

Agenda Item: 10

Meeting: Standards Committee

Date: 1 May 2009

Subject: Members' Declarations of Interest Form and Guidance Notes

Report of: Monitoring Officer

Summary: To review Members' Interest Forms and Guidance Notes for use post June 2009.

Contact Officer: Mrs Barbara Morris, Assistant Director Legal & Democratic/Monitoring Officer
Tel: 01462 611028

Public/Exempt: Public

Wards Affected: All

Function of: Non-executive

Reason for urgency (if appropriate) N/A

RECOMMENDATIONS:

- 1. To approve the Register of Interest Form and Guidance Notes to be used post elections June 2009.**
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Declarations of Register of Interests Forms and Guidance Notes

1. Members will be aware that it is a requirement of the legislation that all Members complete a Declaration of Interest Form upon appointment to office as a Member of the Central Bedfordshire Council. Attached at Appendix "A" to this report is a suggested Declaration of Interest Form which all Members will be requested to complete following their election in June 2009.
2. At Appendix "B" to this report a Guidance Note has been prepared to assist Members in completion of the Declaration of Members' Interest Form.
3. Members are requested to consider the forms and make any comments/suggestions that they feel would be appropriate.
4. It should be noted that all Declarations of Interest Forms will be placed on the internet and intranet sites so that access to these documents will be available to all. This is good governance practice and encouraged by the Standards Board for England.

Conclusion and next step

5. Following approval of these forms and guidance they will be circulated to all Members in their Welcome Pack to the new Authority post June. The Monitoring Officer will hold the forms in a Register which will be available for inspection by the public. Any amendments to the Register need to be made within 28 days of changes to the form.

CORPORATE IMPLICATIONS

Council Priorities:

Contributes to all Council priorities to ensure good governance

Financial:

None

Legal:

To ensure compliance with Section 52(1) of the Local Government Act 2000
Local Government and Public Involvement in Health Act 2007

Risk Management:

N/A

Staffing (including Trades Unions):

N/A

Equalities/Human Rights:

N/A

Community Development/Safety:

N/A

Sustainability:

N/A

Location of papers: Priory House, Chicksands

CENTRAL BEDFORDSHIRE COUNCIL
REGISTER OF COUNCILLORS' INTERESTS

WRITTEN NOTIFICATION OF INTERESTS UNDER THE CODE OF CONDUCT FOR COUNCILLORS

I _____ being a Member of Central Bedfordshire Council give notice as set out below of the personal interests which I am required to register under the Central Bedfordshire Council's Code of Conduct for Members.

Note

Under Section 81 of the Local Government Act 2000, and the Local Authorities (Model Code of Conduct) (England) Order 2001 every Member of the Council is required to notify the Council's Interim Monitoring Officer of any "Financial or Other Interest" within **28 days** of the statutory Code of Conduct being adopted or applied and within 28 days of his election or appointment as a Member, if that is later and to notify the Interim Monitoring Officer of any change in any such interest within 28 days of becoming aware of that change.

Members must provide sufficient detail of each interest to enable a member of the public to identify the nature of the interest and the circumstances in which a conflict of interest with Council business might arise.

	CATEGORY OF INTEREST	* Delete as appropriate	DETAILS OF INTEREST
1.	Has the Central Bedfordshire Council appointed or nominated you to serve on any outside body in any capacity?	YES/NO*	Names of organisations to which the Council has nominated or appointed me:
2.	Do you (in your own right) (a) belong to; or	YES/NO*	Names of bodies exercising functions of a public nature of which I am a member:

	CATEGORY OF INTEREST	* Delete as appropriate	DETAILS OF INTEREST
	any body, one of whose principal purposes includes the influence of public opinion or policy, including any political party or trade union? <i>(for definition see paragraph 4 of the guidance notes on registering interests)</i>		Names of bodies whose principal purposes include the influence of public opinion or policy in which I hold a position of general control or management:
5.	Are you in employment or business? <i>(Please see paragraph 5 of the guidance notes on registering interests and note that you must register all employment/business interests under the relevant heading opposite)</i>	YES/NO*	Job Title or Trade: Name of my employer(s): Names of any business(es) where I am the sole trader/owner: Names of firm(s) in which I am a partner: Full name(s) of any company(ies) of which I am a paid Director:

