

NUNEATON AND BEDWORTH BOROUGH COUNCIL

GUIDANCE FOR FILLING IN THE MEMBERS' REGISTER OF INTERESTS FORM

All Members of the Council are required by the Law and in accordance with the Members' Code of Conduct in Part 5 of the Council's Constitution, to complete a declaration of interest form to register their disclosable pecuniary interests (DPI's) and non-pecuniary interests (Other Interests).

The Council's Members' Register of Interests form is attached at Appendix A and this guidance will assist Members in completion of the said form.

A full list of disclosable pecuniary interests is contained in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012', which is attached as Appendix B to this document.

THE FORM

Definition of "Interest"

Generally an "interest" is anything that significantly affects the well-being or financial position of a Councillor, their family or close associates. The underlying principle is to maintain public confidence in decision-making by excluding the possibility of bias or apparent bias.

"Well-being" in this context means yours or others quality of life. "Financial position" means a positive or negative financial impact on yours or others land, property or wealth.

There are two types of interest which are dealt with below: Disclosure Pecuniary Interests and Other Interests.

PART A – Disclosable Pecuniary Interests

You will have a disclosable pecuniary interest if the interests meets the definition in Appendix A and;

- It is either an interest of yourself or
- It is an interest of;
 - (i) Your spouse or civil partner or
 - (ii) A person whom you are living as husband and wife; or
 - (iii) A person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

GN1 - Employment, office, grade, profession or vocation

List here anything you do for profit or gain. A good example is what you would have to declare for income tax purposes.

If you/your spouse/partner are employed, you must state the name of every employer. You must show every employment, office, trade, profession or vocation that you have. This includes the name of any firm of which you/your spouse/partner are a remunerated Director. Give a short description of the activity concerned, e.g. 'Accountant'.

Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.

If you are self-employed state that in this section.

If you are not employed, for example you are retired you can just write 'retired'.

GN2 - Sponsorship

This covers circumstances where you/your spouse/partner may receive payment or other financial benefit from anyone other than the Council in respect of expenses incurred by carrying out your duties as a Member.

This section covers your election expenses. Here you/your spouse/partner must show the name of any person or body, except the Council, who has made a payment to you in respect of your election expenses or any other expenses incurred by you in the carrying out of your duties. (you do not have to declare the amounts received).

Any financial benefit that you/your spouse/partner obtain from a Trade Union must be listed.

GN3 - Contracts

Here list any contracts where goods and services are to be provided, or works executed AND which are not fully discharged (i.e.. the contract is still ongoing) and which:

- You/your partner/spouse personally have with the Council and/or;
- You or your partner/spouse are members of a body, or directors of a company which has a contract with the Council. (i.e.. a body in which the relevant person has a beneficial interest).
- You or your partner/spouse own Securities in that body or bodies.

You need not disclose the financial arrangements but should say how long the contract is for.

GN4 - Land

Land includes any buildings or parts of buildings.

List here any Land within the Borough which you and/or your spouse/partner have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it.

If you live in the Borough you should include your home and write 'owner' or 'lessee'.

You should also include any property from which you receive rent, or of which you are a mortgagee.

You do not have to list any land you/your spouse/partner may own outside the Borough.

GN5 - Licences

This section refers to land over which you have an informal right to occupy. Normally this kind of land ownership is temporary, or it may relate to a right of way over someone's land. For example, any licence alone or jointly with others to occupy land in the area of the Borough but you neither own nor have a tenancy of. You should give the address or a brief description to identify it.

GN6 - Corporate Tenancies

List any tenancies of property, where to your knowledge the landlord is the Council, and the tenant is either a firm in which you/your spouse/partner are a partner or a company of which you/your spouse/partner are a Director or in which you/your spouse/partner have a beneficial interest. This can include matters such as garage agreements with the Council as well as housing tenancies, shop leases and possibly allotments where you are a member of the relevant allotment committee.

GN7 - Securities

This Disclosable Pecuniary Interest refers to securities/shares which you/your spouse/partner own in a company where the place of business or land is within the area of the Council and, the total nominal value of your securities must exceed £25,000 or amount to one hundredth of the total issued shared capital and;

If the share capital is of more than one class, the total nominal value of the shares of any one class in which you/your spouse/partner holds exceeds one hundredth of the total issued share capital of that class.

