

Standards Committee – 12th July 2021

Code of Conduct for Elected Members

Summary of report:

This report is recommending changes to the Council's existing Code of Conduct for Elected Members based upon the publication of a National Code of Conduct for Councillors in December 2020.

Background papers:

1. Code of Conduct for Councillors
2. Draft Declaration of Interest Form
3. Guidance on Declaring Disclosable Pecuniary Interests and Other Interests
4. Table of Disclosable Pecuniary Interests and Other Pecuniary Interests

Recommendation:

1. That the Committee approves the Code of Conduct for Councillors and recommends that Council approves the same.

1.0 Background

- 1.1 There is a requirement for Councils to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they are acting in the capacity of Councillor. The Code of Conduct should be based upon the "Nolan" principles of standards in public life. These are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. There is an element of discretion however as to what is in the Code of Conduct and the Arrangements for investigating complaints.
- 1.2 The Council's previously amended its Code of Conduct for Elected Members on 23rd May 2018. In January 2019 the Committee for Standards in Public Life produced a report entitled Local Government Ethical Standards. A series of recommendations were made in that report which included recommendations to Councils nationally that they make changes to their Codes of Conduct for Elected Members taking into account these recommendations. In December 2020 the LGA published a National Code of Conduct for Elected Members to assist councils in maintaining high standards by its Members and Co-opted Members, and provide consistency in standards nationally.
- 1.3 The report was taken to Standards Committee on 22 February 2021 Recommending that a Working Party of Elected Members be established to

work with the Monitoring Officer to consider whether or not to adopt the LGA Model Code of Conduct. A working group was established comprising of Councillors Rasab (Chair of Standards Committee), Samra, Hicken, Burley, Underhill, and Statham. Andrew Green, Independent Person also sat on the working group.

- 1.4 At its first meeting on the 13th April 2021 the working group decided not to implement the LGA Model Code of Conduct in its entirety instead favouring amending the council's current Elected Member Code of Conduct to combine the best features of the model code of conduct with the council's existing code. In particular the working group did not like the guidance element that prevailed throughout the LGA Model Code. The working group met on two further occasions on the 20th, 27th April 2021 and agreed on the Councillor Code of Conduct, and Disclosable Pecuniary Interest that comprise the background papers to this report.
- 1.5 The working group felt it was important for a report be submitted to Standards Committee with recommendations to Full Council to adopt the amended Councillor Code of Conduct.
- 1.6 The main changes proposed to the Councillor Code of Conduct are as follows:
 - The Nolan principles have been retained and there is now an explanation setting out the background to the establishment of the Nolan Principles.
 - There is a new section explaining when the Council Code of Conduct will apply to councillors which will assist them to the public in bringing complaints and councillors themselves.
 - There is an updated requirement in relation to the confidentiality of information at 1.3 of the new code.
 - The new code includes a requirement not to compromise or attempt to compromise impartiality of council officers.
 - 1.6,1.7,1.8 - provide greater clarity around requirements in relation to behaviour that could amount to bullying, harassment, discrimination. This accords with the recommendations made by the committee for standards in public life.
 - The new code contains a requirement for councillors to cooperate with standards investigations and any sanctions applied.
 - The new code contains more detailed information regarding gifts and hospitality. The limit on registration of gifts and hospitality is £50. There was not unanimity on this level and this question will be referred to council to determine.

2.0 Resource and legal considerations:

- 2.1 The local authority must adopt a Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. (s28 Localism Act 2011). The Code of Conduct must when viewed as a whole be consistent with the Nolan Committee's seven principles of public life: selflessness, integrity,

objectivity, accountability, openness, honesty, leadership. The authority has a discretion as to what it includes within its Code of Conduct, provided that it is consistent with these seven principles. The authority's Code of Conduct must also contain appropriate requirements for the registration (and disclosure) of pecuniary interests and non-pecuniary interests (see below). There is no longer a centrally determined Model Code. Instead, councils have to determine whether they want to amend or replace the existing Code of Conduct and how they fulfil the duty in LA 2011 of promoting and maintaining high standards of conduct. All local authorities (other than parish councils) must put in place 'arrangements' that set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member or co-opted member who is found to have failed to comply with the relevant Code of Conduct.