	CATEGORY OF INTEREST	* Delete as appropriate	DETAILS OF INTEREST
6.	Have you received any payments from any individual or organisation in respect of your election or any expenses you have incurred as a Councillor? (see <i>paragraph 6 of the guidance notes on registering interests</i>)	YES/NO*	Name(s) of individual(s)/organisation(s) from whom I have received payments for elections or other expenses as a Councillor:
7.	Are there any persons or bodies who have a place of business or land in the Council's area in which you have a beneficial interest in a class of securities which exceeds the nominal value of £25,000 or 1% of the total issued share capital whichever is the lower? (for definition of beneficial interest see <i>paragraph 7 of the guidance notes on registering interests</i>)	YES/NO*	Name of persons/bodies with a place of business or land in the Council's area in which I have a beneficial nominal value of £25,000 or 1% of total issued share capital:
8.	Do you personally, or does any firm of which you are a partner, company of which you a paid Director or body in which you have registered an interest at item 7 above have any contract for goods, services or works with the Council?(see <i>paragraph 8 of the guidance notes on registering interests</i>)	YES/NO*	Description of contract(s) Date
9.	Do you have a beneficial interest in any land within the Council's area? (for definition of beneficial interest see <i>paragraph 9 of the guidance notes on registering interests</i>)	YES/NO*	Address or description of land concerned:

	CATEGORY OF INTEREST	* Delete as appropriate	DETAILS OF INTEREST
10.	Are you, or any firm in which you are a partner or any company of which you are a paid Director, or any body you have registered at item 7 above a tenant of any land or property of which the Council is the landlord? <i>(see paragraph 10 of the guidance notes on registering interests)</i>	YES/NO*	Address of land/property concerned:
11.	Do you have a licence to occupy any land or property in the Council's area (alone or jointly with others) for 28 days or longer? <i>(see paragraph 11 of the guidance notes on registering interests)</i>	YES/NO*	Address or description of land concerned:
12.	Have you (as a Councillor) accepted from anyone a gift or hospitality with an estimated value of at least £25? <i>(see paragraph 12 of the guidance notes on registering interests)</i>	YES/NO*	Gift(s)/hospitality received: Date: Description of gift(s)/hospitality: Details of person from whom gift(s)/hospitality accepted:

* Delete as appropriate

I certify that the details in this form accurately reflect as at _____ the interests I am required to register in accordance with the Central Bedfordshire Council's Code of Conduct.

I acknowledge that:

- I must give written notification to the Interim Monitoring Officer within 28 days of becoming aware of any changes to the interests declared on this form, including details of any gift or hospitality received which has an estimated value of at least £25.00;
- Failure to comply with the requirement to notify any changes to my interests within 28 days will constitute a breach of the Central Bedfordshire Council's Code of Conduct.

Signed Date

For Office use only

Received by Interim Monitoring Officer:

Signed Date

CENTRAL BEDFORDSHIRE COUNCIL



REGISTER OF MEMBERS'

INTERESTS

GUIDANCE NOTES FOR COUNCILLORS ON

REGISTERING INTERESTS

UNDER THE CODE OF CONDUCT

INTRODUCTION

These Guidance Notes have been produced to help with the requirements in the Code of Conduct for:-

- (a) you to register your interests; and
- (b) to keep your registered interests up to date.

They reflect the guidance issued by the Standards Board for England on the registration of interests.

The form for registering interests under the Code is a Question and Answer format. If you answer "YES" to a question this will mean you have an interest(s) to register and should include the relevant details in the right hand box. If you answer "NO" to a question this will mean you do not have an interest to register.

The headings used in these guidance notes correspond to the registration form and it is important that you read these Guidance Notes before completing your registration form.

You must register your interests under the Code within 28 days of the Central Bedfordshire Council adopting the new Code.

You must then keep your registered interests up to date by notifying the Monitoring Officer in writing of any additions or changes to those interests within 28 days of those changes occurring.

Failure to register all the interests that you have, or to keep your register entry up to date, is a breach of the Code of Conduct and will make you vulnerable to a complaint to the Standards Board for England.

