <p>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>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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p>For this purpose, "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>

## Appendix 2

### DECLARATIONS FORM N1

#### Notification of Councillor's or Co-opted Member's Pecuniary Interests

You must use this form to provide details of your Pecuniary Interests. The form explains what Pecuniary Interests are and includes some examples.

Pecuniary Interests include both your financial interests and the financial interests of your spouse, civil partner or a person you are living with as if they were your spouse or civil partner.

**Note:** You do not have to separately identify which are your interests and which are your partner's.

The information you provide will be used to update your register of interests, which is published by the Council.

You are strongly advised to keep your register of interests up to date. Failure to do so may result in a criminal conviction.

#### **Pecuniary Interests to be registered on taking office**

You must provide us with details of all your Pecuniary Interests within 28 days of becoming a member of the Council. If anything changes you must provide updated details within 28 days.

#### **Pecuniary Interests disclosed at meetings**

Where you declare any unregistered Pecuniary Interest at a meeting, you must provide a form with written details of that interest within 28 days of the meeting.

#### **Sensitive Interests**

Pecuniary Interests that are included on the register of interests will be publicly available.

Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a "sensitive interest".

The Monitoring Officer can exclude the detail of the interest from the Council's publicly available version of the register.

Do not include interests which you are requesting be treated as "sensitive interests" on this form. Please use Form N3.

I, *(full name)*

.....

a member of Nottinghamshire County Council **GIVE NOTICE** that I/ my partner have the following Pecuniary Interests:

**Please provide details of your/your partner's Pecuniary Interests in the boxes provided and state "none" where appropriate**

1. Details of any employment, office, trade, profession or vocation which is carried on for financial gain:

**Example:**

*Employer: Nottingham Trent University  
Job Title: Careers Advisor*

*Business: Nottinghamshire Careers Consultants  
Status in business: Partner*

*Employer: Boots plc  
Profession: Pharmacist*

**(Note:** The last entry relates to the Councillor's spouse, but there is no need to explain this on the form)

2. Details of any payment or provision of any other financial benefit received (other than from the Council) within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses:

**Example:**

*1 April 2013 - £50 - leaflet printing costs – Nottinghamshire Labour Party*

**(Note:** It is not sufficient following an election to refer here to your electoral expenses form. You should include the amount received, who it was received from, and what it was spent on)

3. Details of any contract which is made between you, your partner (or any organisation in which you or your partner have an interest) and the Council under which goods or services, or works, are done for the Council:

**Example:**

*Agreement for provision of careers advice to schools in Nottinghamshire  
Between Nottinghamshire County Council and Nottinghamshire Careers Consultants  
Dated 1 May 2012  
Duration 3 years  
Value £500*

4. The address or other description (sufficient to identify location) of any interests you/your partner hold in land situated in the Council's area (including any licences to occupy land) and/or tenancies where the Council is the landlord and the tenant is a body you/your partner hold an interest in:

**Example:**

*1 Smith Street Arnold Nottinghamshire NG5*

**(Note:** include any properties in Nottinghamshire that you or your partner own (whether you live in them or not), the address of the property you live in (whether you own it or not), and land you own (for example agricultural land). You do not need to specify the nature of the interest, but you can if you prefer.)

5. Details of any securities (e.g. shares, debentures, loan stock) that you/your partner hold which are worth over £25,000 or 100<sup>th</sup> of the total issued share capital in any body that has a place of business or land in the Council's area:

**Example:**

*Shares – Nottingham Forest Football Club*

**(Note:** There is no need to declare how many shares you or partner own or their value – further guidance on securities is available in Appendix 3 of the Councillor Interests Protocol)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

**Please send the completed form to Democratic Services.**

The Monitoring Officer is responsible for establishing and maintaining the Council's register of interests. You may contact the Monitoring Officer if you have any questions concerning the Council's register.

