



**Explanatory Notes on Registerable Personal Interests– PART 2 - Paragraphs 8(1)(a) and 13(1) and (2) - The Local Authorities (Model Code of Conduct) Order 2007)**

These notes (not to be regarded as comprehensive) give general guidance on the categories of personal interests required to be registered under the Member Code of Conduct. The requirements of the Code are precise. If a person wishes to inspect the register of interests to establish whether you have a conflict of interest in a matter, they cannot do so if the information in the register is vague or general. Therefore, failure to record information in enough detail may be a breach of the Code.

**Remember: you must tell the Monitoring Officer in writing, within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out below.**

Paragraph 8(1)(a)(i)  
of the Code

**Appointments or nominations by an Authority**

'Authority' means Dartford Borough Council AND any other authority you are a member of e.g. Kent County Council and/or a Parish/Town Council.

You may be appointed by your Authority as representative to an outside body e.g. Dartford Age Concern.

Where you represent your Authority's position as a 'member' of the outside body, but take no part in its management or governance, other than to attend and vote at annual or general meetings, you will be mainly concerned with representing the Authority and you will not have responsibilities for governance of the body. Here, you would register your interest as a 'member' of the body.

The outside body may ask you to take on a position of management or governance e.g. trustee or director. Here, you will not only be representing the interests of the Authority, but you will also have duties to the outside body and a role in its governance as a member of the management committee, board of directors or committee of trustees. You would therefore register your interest as a 'trustee' or 'director' of the body.

*What you need to register*

*You must name the outside body and say what position you hold e.g. ABC Organisation, member: ABC Body, trustee: ABC Company, director: ABC Group, observer.*

*You must name the Authority which appointed you e.g. Dartford Borough Council.*

Paragraph 8(1)(a)(ii)(aa),(bb) and (cc)  
of the Code

**Membership or position of general control or management in other bodies**

'Membership' is not defined in the Member Code of Conduct. However, it may include the state of belonging to an organisation, club or group and receiving the advantage and benefit of belonging to that group. Indications of membership may include payment of a membership fee and being the holder of a season ticket (see Local Protocol below). You may also have voting rights at a meeting of the charity or receive a regular newsletter or other publication.

**(aa) a public body or a body exercising functions of a public nature** –example: county and parish councils, regional and local development agencies, central government, prison and immigration services, courts and tribunals, nationalised industries, universities, university colleges, colleges and halls of universities, Primary Care Trusts, NHS Trusts, Community Health Council, Police Authority, arms length management organisations carrying out housing functions on behalf of the Council, school governing bodies, Council – owned companies exercising public functions etc

### *What you need to register*

*You must name the body and say what position you hold e.g. Wilmington Parish Council, Councillor: ABC School, Governor.*

**(bb) a body directed to charitable purposes** - to be a charity, an organisation must have purposes all of which are exclusively charitable - a charity cannot have some purposes which are charitable and others which are not. Even if your charitable body does not keep a formal membership list, the Member Code of Conduct still applies to you in the same way. If you are acting as a member of the charity - perhaps attending meetings - you should still register your membership of the charity.

### *What you need to register*

*Include any charity of which you are a trustee or member. You must name the body and say what position you hold e.g. ABC Charity, trustee: ABC Charity, member.*

*If you are a freemason and a member of the Grand Charity, you must register your membership of the Grand Charity. If an individual lodge is one which has charitable status, or could be described as a body directed towards charitable purposes, then your membership of that lodge must also be registered.*

**(cc) a body whose principal purposes include the influence of public opinion or policy** – example: political parties, trade unions, residents' associations, campaigning organisations, lobby groups, religious organisations, trade associations. Even if your lobby group does not keep a formal membership list, the Member Code of Conduct still applies to you in the same way. If you are acting as a member of the group - perhaps attending meetings or participating in group activities - you should still register your membership of the group.

### *What you need to register*

*You must name the body and say what position you hold e.g. ABC Action Group, secretary or member; ABC Trade Union, secretary.*

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## Local Protocol

**Membership of unincorporated clubs and societies etc** – include any non-profit making body such as a cultural, sporting, environmental or social association, club or organisation.

### *What you need to register*

*Name the club, society, association or organisation and say what position you hold e.g. ABC Club, secretary or ABC Club, member. Also provide details of any season tickets you hold*

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## Paragraphs 8(1)(a)(iii),(iv) and (v) of the Code

### **Employment, business, office, trade, profession or vocation**

'Employment or business' covers any activity that generates income for you. It will not cover unearned income (from property or investments) unless you, alone or jointly, play an active role in the management of those assets.

If you are in sensitive employment (e.g. certain scientific research or the Special Forces), which you would like to withhold 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 a serious risk that you or a person who lives with you, will be subjected to violence or intimidation. If the Monitoring Officer considers it

appropriate, you will not have to include the sensitive information on the register. Ultimately, it will be your decision whether the information should not be included on your register of interests.