SENSITIVE INFORMATION

The Code includes provision to apply to the Monitoring Officer not to include "sensitive" information in the register of interests.

Sensitive information is "*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.*" This could include, for example, any sensitive employment.

If you believe that any of the information you are required to register under the Code falls within this definition, and you do not wish to include it on the Register, you should provide that information to the Monitoring Officer and explain your concerns about its disclosure, including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. If the Monitoring Officer agrees, you will not need to include this information in your register entry, for so long a time as it remains “sensitive”.

FURTHER HELP

If having read the guidance notes you feel you need further clarification or information to assist you in completing your own registration form, please contact the Monitoring Officer.

INTERESTS WHICH MUST BE REGISTERED

1 BODIES TO WHICH YOU ARE APPOINTED OR NOMINATED BY THE CENTRAL BEDFORDSHIRE COUNCIL

You must list all of the outside bodies to which you have been appointed or nominated by the Council.

2 ANY BODY EXERCISING FUNCTIONS OF A PUBLIC NATURE

You must give details of any body exercising functions of a public nature of which, in your own right, you are a member, or in which you hold a position of control or management.

What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

If you answer “yes” to any one of the above questions, it is likely that the body in your case is exercising functions of a public nature and that your membership or position of control/management in it must be registered.

Examples of bodies which fall within this definition include regional and local development agencies, other government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of an authority, school governing bodies.

If you need further information or specific advice on this matter, please contact the Monitoring Officer.

3 ANY BODY DIRECTED TO CHARITABLE PURPOSES

In this section, you must give details of your membership of, or any position of general control or management you hold in, any company directed to charitable purposes, including any such company limited by guarantee. You must include any company where you are a member of the Board and give details of your membership of any industrial and provident society, or any charitable organisation, including Registered Charities (either local or national).

You should note however that this provision does not require you to register all your shareholdings. Shareholdings with a nominal value of above £25,000 must be registered separately and you do not need to register any further such interests under this section. Similarly, you do not need to register the name of any building society in which you simply have investments or from whom you have borrowed money.

The Standards Board for England have advised that the term “*body directed to charitable purposes*” was clearly intended to cover organisations not falling within the legal definition of a charity. Any organisation directed towards charitable purposes (as that term is commonly understood) to any significant degree must therefore be registered. This could include for example, depending on the constitution, bodies such as Parent/Teachers Associations, Village Hall Management Committees etc, even though such organisations may not be formally Registered Charities.

Membership of any Freemason’s Lodge(s) must also be registered under this heading together with membership of the Freemason Grand Charity. This is because part of the Freemason’s annual subscription fee goes automatically to the Freemason Grand Charity and therefore membership of the Freemasons falls within the definition “*other body directed to charitable purposes*”. This is reinforced by the United Grand Lodge of England’s description of Freemasonry as “*the UK’s largest secular, fraternal and charitable organisation*”.

4 ANY BODY WHOSE PRINCIPAL PURPOSES INCLUDE THE INFLUENCE OF PUBLIC OPINION OR POLICY

You must enter details of your membership of, or any position of general control or management you have in, any political party and/or political party councillor associations, pressure group, lobbying company or other similar organisation.

You must also give details of any trade union of which you are a member, or in which you have a position of control or management.

5 EMPLOYMENT OR BUSINESS

You must enter every job you have and/or office, business, trade, profession or vocation which you carry out. You should describe your employment etc, using a short description, such as your job title (eg Administrative Officer), or the title of your trade (eg builder).

If you are employed you must give the full name of your employer or the people who have appointed you to work for them.

If you are a sole trader you must include the name of your business.

You must also enter the name of any firm(s) in which you are a partner.

You must give the **full** company name of any company or companies of which you are a **paid** Director. You must also enter these details if you are entitled to receive payment even if you do not actually receive any payment.

You do **not** need to include any companies of which you are a Director but are not entitled to payment, or only get paid expenses.

6 NAMES OF ANY PERSON(S) OR BODY FROM WHOM I HAVE RECEIVED ANY PAYMENT IN RESPECT OF MY ELECTION OR ANY EXPENSES INCURRED BY ME AS A COUNCILLOR

You must enter the name of any individual or organisation, including your political party, who -

- (a) made a financial contribution, whether direct or indirect, to your election campaign

(Note:

Direct financial contribution means payment of money directly to you for election or other expenses.