3.0 Performance and Risk Management issues:

3.1 Performance and risk management are a feature of all council functions.

3.2 In terms of performance it is important that Elected Members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services. It is also important that Elected Member conduct can be held to account against a clear and transparent Code of Conduct.

4.0 Reducing Inequalities:

4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. It is important that complaints are dealt with in a fair and transparent manner.

4.2 There is more detailed provision in the proposed Councillor Code of Conduct in relation to the definition of harassment and discrimination.

5.0 Consultation:

5.1 The Director of Governance has consulted with the group leaders in relation to the amended Councillor Code of Conduct.

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Councillor Code of Conduct

Purpose of Code of Conduct

The purpose of this code is to set out the principles and associated standards of behaviour expected of Councillors when undertaking their public duties.

Background

In 1994, the UK Government established the Committee on Standards in Public Life to advise on how it might improve the conduct of people in publicly funded roles and agreed to adopt its recommendation to establish “The Seven Principles of Public Life”, that subsequently became known as “The Nolan Principles”.

The Nolan Principles outline the standards of behaviour expected of those who work as a public office holder, including those who are either elected or appointed to a role.

All councils are legally required to have a Code of Conduct for their Councillors, which must be aligned to the Nolan Principles.

Definitions of terms used in this Code

For the purposes of this Code of Conduct:

“Councillor” means a person who:

- is elected as a councillor; or
- is co-opted as a member of the Council, a “co-opted member”. (A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who a) is a member of any committee or sub-committee of the authority, or; b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.); or
- is elected as mayor.

“Council” means Walsall Council.

The Nolan Principles

The seven Nolan principles as defined are listed below.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Application of the Code of Conduct

This Code of Conduct applies:

- as soon as a Councillor signs a declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member and continues to apply until they cease to be a Councillor.
- when acting in their capacity as a Councillor which may include when:
 - they misuse their position as a Councillor; or
 - their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they were acting as a Councillor;
- to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication such behaviour for example could include rolling of the eyes disdainfully, or other aspects of body language that could be interpreted as being disrespectful
 - in electronic and social media communication, posts, statements and comments.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and should be contacted for advice on any matters that may relate to the Code of Conduct.

Allegations of a failure to comply with the Councillor Code of Conduct will be considered in accordance with the arrangements for dealing with such complaints as agreed by Council.

Standards of Councillor Conduct

This section sets out the obligations, which are the minimum standards of conduct required of Councillors.

Councillors should behave in accordance with the Nolan principles by:

1.1 Using their position as a Councillor in the public interest and not for personal advantage, or disadvantage of someone else.

1.2 Dealing with all matters fairly, appropriately and impartially, and in accordance with the law and the Council's Constitution, policies and procedures.

1.3 Respecting the confidentiality of information which they receive as a Councillor, and not disclosing the same unless:

- i) They have received the consent of the person authorised to give it; or
- ii) Are required to do so by law; or
- iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agree not to disclose the information to any other person; or
- iv) The disclosure is a) reasonable and in the public interest; and b) made in good faith and in compliance with the reasonable requirements of the local authority.

1.4 Not obstructing or preventing anyone obtaining information to which they are entitled by law.

1.5 Complying with the Council's rules on the use of public resources for private and political purposes, and not acting in a manner that compromises or attempts to compromise the impartiality of anyone who works for, or on behalf of, the Council.

1.6 Not bullying any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. This is the standard against which such behaviour will be judged.

1.7 Not harassing any person

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. This is the standard against which such behaviour will be judged.

1.8 Not unlawfully discriminating against any person

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. This is the standard against which such behaviour will be judged.

1.9 Not conducting themselves in a manner as a Councillor that is likely to bring the Council into disrepute.

1.10 Not treating other councillors and members of the public with disrespect, nor local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Complying with the Code of Conduct

A: Declaration

Councillors are required to declare they will:

- Undertake Code of Conduct training provided by the Council, and in addition will endeavour to attend a minimum of 12 hours training each municipal year. This includes mandatory training in respect of Licensing, Employment Appeal, and Planning matters which has to be undertaken prior to a Councillor sitting on the relevant committee.
- Cooperate fully with any Code of Conduct investigation and/or determination.
- Not intimidate or attempt to intimidate any person who is likely to be involved in any investigation or proceedings in relation to the application of the Code of Conduct.
- Comply with any sanction imposed following a finding that there has been a breach of the Code of Conduct.

