

GUIDANCE FOR MEMBERS: REGISTERING INTERESTS

1. What should I register and declare?

1.1 Disclosable Pecuniary Interests

You have a disclosable pecuniary interest where you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) hold an interest as set out within the descriptions at Annex 1. Such interests must be included on your register (see paragraph 2 below)

1.2 Significant Personal Interests

In addition to your disclosable pecuniary interests, you have a significant personal interest where you hold a position of general control or management in any organisation operating in Surrey, even if you were appointed or nominated to that organisation by the Council. This includes public and voluntary sector organisations, such as other councils, schools, charities and some companies. It also includes political parties and campaigning groups. Such interests must be included on your register (see paragraph 2 below)

1.3 Prejudicial Interests

You have a prejudicial interest if that interest is so significant that a member of the public who knew the relevant facts would reasonably think that your interest would prejudice your judgement of the public interest and that participating in any council business that affected or related to the interest would prevent you complying with the Seven Principles of Public Life or the requirements of this Council's Code of Conduct, in particular those requirements that:

- a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate; and/or
- b) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit and must be impartial and seen to be impartial.

2. When and how do I register my interests?

- 2.1 You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of your disclosable pecuniary interests and significant personal interests. Each Member's Register of Interests is published on the Surrey County Council website and is available for public inspection.
- 2.2 You are advised to notify the Monitoring Officer promptly of any changes occurring to your interests while you remain in office so that your register is kept up to date.
- 2.3 If, at a meeting of the Council, the Cabinet, a committee/board, sub-committee or joint committee of the Council, you are required to declare a disclosable pecuniary interest, or a significant personal interest that is not already recorded on the Register, you must also separately notify the Monitoring Officer of that interest within 28 days of the date of disclosure.
- 2.4 There is no separate register of prejudicial interests. All disclosable pecuniary interests are regarded as prejudicial interests and some significant personal interests will also be regarded as prejudicial interests. You may also have other interests, which you are not required to put on any register, but which are so significant that they would be prejudicial interests if they arose during council business in which you were participating.
- 2.5 Members are able to access their own published register to make amendments electronically and are invited to contact Democratic Services if they need assistance in doing so.

3. What happens if I don't register or declare my interests?

3.1 Disclosable Pecuniary Interests:

You should be aware that it is a criminal offence if, without reasonable excuse, you

- a) Fail to disclose a disclosable pecuniary interest;
- b) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- c) Take any steps as a single member discharging a function of the Council when you have a disclosable pecuniary interest in a matter you are dealing with;
- d) Provide information in relation to your disclosable pecuniary interests that is false or misleading and you know that the information is false or misleading, or are reckless as to whether the information is true and not misleading.

3.2 Significant Personal Interests:

The Council is committed to promoting and maintaining high standards of conduct among its Members and has adopted a Code of Conduct that specifies the conduct expected of its Members and Co-opted Members as they carry out that role. Failure to declare and register significant personal interests could mean that you have not complied with the Code of Conduct and could lead to a formal investigation, as set out in Part 6 of the Constitution.

3.3 Prejudicial Interests

The Council's Code of Conduct specifies the conduct expected of its Members and Co-opted Members as they carry out that role. This includes requirements for you to act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate. It also requires that when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit and must be impartial and seen to be impartial.

3.4 You must therefore be vigilant and identify occasions when there is a potential conflict between (1) Council business and your duty to the Surrey public and (2) relationships and duties you have outside of the Council, which may or may not be recorded in the registers of interest maintained by the Council.

3.5 Failure to appropriately declare and act on prejudicial interests would mean that you have not complied with the Code of Conduct and may have committed a criminal offence (see 3.1 and 3.2 above). It may also leave a council decision in which you have participated open to legal challenge.

