

APPENDIX E : INTERESTS

Register of Interests (Section 29)

The Monitoring Officer is required to establish and maintain a register of members' interests but it is for the Authority to determine what information should be provided, as long as it complies with the Act. The Monitoring Officer of a Parish Council is that of the Principal Authority and is therefore required to oversee this for Parish and Town Councils, this will be an additional administrative requirement.

The Localism Act abolishes the concept of personal and prejudicial interests, but replaces it with "Disclosable Pecuniary Interests" which are yet to be defined by Regulations, but these must be disclosed on a register for each Member.

The Monitoring Officer must ensure that the register is available for inspection by the public and published on the Authorities website omitting any information that is deemed to be sensitive i.e. could lead to the member being subject to violence or intimidation. In addition, a Parish Council who has a website must publish the information on it and a link will be provided from our own website to this information.

Attachment 1: Existing Register of Interests Form for comment.

Disclosure of Pecuniary Interests (Sections 30 and 31)

Within 28 days of taking office a member must notify the Monitoring Officer of any disclosable pecuniary interests belonging to themselves and "where known" of their spouse or civil partner (or similar type of domestic arrangements) as set out in regulations made by the Secretary of State. It is an offence not to make the declaration. The publication of the regulations is awaited.

If the member is present at a Full Council, Executive or a Committee meeting, or is being asked to discharge a function alone or is discharging a function in any way and a matter in which that member has a disclosable pecuniary interest is being considered and the member is aware of this, then they may not participate or vote on the matter (unless the member has a dispensation).

If the interest is not already entered in the register, they should disclose the interest to the meeting (provided it is not sensitive) and provide notification of the interest to the Monitoring Officer within 28 days for insertion in the register. Similarly they may not participate or vote on the matter (unless the member has a dispensation).

It is for the Authority to determine in its Constitution or Standing Order whether the Member is excluded from the meeting during the discussion or vote.

Dispensations (Section 33)

Upon a written request by a member with a disclosable pecuniary interest the Authority may grant a dispensation lifting the restriction on participating and voting but only where the proportion of members affected is so great as to impede the transaction of the business; the representation of the political groups would be so upset as to affect the likely outcome of the vote; the dispensation is in the interests of persons living in the Member's area; or the Authority considers that it is otherwise appropriate to grant a dispensation.

Offences (Section 34)

It is an offence, without reasonable excuse, to fail to provide notification of a disclosable pecuniary interest; fail to disclose an interest not registered; participate or vote when prohibited; and knowingly or recklessly providing information within a notification which is false or misleading.

A prosecution can only be brought by or on behalf of the Director of Public Prosecutions and upon conviction the court may impose a fine and/or disqualify the member from office for up to 5 years.

RECOMMENDATION:

That members consider the existing Declaration of Interests form and provide any comments on it.

That members give consideration to the issue of dispensations.

That members give consideration to the issue of 'sensitive information.'

That members consider whether the Members should be required to leave the room as part of any new Code where a 'pecuniary interest' exists.

That members note the new requirements in respect of the register of interests and that it is now a criminal offense not to register a Disclosable Pecuniary Interest.