B: Registration of Interests

Councillors will register and disclose interests in accordance with legislative requirements and the requirements of this Code. The detailed requirements of registration and disclosure are set out in Appendix A of this Code.

C: Gifts and hospitality

Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a Councillor. However, there may be times when such a refusal may be difficult, or it may be seen as rude not to accept. It is also acknowledged that it is appropriate to accept normal expenses and hospitality associated with duties as a Councillor.

The presumption should always be not to accept "significant" gifts or hospitality. For the purposes of this Code of Conduct the Council has determined "significant" as £50.00 (fifty pounds).

Councillors should be particularly cautious about accepting multiple gifts or hospitality from the same individual or company even where such gifts or hospitality do not exceed the £50.00 limit.

However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. If you are unsure, do contact your Monitoring Officer for guidance.

In complying with this Code of Conduct, Councillors:

- should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on part of themselves to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or gift or hospitality with an estimated value of £50 or more within 28 days of its receipt; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or multiple gift or hospitality that have been offered but have been refused.

APPENDIX A – REGISTRATION AND DISCLOSURE OF INTERESTS

Register of Interests

1. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors.
2. Within 28 days of election and re-election or appointment and re-appointment Councillors must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. Councillors should also register details of their other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
3. Councillors must register their interests so that the public, Council employees and fellow Councillors know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects Councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
4. Councillors should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
5. **“Disclosable Pecuniary Interest”** means an interest of a Councillor, or of their partner if they are aware of their partner’s interest, within the descriptions set out in Table 1 below.
6. **"Partner"** means a spouse or civil partner, or a person with whom the Councillor is living as husband or wife, or as a civil partner.
7. Councillors must ensure that their register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
8. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
9. Where a Councillor has a ‘sensitive interest’ she/he must notify the Monitoring Officer with the reasons why they believe it is a sensitive interest. If the Monitoring Officer agrees she/he will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

10. Where a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interests as set out in **Table 1**, Councillors must:

- disclose the interest; and
- not participate in any discussion or vote on the matter; and
- not remain in the room unless they have been granted a dispensation. Dispensation may be granted in limited circumstances, to enable Councillors to participate and vote on a matter in which they have a disclosable pecuniary interest.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

11. Where a Councillor has a disclosable pecuniary interest on a matter to be considered or is being considered by them as a Cabinet member in exercise of their executive function, they must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

12. Where a matter arises at a meeting which **directly relates** to an Other Registerable Interests (as set out in **Table 2**), Councillors must disclose the interest.

Councillors may speak on the that matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

Disclosure of Non-Registerable Interests

13. Where a matter arises at a meeting which **directly relates** to a Councillor's financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, the Councillor must disclose the interest.

The Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

14. Where a matter arises at a meeting which **affects** –

- a: the financial interest or well-being of a Councillor; or
 - b: a financial interest or well-being of a relative, or close associate of a Councillor; or
 - c: a financial interest or well-being of a body included in those to be disclosed under Other Registrable Interests as set out in **Table 2**; then
- the Councillor must disclose the interest.

15. In order to determine whether a Councillor can remain in the meeting after disclosing an interest (as per paragraph 14 above) the following test will be applied by the Councillor, who may seek advice from the Chair of the meeting, and/or any legal or democratic services officer present in the meeting.

a: to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

b: a reasonable member of the public knowing all the facts would believe that it would affect the Councillor's view of the wider public interest, or be perceived as a conflict of interest; then

c: the Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

16. Where a Councillor has a personal interest in any business of the Council and has made an executive decision in relation to that business, he/she must make sure that any written statement of that decision records the existence and nature of that interest.