4. If I have an interest, can I participate in meetings?

Disclosable Pecuniary Interests:

4.1 If you are present at a meeting of the Council, the Cabinet, a committee/board, sub-committee or joint committee of the Council, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, unless you have obtained a dispensation (see paragraph 5 below), the following apply:

- 1) You must not participate in any discussion of, or any vote taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place;

- 2) You should either declare the interest to the meeting or notify the Chairman of the reason why you are intending to withdraw before you leave the meeting. If the interest is not already on your Register, you must disclose the existence and nature of the interest at the meeting.
- 4.2 If you are discharging a function of the Council as a member acting alone (eg as a Cabinet Member) and you become aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by you:
- 1) You must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter;
 - 2) If the interest is not registered, you must disclose the existence and nature of the interest at the meeting.

Significant Personal Interests:

- 4.3 Where you have a significant personal interest in any matter to be considered or being considered at a meeting of the Council, the Cabinet, a committee/board, sub-committee or joint committee of the Council and you speak at the meeting, you must disclose to that meeting the existence and nature of that interest unless the chairman of the meeting rules it unnecessary.
- 4.4 You can participate in any discussion and vote on any matter in which you have a significant personal interest unless you consider, having taken advice from the Monitoring Officer where relevant, that the interest is one that would reasonably be regarded as prejudicial, in which case you should withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting.
- 4.5 If you are discharging a function of the Council as a member acting alone (eg as a Cabinet Member) you will need to consider whether you have a significant personal interest in any matter you are dealing with, in the course of discharging that function. If you do have such an interest you must ensure that a record of the existence and nature of the interest is recorded in the minutes of the meeting.
- 4.6 If, having taken advice from the Monitoring Officer where relevant, you consider that the interest is one that would reasonably be regarded as prejudicial and, therefore, inappropriate for you to continue to take any steps in relation to the matter, you should not do so (except for the purpose of enabling the matter to be dealt with by someone else).

Prejudicial Interests:

- 4.7 You must not participate in any business of the Council in which you have a prejudicial interest. If you are present at a meeting of the

Council, the Cabinet, a committee/board, sub-committee or joint committee of the Council, and you have a prejudicial interest in any matter to be considered or being considered at the meeting, you, or the chairman of the meeting, should declare that you have an interest in the matter. You must not participate in any discussion of, or any vote taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place.

5. Dispensations

- 5.1 The Council's Audit and Governance Committee may grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest but only in limited circumstances. Guidance on how to apply for a dispensation and the criteria that will be used to consider your request is available in Part 6 of the Constitution.

6. Where can I go for further advice?

- 6.1 The Monitoring Officer, the Deputy Monitoring Officers, and the Democratic Services Lead Manager are always happy to give advice on any of these issues and you are urged to seek advice if you are unclear about whether and how to register and declare any interests.

Descriptions of disclosable pecuniary interests (DPIs):

Subject	Prescribed description	Note
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>	<i>This DPI is about how you and your partner make a living. You must declare your and your partner's employment, business or other source of earned income.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i> <i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>	<i>This DPI is about any financial support you have received or continue to receive for being a councillor.</i> <i>You must declare election expenses if you are a member of a political party that pays these.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i> <i>(a) under which goods or services are to be provided or works are to be executed; and</i> <i>(b) which has not been fully discharged.</i>	<i>If you or your partner have any contracts with SCC or you are an owner or part owner of a business which has SCC contracts you must declare this here. If the contract is completed (ie no more services or payments arising) you do not need to include it.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>	<i>This is where you must declare any property that you or your partner own in the administrative area of the County. If land is held on trust for either of you it should be included in the declaration. It includes both freehold and leased land, including your home if you are a home owner.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>	<i>This is where you must declare any property in the administrative area of the County that you or your partner occupy or have the use of, with the permission of someone else, for example an allotment.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)—</i> <i>(a) the landlord is the relevant authority;</i>	<i>You must declare any properties which you or your</i>

	<i>and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>	<i>partner rent from the County Council, or which is rented by a business which you or they own or partly own.</i>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>	<p><i>This DPI is about shares, bonds etc.</i></p> <p><i>Only a business that has a place of business or land in the administrative area of the county is relevant and should be declared.</i></p> <p><i>You must include your partner's interests.</i></p> <p><i>Only register share ownership that has a face value equal to or more than £25,000 (NB not the trading value). If you hold 1% or more of the total shares issued or of any class of shares you must declare it.</i></p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

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