"Securities" can also mean shares, debentures, debenture stock loan stocks and bonds, units of 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.

List the names of the companies, co-operative societies etc, which are active in the Borough and in which you or your spouse/partner have a substantial interest. You do not need to show the extent of your interest.

The company or body corporate is active in the Borough if it has land or a place of business in the Borough.

PART B – Non-Pecuniary Interests/Other Interests

GN8 - Part B of the form requires you to list your non-pecuniary interests. These interests are regarding your membership of organisations to which you have been appointed by the Council and in which you hold a position of management or control, other public bodies and charities. The appointments must not be undertaken for profit or gain (as otherwise they would fall into Part A as a Disclosable Pecuniary Interest).

Appointments to outside bodies

This requires you to list any membership of a body in which you or your spouse/partner have general control or management AND to which you or your/spouse/partner have been appointed or nominated by your Council. A 'body' means a group whose members who have a common aim or theme.

Appointments to anybody exercising functions of a public nature/charity/influence of public opinion nature.

List here anybody exercising functions of a public nature of which you, your spouse/partner are a member or in a position of general control or management.

List the charities of which you/your spouse/partner are a member or in a position of general control or management. Freemasons only need to list this if their Lodge is a charity, normally they would only need to do so if they are members of the Grand Charity.

The final part refers to membership of bodies whose principal purposes include the influence of public opinion or policy AND where your/your spouse/partner membership of that body is one which puts you or your spouse/partner in a position of general control or management. This includes any political party or trade union.

NOTES

Declaring interests to the Monitoring Officer:

You must within 28 days of becoming a member of the Council or being re-elected notify the Monitoring Officer of a Disclosable Pecuniary Interest which you hold at the time notification was given.

You must within 28 days of becoming aware of any new disclosable pecuniary interest/non pecuniary interest (Other interests) register that new interest or change by giving written notification to the Monitoring Officer.

Further to the above, changes must be notified to the Monitoring Officer as and when they arise.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Because some members have interests that may impact upon a number of areas of Council work (such as Borough Councillors who are also County Councillors (“twin hatters”) arrangements have been made for those regular interests to be appended to each Committee agenda. Each agenda states that any interest will be deemed to have been declared and will be minuted as such by the Council’s Democratic Services Officers. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

- 1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.**
- 2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the Dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.**

Disclosable Pecuniary Interests

Where a disclosable interest exists, whether or not it has been entered in the register of interests, a Member must disclose the interest to any meeting of the Council at which the Member is present, the member must not participate in the matter or vote. ***The member must withdraw from the meeting room during its consideration and formally state***

that they are leaving the room. The one exception is where a prior dispensation allows you to participate and vote.

If you have a DPI and you fail to register it or you participate in a meeting without a dispensation, then under the Localism Act 2011 you have committed a criminal offence.

Non-pecuniary interests (Other Interests)

Where you have an Other Interest you should declare the existence of that interest at the meeting, but you may still be able to participate fully in the debate and vote.

Whether this is the case will depend upon the Member's view of the matter. The Council's Code of Conduct for Councillors deals with a number of matters which, although not a Disclosable Pecuniary Interest, are such as to require the Councillor not to participate in the meeting. For example, although interests affecting a Councillor's spouse are claimed as Disclosable Pecuniary Interest's, interests affecting close relations, e.g. a son, daughter or sibling are not. However, it would be very odd for a Councillor to adjudicate on for example, a planning application submitted by a daughter. The Code therefore identifies these as 'Deemed Disclosable Pecuniary Interests'. Where a Deemed Disclosable Pecuniary Interest exists, the same rules about non-participation apply, as in the case of a Disclosable Pecuniary Interest.

There are no criminal sanctions attached to this group of interests, but failure to declare them may incur a risk of being in breach of the Member Code of Conduct.

To determine whether a Deemed Disclosable Pecuniary Interest exists, a Member needs to ask the following questions:

1. Does this matter (to my knowledge) affect the interests (see the definition on page 1) of any member of my family (excluding my spouse) or a close associate?

If no - not an Other Interest –You can participate in and, speak and vote.

If yes - go to Question 2.

2. Is the affect on my family member or close associate substantially greater that the affect on other members of the community in that ward?

If no - you must declare the interest, but can participate in and speak and vote on the matter.

If yes - go to question 3.

3. Would a member of the public, knowing the relevant facts reasonably think your interest is so significant that it is likely to prejudice your judgement of the public interest?

If no - you must declare the interest, but can participate in and speak and vote on the matter.

If yes - you have a Deemed Disclosable Pecuniary Interest. Subject to being able to speak at the public consultation stage, you are then required to withdraw from the meeting and take no further part in the debate or vote on the item.

Sensitive Information

Where you consider that the information relating to any of your personal interests is sensitive information in that, if seen by the public it may create, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation, and the monitoring officer agrees, you need not include that information when registering or changing that interest.

MEMBERS' REGISTER OF INTERESTS

Disclosure of Disclosable Pecuniary Interests and Other Interests

IMPORTANT: Please read the attached guidance before completing this register.

I, Councillor Jamie Marek Hartshorn of

Flat 12 Sutton Park, Camp Hill Road,

Nuneaton,

CV10 0LP

hereby make the following Declarations of Disclosable Pecuniary Interests as described by Section 30 of the Localism Act 2011 and the following Declaration of Non-Pecuniary Interests (Other Interests) as described by the Council's Member Code of Conduct.

The declarations are of myself and those of my spouse/partner (delete at necessary) are provided below. I have set out, under the relevant headings, my/our interests which I/we are required to declare and have put 'none' where I/we have no such interests under any heading.

PART A – DISCLOSABLE PECUNIARY INTERESTS

Employment, office, trade, profession or vocation carried on for profit or gain:

See Guidance Note GN1 – Any employment, office, trade, profession or vocation carried on for profit or gain.

By you	By your spouse/partner
Asda - Nuneaton	N/a

SPONSORSHIP

See Guidance Note GN2 – Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

By you	By your spouse/partner
N/a	

CONTRACTS

See Guidance Note GN3 – Any contract which is made between you/your spouse/partner (or a body in which the relevant person had a beneficial interest) and the relevant authority;

- a. Under which goods and services are to be provided or works are to be executed; and
- b. Which has not been fully discharged.

By you	By your spouse/partner
a.N/a	a.
b.	b.

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LAND

See Guidance Note GN4 – Any beneficial interest in land which is within the Council’s area. This will include your home address even though you have stated it above.

By you	By your spouse/partner
Flat 12 Sutton Park, CV10 0LP	

LICENSES

See Guidance Note GN5 - Any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.

By you	By your spouse/partner
N/a	

CORPORATE TENANCIES

See Guidance Note GN6 - Any tenancy where (to your knowledge)—

- (a) the Council is the landlord; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

By you	By your spouse/partner
N/a	

SECURITIES

See Guidance Note GN7 - Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (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.

By you	By your spouse/partner
N/a	

PART B – OTHER INTERESTS (Required by the Council’s Member Code of Conduct)

See Guidance Note GN8 - Appointments to outside bodies and other activities which are not undertaken for profit or gain.

Membership of Other Bodies

Other interests in any business of your Council where;

(a) it relates to or is likely to affect—

(i). Anybody of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.

By you	By your spouse/partner
N/a	

(ii) Any Body:

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) 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.

By you	By your spouse/partner
Member of Nuneaton Conservatives	

The interests described above are subject to the definitions in Appendix A.

I understand that, within 28 days of becoming a member or co-opted member I must notify the Monitoring Officer of any 'Disclosable Pecuniary Interests', Other Interests, Sensitive Information and provide written notification of that change.

I recognise and understand that it is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that I have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which I have a disclosable pecuniary interest.
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

and that any breach of these regulations in the above terms can be referred to the Police and or the Director of Public Prosecutions for criminal proceedings.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Full Name: Councillor Jamie Marek Hartshorn

Signature: J.Hartshorn

Date: 11/10/2022