Indirect contributions include, for example, payment for election posters or leaflets)

- (b) assists you with the costs of carrying out your duties as a Councillor.

You do **not** need to include details of any payments made to you by the Council or any other Local Authority of which you are a Member.

7 INTERESTS IN PERSONS OR BODIES WHICH HAVE A PLACE OF BUSINESS OR LAND WITHIN THE AREA OF THE COUNCIL

You must give the name of any person or body which has business premises in, or operates or has an interest in land (e.g. owns, leases or has a mortgage) in the Councils area, for example on which plant/equipment is located (eg, telephone boxes, electricity sub stations) **and** in which you have a beneficial interest in a class of securities that exceeds £25,000 in nominal value or 1% of the total issued share capital of the corporate body.

The nominal value of shares is the face value of those shares not their current market value which may be more or less than the face value at any given time.

The nominal value of any shares you own should be stated on the share certificate and will be specified in the memorandum of association of any Company limited by shares or by guarantee with a share capital.

Definitions

“Body” - includes companies, building societies, industrial and provident societies, public corporations (such as the British Broadcasting Corporation) and insurance companies.

“Class of securities” – includes any instrument (such as a share, bond, stocks, debentures or any other rights to receive dividends or interest) that indicates some form of ownership rights or creditor relationship with a particular body.

“Beneficial interest” – is one where the owner of the interest is entitled to the benefit of the asset concerned. This can arise directly through the legal ownership of an asset or indirectly where the member concerned is the beneficiary of a Trust. It does not include those who hold assets under a Trust but are not beneficiaries of that Trust.

Shares held in Nominee Accounts

The Code requires you to register the name of any corporate body which has a place of business or land in the Council’s area in which you personally have a beneficial interest that exceeds the nominal value of £25,000 or 1% of the total issued class of securities of any corporate body (such as a company). If you have an interest in a class of securities above that value but they are held by a third party as “nominee”, you nevertheless have a beneficial interest, which must be registered. If you hold an interest in a class of securities as “nominee” for someone else and the beneficial “interest” is held by them and not you, you do not need to register this “nominee” interest.

8 CONTRACTS WITH THE COUNCIL

You must give brief details of any contract which you personally have with the Council for the provision of goods or services or to carry out works, including the date of the contract.

You must also give details of any contract between the Council and any firm in which you are a partner and/or any company of which you are a paid Director.

You must also give details of any contract between your Council and any person or body in which you have registered an interest under paragraph 7 above.

Where the contract relates to use of land or a property, the land must be identified on the register.

You do **not** need to state the value of the contract or its terms.

9 LAND WITHIN THE AREA OF THE COUNCIL IN WHICH YOU HAVE A BENEFICIAL INTEREST

You must give details of any land (including your home) in the Council's area which you own (whether outright or subject to a mortgage) or which you rent or lease. You should also give details of any land you are entitled to the proceeds of either directly or under the terms of a Trust.

The address or other description you include in the Register must be good enough for someone not familiar with the area to identify the location (eg, you must provide the address or, for example, a map/plan identifying the land, or a map reference and/or field number).

10 TENANCIES IN WHICH YOU HAVE AN INTEREST WHERE THE CENTRAL BEDFORDSHIRE COUNCIL IS THE LANDLORD

You must give the address of any land owned by the Council which is let to you or to a firm in which you are a partner or a company of which you are a paid Director or to a body you have registered in Section 7 of the form.

This includes any land owned by the Council outside its area.

11 LAND WITHIN THE COUNCIL'S AREA WHICH YOU HAVE A LICENCE TO OCCUPY FOR 28 DAYS OR LONGER

You should give the address of any land (including any house or other premises) in the Council's area which you have a licence to occupy for 28 days or more.

If there is no address you should give a description of the land as suggested in paragraph 9 (i.e. a map reference or field number). You do not need to enter here any land or property you have already registered under paragraph 9.

12 GIFTS OR HOSPITALITY RECEIVED

You must include details of any gift or hospitality you receive as a Councillor and the identity of the person you believe to be the source of the gift or hospitality.