#### *What you need to register*

- (a) *You must detail the nature of every employment, business, office, trade, profession or vocation that you have, with a short description of the job concerned; for example, 'computer operator' or 'accountant', whether or not these are declared for income tax purposes.*
- (b) *You must give the name and address of your employer.*
- (c) *If you are employed by a company, give the name and address of the company paying your wages or salary, not that of the ultimate holding company.*
- (d) *Give the name and address of any company for which you are a paid director.*
- (e) *Give the name and address of any firm in which you are a partner.*
- (f) *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. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school's governing body.*

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#### Paragraphs 8(1)(a)(v) of the Code

##### **Sponsorship**

Register the name of any person or body (other than Dartford Borough Council) that has made any payments to you in the last 12 months towards your expenses as a Councillor or towards your election expenses. You do not need to declare the amounts of any payments - only the name of the person or body making them.

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#### Paragraphs 8(1)(a)(vi) of the Code

##### **Interests in Companies and Securities**

The term 'securities' includes any instrument (such as a share, bond or option) that indicates some form of ownership rights or creditor relationship with a particular body. In practice, the most commonly encountered form of securities are shares.

The term 'corporate body' includes companies, building societies, banks, industrial and provident societies, public corporations such as the British Broadcasting Corporation or the Port of London Authority and insurance companies.

You have a registerable interest where you, alone or jointly with others, have a 'beneficial interest' in a type of share with a face value (as shown on the share certificate) worth more than £25,000 or, 1% of the total amount invested in that corporate body by shareholders – whichever is less. You have a beneficial interest in a type of share if you own, if you are entitled to the proceeds of, or if through a trust or will, you become entitled to the proceeds of that type of share.

There is no requirement to register the name of the corporate body in which you have investments, or the corporate body from which you have borrowed money.

### *What you need to register*

Identify the nominal value – this is the amount of the shares indicated on the certificate, not the market value. If this exceeds £25,000, or if this is less than £25,000, but the holding is more than 1% of the total issued share capital, you must list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that, to your knowledge, are active in the Borough of Dartford. You do not need to show the extent of your interest. A company or body corporate is active in the Borough of Dartford, if it has land or a place of business in the Borough.

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#### Paragraph 8(1)(a)(vii) of the Code

##### **Contracts for goods, services or works with Dartford Borough Council**

You have a registerable interest where you, or a firm in which you are a partner, or an undertaking in which you are a director, or in which you have shares of a value described above, have made a contract with the Council:

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

Sufficient detail must be given to identify the contract, such as the date and a brief description of the goods, services or works being contracted for. There is no requirement to state the value of the contract or its terms. Where the contract relates to use of land or a property, the land must be identified.

### *What you need to register*

You must describe all contracts (goods, services or works) which are not fully discharged and made:

- (i) between yourself and the Council;
- (ii) between a firm in which you are a partner and the Council;
- (iii) between a company of which you are a remunerated director and the Council;
- (iv) between a corporate body in which you have shares of a value described above, and the Council; and
- (v) state the length of the contract.

### *What you do not need to register*

Concessionary fares

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#### Paragraph 8(1)(a)(ix) of the Code

##### **Houses, land and buildings in the Borough of Dartford in which you have a beneficial interest**

A 'beneficial interest' is one where the owner of the interest is entitled to the benefit of the asset concerned. Such an interest can arise directly through the legal ownership of an asset or indirectly where you are the beneficiary of a trust. The use of the term 'beneficial interest' excludes those who hold assets under a trust but are not beneficiaries of that trust. In such situations the trustee holds the legal title to the assets in question but has no beneficial interest

You have a registerable interest where you alone or jointly with others, own or have a right or interest in houses, land and buildings in the Borough of Dartford, such as being the owner, lessee, or tenant (other than leases or tenancies with the Council) . You must also include any property from which you receive rent, or of which you are the mortgagee.

### *What you need to register*

*You must give the address or a brief description of the property. Where it is not possible to provide an address e.g. farmland, you must include enough information, so that the landholding(s) can be identified. This can be done by providing map grid references or by attaching a copy of a map identifying the landholding(s)*

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#### Paragraph 8(1)(a)(x) of the Code

##### **Dartford Borough Council as landlord**

You have a registerable interest where you or a firm in which you are a partner, a company of which you are a remunerated director or a person or a corporate body (companies, building societies, banks, industrial and provident societies, public corporations such as the British Broadcasting Corporation or the Port of London Authority and insurance companies) in which you have a type of share with a face value (as shown on the share certificate) worth more than £25,000 or, 1% of the total amount invested in that corporate body by shareholders – whichever is less, are lessees or tenants of the Council.

