

GUIDANCE NOTES – MEMBERS’ INTEREST AND CODE OF CONDUCT REQUIREMENTS

Code of Conduct

The County Council and the 5 district councils in Somerset have adopted in essence the same Code of Conduct for elected and co-opted members. The County Council Code will therefore be familiar to existing district councillors. The Code is based on the Seven Principles of Public Life and includes 3 categories of Interests:

1. *Disclosable Pecuniary Interests (DPIs)*

1.1 The legislation requires you to register these and the Council is required to publish the register on the Council’s website. Failure to abide by the DPI requirements is punishable by a fine not exceeding £5000 (currently) or disqualification as a member for a period not exceeding 5 years. Any complaints received against members in respect to DPIs will be referred to the police for investigation.

1.2 The only exception to the website publication requirements is if the Monitoring Officer agrees that a particular interest is a ‘sensitive interest’. The detail of sensitive interests can be omitted from the public register on the grounds that publication of the detail of the interest *could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*

1.3 You are required to register not only your own interests but also those of your spouse/civil partner (or person with whom you are living as such). Please note that for website publication purposes we are not required to detail which of the declared interests are yours and which are not – they will all simply be listed under your name.

1.4 Your attention at this time needs to be on the immediate DPI registration requirements. You must register DPIs within 28 days of signing your ‘Declaration of Office’ form. A blank form is enclosed with this guidance on which you are asked to detail your DPI registrations.

2. *Personal Interests*

2.1 The Council requires you also to register a range of significant personal interests which mainly relate to membership of various bodies. You are only required to register your own interests under this section and not those of your partner / spouse etc.

2.2 Provision is made for you to register your personal interests on the enclosed blank form. Your Personal Interests as declared will be published on the Council’s website alongside the DPIs unless you indicate that you do not want your Personal Interests published in this way. If you don’t want your

Personal Interests published on the Council's website you can indicate this on the form in the relevant place. If you don't tick the box your Personal Interests will be published on the website.

3. *Prejudicial Interests*

3.1 The Code outlines the circumstances in which the Council requires Prejudicial Interests to be declared at meetings alongside Personal Interests. The Code does not require the registration of Prejudicial Interests.

3.2 Complaints received in relation to members and Personal and Personal and Prejudicial Interests will be dealt with under the Council's complaints handling arrangements.

If you need any advice to help complete the form please feel free to contact:

Michael Bryant Senior Community Governance Officer 01823 359048

Julian Gale Monitoring Officer 01823 359047

Honor Clarke County Solicitor 01823 355022

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, Councillor

a Member of Somerset County Council ('the Council') give notice that

Either

I / my spouse/civil partner (or person with whom I am living as such) have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put '**none**' where I / my spouse/civil partner (or person with whom I am living as such) have no such interests under any heading.

Or

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any Disclosable Pecuniary Interests (sections 1 to 5 below) as defined by Sections 29 to 31 of the Localism Act 2011 and in the secondary legislation made under that Act particularly in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I / my spouse/civil partner (or person with whom I am living as such) have no such interests under any heading. Section 6 of the form relates to Personal Interests.

Notes:

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you need not include that interest provided you have consulted with the Monitoring Officer and they agree that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*
3. *This form gives general guidance, but is not comprehensive. The County Council's Code of Conduct gives precise requirements. Continuation sheets should be used where needed and clearly marked.*
4. *The contents of the Disclosable Pecuniary Interests (sections 1 to 5 of the form) must be published on the Council's website subject to the omission of any Sensitive Interests – see note 1 above.*
5. *The contents of section 6 which relate to Personal Interests will be published on the Council's website unless you indicate otherwise in the appropriate place.*

Disclosable Pecuniary Interests

1	Employment, Office, Trade, Profession or Vocation	
1.1	Disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.	
1.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
2.	Sponsorship	
2.1	Declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses. <i>Note - This includes any payment or financial benefit from a trade union.</i>	
2.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
3.	Securities	
3.1	Detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the County of Somerset and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, or one hundredth of the total issued share capital of any class of shares issued.	
3.2	And of your spouse/civil partner (or person with whom you are living as	

	such) of which you are aware.	
4. Contracts		
4.1	Detail any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.	
4.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5. Land, Licences and Corporate Tenancies		
5.1	<u>Land</u> Detail any beneficial interest in land within the County (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).	
5.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5.3	<u>Corporate Tenancies</u> Detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.	
5.4	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5.5	<u>Licences</u> Detail any licence (alone or jointly with others) to occupy land in the County for a month or longer.	
5.6	And of your spouse/civil partner (or person with whom you are living as	

	such) of which you are aware.	
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Personal Interests (please detail appointments to the 4 specific categories below)

6. Membership of other bodies	
6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by Somerset County Council.	
Name of Organisation	Address
6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management (eg District Council membership).	
Name of Organisation	Address

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6.3 Any body established for charitable purposes of which you are a member or in a position of general control or management.

Name of Organisation	Address

6.4 Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

Name of Organisation	Address

Personal Interests (as detailed in Section 6 above)

Please tick the box if you **do not** consent to your Personal Interests being published on the Council's website.

7. Disclosure of Gifts and Hospitality		
7.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.		
Date of receipt of Gift / Hospitality	Name of Donor	Reason and nature of Gift / Hospitality

You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by informing Community Governance, Julia Netherton (01823 359027) (email jnetherton@somerset.gov.uk).

8. Changes to Registered Interests

8.1. I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a Sensitive Interest, provide written notification thereof to the Council's Monitoring Officer.

8.2. I recognise that it is a breach of the Council's Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading; and
- (3) fail to give further notices in order to:
 - bring up to date information given in this notice; and
 - declare an interest that I acquire after the date of this notice and have to declare.

and that any breach of the Code of Conduct can be referred to the Standards Committee.

8.3 I understand that failure (without reasonable excuse) to register or disclose any Disclosable Pecuniary Interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

Signed: **(Councillor)**

Date:

RECEIVED:

Signed: **(Monitoring Officer)**
(Somerset County Council)

Date: