

Disclosable Pecuniary Interests and Other Registrable Interests

FAQ's

1. Where do I find a copy of the 'Notification of Disclosable Pecuniary Interests and Other Interests' form?

The 'Notification of Disclosable Pecuniary Interests and Other Interests' form can be downloaded from the intranet or requested from Sarah.read@walsall.gov.uk

2. Do I have to register my interests?

Yes. The Localism Act is law and states that Members must declare their interests in line with the Councillor Code of Conduct. The requirement to disclose pecuniary interests (DPI's) also applies to co-opted Members.

3. What will happen if I do not register my interests?

If a Member has not registered their interests they are not complying with the Code of Conduct or the [Localism Act 2011](#). If a Member then participates in any discussion relating to an interest that they have not declared then they are at risk of either failing to comply with the Council's Councillor Code of Conduct or in the case of Disclosable Pecuniary Interests, at risk of being charged with committing an offence.

Failure to declare Disclosable Pecuniary Interest will be an offence and dealt with by the Police. If found guilty, a Member will be liable for:

- a fine up to Level 5 of standard scale (currently £5,000); and
- disqualification from being a member of any local authority for a period not exceeding 5 years.

If you have not declared any interests other than Disclosable Pecuniary Interest as detailed in the Council's Code of Conduct, then this could be the subject of a complaint where you may be found to have failed to comply with the Councillor Code of Conduct. Such a complaint will be dealt with under the Members Standards Arrangements.

4. Does the Council have to publish the Register of Interests on its website?

The Council must publish its Register of Members Interests on its website.

5. Will my signature be included in the Register of Interests published on the website?

No. The Council will hold the original signed copy of your Register of Councillors Interests form, which must be made available for viewing. However, when your form is scanned and uploaded to the Council's website, your signature will be redacted in the interests of security.

6. What happens if I realise I have an interest in a meeting that I have not previously registered?

If you are in a meeting and realise that you have an interest that you had not previously registered, you must declare that interest at the start of the meeting (or immediately before the relevant item is discussed) and if it relates to a Disclosable Pecuniary Interest, you must not take part in any discussion of the matter at the meeting and you must not vote on the matter. You need not withdraw from the meeting, but participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence. You will then have 28 days from the date of the meeting to update your Register of Councillors Interests form and submit it to the Council's Monitoring Officer.

7. What if I am at risk of abuse or intimidation due to interests I register which are available on the register?

A Member may, on written request, ask the Monitoring Officer for their interest to be classed as a 'sensitive interest' if they consider that disclosure of that interest could lead to the Member, or co-opted member or a person connected with them could be subjected to violence or intimidation.

8. I am a Member of more than one local authority, do I need to fill out more than one Register of Councillors Interests form?

Yes. You will be required to complete a separate Register of Councillors Interests form for each authority at which you are a Member. This is because each may have a different Member Code of Conduct, so requiring different interests to be registered.

8. Do I have to include my house/property in the register of interests form?

Yes. The definition of Disclosable Pecuniary Interests (DPI's) includes the requirement to register any property or land that you or your spouse /partner have an interest in. This includes the land occupied by any property that you own, lease or rent including the property you reside at.

9. Do I have to fill out a separate Register of Councillors Interests form for my spouse/partner?

No. As a Member you only need to complete one form and detail all the interests that are relevant to both you as a Member and your spouse/partner.

10. What happens if my interests change, for example I buy or sell a piece of land?

If your interests change at any time during your term of office, you can update your interests by updating your Register of Councillors Interests form and resubmitting it to the Council's Monitoring Officer. Please ensure the form is personally signed and dated again when resubmitted.

11. I have lots of different pieces of land. Can I include a map with my Register of Councillor Interests form?

Yes. If you have a number of pieces of land that you have a beneficial interest in, then you can, for example, attach a map to your Register of Councillors Interests form. Please sign and date each page of attachments so that we can be sure that if it changes we have the right version. Also, Members are advised not to use maps that are covered by copyright as they will be published on the internet.

