

GUIDANCE NOTES – SECOND REVISION

Section 1 - Financial Interests

Para 4 Part 3 of the Code refers to the nominal value of shares. What is this – is it different to the market value of shares?

The nominal value of shares is the face value of those shares (the value recorded on the share certificate) For example:

You bought 10,000 £1.50 shares (face value) in 1999. The market value at the time was £3.00 each, so the total paid was £30,000. those shares are now worth £45,000.

The nominal value of those shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares on the register of interests, even though the current market value is £45,000.

Para 6 Do I need to register land that I own overseas or in parts of England outside the council's area?

No. You only need to register land you own or in which you have a beneficial interest that is within the council's area.

(You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.)

Section 2 Details of membership of bodies and companies

A "trade union" means an organisation (whether temporary or permanent) –

(a) which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or

(b) which consists wholly or mainly of –

(i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly

or mainly of constituent or affiliated organisations which fulfil those conditions), or

- (ii) representatives of such constituent or affiliated organisations, and whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or the regulation of relations between its constituent or affiliated organisations.

Registering and declaring membership of the Freemasons

Freemasons who are members of The Grand Charity must register membership of The Grand Charity under paragraph 15 (c) of the Code of Conduct in the Register of Members' Interests and declare when appropriate their membership of the Grand Charity as a personal or prejudicial interest before or during council meetings.

If an individual Lodge is one which has charitable status or could be described as a body directed towards charitable purposes then membership would need to be registered.

Membership of charities or bodies directed to charitable purposes must be registered in the register of interests in accordance with paragraph 15 (c) of the Code of Conduct.

It is important to remember that declarations of interest operate independently of the requirement to register certain interests. As with all types of interests, if a matter under discussion would affect a member more than other people in the council's area because the member is a Freemason, then the member will need to declare the existence and nature of that interest, such as membership of the Order or an individual Lodge, before the matter is discussed. The member will need to consider whether the interest is also prejudicial.

Registering and declaring membership of political party council associations

Membership of councillor associations should be registered with the authority under paragraph 15 (d) of the Code of Conduct.

Paragraph 15 (d) requires the registering of membership of bodies "whose principal purposes include the influence of public opinion or policy".

Political party councillor associations fall under paragraph 15 (d) and membership of political party councillor associations therefore need to be registered.

Industrial and Provident Societies –

These are societies registered under the Industrial and Provident Societies Act, 1965 and are bodies corporate with limited liability. The 1965 Act sets out the criteria for, and effect of registration thereunder. If you need information about

whether membership of a particular society qualified for disclosure please refer to the legislation or seek advice from the Monitoring Officer.

Section 3 Gifts and hospitality

Do I need to register all gifts and hospitality I receive?

No. You only need to register gifts and hospitality worth more than £25 that you receive in connection with your official duties as a member.

Paragraph 1(2) of the code says that the code does not apply to councillors outside their official capacity apart from two specific circumstances. Those two circumstances are:

Paragraph 4 “A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute,” and

Paragraph 5a “A member –

must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage.”

Therefore, gifts received in a personal capacity do not need to be registered.