### *What you need to register*

*You must give the address or a brief description of the property. Where it is not possible to provide an address e.g. farmland, you must include enough information, so that the landholding(s) can be identified. This can be done by providing map grid references or by attaching a copy of a map identifying the landholding(s).*

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#### Paragraph 8(1)(a)(xi) of the Code

##### **Licences to occupy houses, land and buildings in the Borough of Dartford**

You have a registerable interest in any houses, land and buildings in the Borough of Dartford which you, alone or jointly with others, occupy under licence from the Council, for more than 28 days, including, but not limited to, the land and house you live in and any allotments, garage licences, grazing agreements and other short term arrangements to use Council land or property.

### *What you need to register*

*You must give the address or a brief description of the property. Where it is not possible to provide an address e.g. farmland, you must include enough information, so that the landholding(s) can be identified. This can be done by providing map grid references or by attaching a copy of a map identifying the landholding(s).*

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#### Paragraph 8(1)(a)(viii) of the Code

##### **Gifts and hospitality**

You must register/declare any gifts or hospitality which are received and accepted by you, in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Council. You must also register the source of the gift or hospitality. The requirement to register gifts and hospitality applies equally to any Member who holds a particular position e.g. Mayor.

##### **(a) Is the gift or hospitality connected to my official duties as a Member?**

You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived/interpreted as something given to you due to your position. You should ask yourself, would I have received this gift or hospitality if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, speak to the Monitoring Officer.

To refuse may cause misunderstanding or offence; however to accept may give rise to questions of impropriety or conflict of interest.

Where the decision whether to accept hospitality is left to your judgement, you must ask yourself some commonsense questions: for instance, whether there is a benefit to the Council in your accepting the invitation; whether the entertainment is lavish - on a scale which you could not personally afford; whether you are accepting too much hospitality from the same source; and if your position is prominent, whether just your attendance at an event might be open to interpretation as a signal of support.

**(b) What if I do not know the value of a gift or hospitality?**

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive that add up to £25 or over, should be registered.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register all gifts or hospitality that you receive, as a matter of good practice and in accordance with the principals of openness and accountability in public life.

**(c) Gifts and hospitality which need not be registered:**

- (i) Official hospitality such as a civic reception or a working/business lunch in Council owned premises or hosted elsewhere, by a partner organisation of the Council.
- (ii) Civic hospitality provided by another public authority.
- (iii) Refreshment in connection with any meeting in the course of your work as a Member e.g. tea, coffee and other normal beverages and refreshments.
- (iv) Meals or refreshments funded by other public sector partners, as part of joint working/collaboration.
- (v) Meals or refreshments provided as part of a ceremony or event to promote/or launch a project or initiative.
- (vi) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or advisor who is already appointed by the Council for that project, scheme or initiative.
- (vii) Drinks or other refreshment in the normal course of socialising arising consequentially from Council business e.g. inclusion in a round of drinks after a meeting.
- (viii) Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
- (ix) Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens.
- (x) Gifts and hospitality arranged and paid for wholly by your own political party.
- (xi) Gifts and hospitality not related or connected with your membership of the Council i.e. received by you outside the performance of your functions as a Member.
- (xii) Gifts and hospitality you may receive from family and friends e.g. birthday presents that are not related to your position as a Member.
- (xiii) Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally e.g. a commemorative goblet for display in the Mayor's parlour.
- (xiv) Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
- (xv) Gifts and hospitality which you do not accept (if in doubt, refer to the Gifts and Hospitality Protocol).
- (xvi) Gifts which you donate to the Mayor's charity, subject to you indicating this intention to the donor of the gift.
- (xvii) Gifts known to be available to all members of the Council e.g. badges and ties bearing the Council's coat of arms.
- (xviii) Souvenirs and gifts from other public bodies intended as personal gifts e.g. arising from town-twinning and other civic events.
- (xix) Hospitality known to be available to all members of the Council e.g. Annual Meeting/Mayor making refreshments.

- (xx) Hospitality ancillary to the Council business being conducted, such as an overnight stay for an 'away – day with a partner organisation of the Council'.
- (xxi) Hospitality ancillary to attendance at conferences, seminars and courses where the hospitality is corporate, rather than personal.
- (xxii) Hospitality ancillary to attendance at functions where you represent the Council (opening ceremonies, public speaking events, conferences).
- (xxiii) Hospitality ancillary to attendance as Mayor or Deputy Mayor, at charity events, garden parties, fetes, schools, concerts etc.
- (xxiv) Hospitality extended to you as an office holder rather than to you as an individual.
- (xxv) Trips in the UK or abroad which are paid for by the Council or which involve reciprocity of payment with other local authorities, government bodies/departments or outside bodies/organisations, together with any hospitality associated with such visits and available to all participants e.g. Tallinn hosted trips.

### *What you need to register*

*You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a Member, and the source/donor of the gift or hospitality. This includes an accumulation of small gifts you receive that add up to £25 or over.*

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### **IF IN DOUBT, SEEK ADVICE from:**

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