**A member must within 28 days of becoming aware of any new Pecuniary Interest or change to any Pecuniary Interest specified above, register details of that new interest or change by providing written notification to the Council's Monitoring Officer (Form N2 may be used for this purpose).**

**Any other matters:**

**Example:**

*Trade Union Membership – NUT*

*Parish Councillor – Arnold Parish Council*

**(Note: 'Other matters' declarations are voluntary – you are not required to complete this section)**

## Appendix 3

### ADVICE FOR COUNCILLORS AND CO-OPTED MEMBERS REGARDING DISCLOSABLE PECUNIARY INTERESTS AND SECURITIES

Councillors and Co-optees are required to register Disclosable Pecuniary Interests in relation to securities as follows: -

**Details of any securities (e.g. shares, debentures, loan stock) that you/your partner hold which are worth over £25,000 or 100<sup>th</sup> of the total issued share capital in any body that has a place of business or land in the Council's area**

This checklist is designed to help to decide whether you have an interest that needs to be registered.

**1. Does the organisation you (or your partner) own shares in have a place of business or own land within Nottinghamshire?**

For some organisations their sole place of business is Nottinghamshire, but this could also include organisations that have branches, offices or factories in Nottinghamshire – for example high street chains and banks.

- If the answer to this question is yes go to 2.
- If the answer is no or don't know, a declaration is not required but do re-consider this checklist if circumstances change.

**2. Are your (or your partner's) shares worth over £25,000?**

- If the answer to this question is yes go to 4.
- If the answer is no, go to 3.

**3. Do you (or your partner) own 100<sup>th</sup> (or more) of the total issued share capital?**

For example, if the issued share capital is £200,000 and you own £3,000 of shares you own more than 100<sup>th</sup>.

You might have shares other than ordinary shares – if so you need to check if you own more than 100<sup>th</sup> of that class of share.

- If the answer to this question is yes go to 4.
- If the answer is no, a declaration is not required but do re-consider this checklist if circumstances change.

**4. If you have answered yes to any of the questions above you must register a DPI**

## Appendix 4

### MAKING DECLARATIONS IN MEETINGS

#### Disclosable Pecuniary Interests

1. If you have a Disclosable Pecuniary Interest (DPI) you must not be involved in any Council or committee decision **relating to** this interest, i.e. a decision that could impact that interest in some way. For example:
  - a. If you have a DPI in a sand and gravel business you should not take part in any item at Planning & Licensing Committee where the business is the applicant.
  - b. If you have a DPI in an information technology business you should not take part in any procurement decision where the business has tendered for the contract.
2. You must declare the fact that you have a DPI at the start of the meeting. If you realise you have an interest later in the meeting you should declare it as soon as possible.
3. The law says that you must not take part in debate or vote on the matter. The Council's procedure rules also require you to leave the meeting when the matter is under discussion.
4. If the subject matter of a report involves an organisation in which you have a DPI, but is not in relation to your DPI (i.e. a decision that would not impact your interest in any way) there is no need for you to declare a DPI. For example:
  - a. A committee report contains a proposal for a civic ceremony; the report contains a list of invitees, which includes the managing director of an organisation in which you have a DPI.

However you may wish to declare a private interest for the sake of transparency.

5. It is possible to make a written request to the Council's Chief Executive for a dispensation to take part in a matter despite the existence of a DPI. The Chief Executive may grant a dispensation in limited circumstances, including where so many Councillors would be prohibited from taking part that it would make the transaction of business impossible.

*(Continued)*

## **Private Interests**

6. Even if it is not a Disclosable Pecuniary Interest, you should always consider if you have an interest in a matter that you should make others aware of. This is to be open and above board.
7. This may include a financial interest which you are not required to register as a DPI because it relates to your children or parents or a close friend, rather than you or your partner. It could also include a non-financial interest such as being a school governor, where a matter relates to that school in particular.
8. In these circumstances it is for you to decide whether it would be appropriate to declare a private interest in the matter for the sake of transparency.
9. You should declare the fact that you have a private interest at the start of the meeting. If you realise that you have an interest later in the meeting you should declare it as soon as possible.
10. If you declare a private interest you can still stay in the meeting while the report is under consideration, and vote. However, depending on the circumstances you may prefer to leave the meeting while the report is under consideration, or to stay in the room but abstain from voting. You should consider whether a member of the public would find it difficult to believe that your personal interest had not influenced you.

**Always seek advice from Democratic Services if you are not sure, if possible before the meeting.**