Disclosure of Interests at Overview and Scrutiny Meetings

17. If a Councillor you is the Chair of an Overview and Scrutiny meeting they should not preside over the scrutiny of a relative. Section 28(10) Localism Act 2011 defines a relative as: a) a spouse or civil partner, b) someone they are living with as husband and wife or as if they were civil partners, c) a grandparent d) a lineal descendant of grandparent, e) a parent, sibling or child of a person within paragraph a) or b), f) the spouse or civil partner of a person within paragraph c),d),e), or g) living with a person within paragraph c), d), or e) as husband and wife or as if they were civil partners.

18. Scrutiny has a role to play in holding decision-makers accountable therefore if a Councillor was previously a Cabinet Member they should not scrutinise decisions that were taken when they were a part of the Cabinet. This means they should leave the room during the discussion of the item. This is particularly pertinent upon the initial changing of roles but, depending on the issue, can still have significance after a substantial period of time. A discussion with the Monitoring Officer should be sought if there is an item on an agenda that Councillors think they may have an interest in.



Walsall Council

Notification of Disclosable Pecuniary Interests and Other Registrable Interests

NAME

A member of

WALSALL METROPOLITAN BOROUGH COUNCIL

Important notes

- (1) The requirement to notify the Monitoring Officer of a disclosable pecuniary interest applies not only to your own interests but also those of your husband/wife/civil partner, or a person with whom you are living as husband/wife or as if you are civil partners, where you are aware that the other person has the interest.

The term “relevant person” therefore means you and any other person referred to above.

- (2) Details of your notified interests will appear in the members’ register of interests and will be published on the Council’s website, and open to public inspection.
- (3) If you consider that the disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, and you would like to withhold these details from the register of interests, please provide this information to the Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information, including why it is likely to create such a risk. If the Monitoring Officer agrees, the information will not be included in copies of the register made available for inspection, or any published version of the register.
- (4) Please state “none” where appropriate.

Further explanatory notes are included at the end of this notification.

Part A: Employment

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

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part B: Sponsorship

Any payment or provision of any other financial benefit other than Walsall Metropolitan Borough Council made or provided within the relevant period* in respect of expenses incurred by you in carrying out duties as a member, or towards the election expenses of yourself. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

* "relevant period " means the period of 12 months ending with the day on which you gave a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Localism Act 2011.

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Part C: Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and Walsall Council:

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

* "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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part D: Land

Any beneficial interest in land* which is within the area of Walsall Metropolitan Borough Council.

* "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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part E: Licences

Any licence (alone or jointly with others) to occupy land* in the area of the relevant authority for a month or longer.

*“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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part F Corporate tenancies

Any tenancy where, to your knowledge:

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

* “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.

“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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part G: Securities

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 Walsall Metropolitan Borough Council; and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) 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.

* “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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part H: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- a) any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
- b) any to which you are nominated or appointed by the Council; and
- c) any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Part I: Declarations

Important: It is a criminal offence to fail to notify the Monitoring Officer of any disclosable pecuniary interest (DPIs). This requirement arises in each of the following circumstances:

- (a) before the end of 28 days beginning with the day on which you become a member or co-opted member of the authority (s30(1) Localism Act 2011);
- (b) where the DPI is not entered in the authority's register and is not the subject of a pending notification, but is disclosed at a meeting of the authority (or any committee, sub-committee, joint committee or joint sub-committee) as required by s31(2) of the Localism Act, within 28 days beginning with the date of the disclosure (s31(3) Localism Act 2011);
- (c) where the DPI is not entered in the authority's register and is not the subject of a pending notification, with 28 days beginning with the date when you become aware that you have a DPI in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging of a function of the authority (s31(7) Localism Act 2011).

It is also a criminal offence to knowingly provide information that is false or misleading (or being reckless as to whether the information is true and not misleading).

In addition to the above, the Walsall Metropolitan Borough Council has adopted a Code of Conduct for members which requires you to notify the Monitoring Officer of any DPs before the end of 28 days beginning with the day on which the code takes effect. Failure to comply with this requirement would not in itself be a criminal offence, but could render you liable to action being taken against you under the Code.

To the best of my knowledge, the information given in this form is complete and correct.

Name:	Signed:
	Date:

This form is to be returned direct to the Monitoring Officer.

This declaration has been registered by me:	
Monitoring Officer	Date:

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

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Table 2: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
 - any to which you are nominated or appointed by the Council; and
 - any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)