12. What 'other registrable interests' might I have to include on my Register of Councillors Interests form?

'Other registrable interests' that would need to be included on your Register of Interests form are non-pecuniary interests i.e., any organisation/outside body and to which you are appointed or nominated by the Council. Other interests also include the register of gifts or hospitality (form can be downloaded) from the intranet or requested from Sarah.Read@walsall.gov.uk).

13. Can Members email a copy of their Register of Councillors of Interests form to the Monitoring Officer?

Yes, your signed copy of the Register of Interests form can either be emailed directly to the monitoring officer Anthony.Cox@walsall.gov.uk or to Sarah.Read@walsall.gov.uk Following receipt of the form it will be published to the Council website.

14. Do I have to declare any income for any pension(s) I receive?

Receipt of a pension by you is a pecuniary interest and should be disclosed as part of your Register of Councillors Interests form.

15. Do I have to declare I am Member of a Pensions Committee?

Yes. Please disclose as a non-pecuniary interest.

16. Do I have to declare I am a Member of a Trade Union?

Yes. Membership of a trade union body is to be declared as a non-pecuniary interest. If you also receive sponsorship from that trade union body, this should be declared separately as a disclosable pecuniary interest (DPI).

17. What does the 'Personal Wellbeing interest' mean?

The requirement is set out in the Councillor Code of Conduct Appendix A. If a meeting you attend concerns Council business that affects your personal wellbeing or financial position or that your spouse/partner more than it would the majority of the residents in your Ward then this is to be declared as a 'personal wellbeing'. Examples of this are

– where you live next to or close by to an ‘off licence’ that is having its alcohol licence application considered by the Council.

18. Do I have to declare a Disclosable Pecuniary Interest that is outside my Ward or Council boundary?

Some DPI's are geographically bound and some are not.

Those DPI's that are not bound by geography/a boundary, are:

- employment, office, trade, profession or vocation; and
- sponsorship - this includes any payment or financial benefit from a trade union

Those DPI's that are bound by geography/a boundary, are:

- **contracts** – this means, only contracts within the area of the Council;
- **land** – this means, any interest in land held by you, spouse/partner which is within the area of the Council;
- **licence(s)** – this means, alone or jointly with others (spouse/partner) to occupy land in Walsall for a month or longer;
- **corporate tenancies** – this means, any tenancy with you/your spouse/partner where the landlord is the Council; and
- **securities** – this means, any interest in which you, spouse/partner has securities in a body where a) that body is within the area of the Council; and b) either i) the value of the that security exceeds £25,000 or one hundredth of the total issued share capital; or ii) if the total share you, spouse/partner hold exceeds one hundredth of the total share capital of that class. NB - if you have any specific queries in relation to ‘securities’, please contact the Monitoring Officer.

19. If needed, in what circumstances could I obtain a dispensation for having a disclosable pecuniary interest?

The Monitoring Officer, may grant a dispensation to a Member in the following circumstances:

- where a meeting would be inquorate where the Members of that committee have a disclosable pecuniary interest;
- to ensure balanced political representation on decision making committee;
- where it is judged to be in the interests of the residents of Birmingham for a dispensation to be granted; or
- otherwise considered appropriate.

The Monitoring Officer will keep a written record of any dispensations granted in the above circumstances alongside the Register of Interests.

20. Do I need to declare every organisation that I am a member?

No, you do not need to declare every organisation that you are a member, unless you receive a payment or funding linked to Walsall MBC or it includes membership of a body whose principal purposes include the influence of public policy, including party associations, trade union or professional associations, or it is an appointment by Walsall Metropolitan Borough Council.

If you hold any positions of general control or management, in any Public authority or body exercising functions of a public nature; or Company, industrial and provident society, charity, or body directed to charitable purposes, you should also declare these.

21. I am a co-opted (non-elected) member of a committee does this apply to me?

Yes, the requirements are the same for Councillors and Co-opted (non-elected) members.

21 April 2021