

GUIDANCE FOR OFFICERS ON THE OFFICERS' REGISTER OF INTERESTS, DECLARATIONS OF INTERESTS, AND GIFTS AND HOSPITALITY

Introduction

1. This guidance should be read in conjunction with the Officers' Code of Conduct, the Council's Working Time Policy, the Financial Procedure Rules and the Contract Procedure Rules, which form part of the Council's Constitution (the Constitution) and Code of Corporate Governance.

Background and relationship to the Constitution

2. It is important that decisions of the Council are transparent and are made, and seen to be made, in the public interest. Accordingly, officers of the Council (Officers) that carry out duties delegated to them under the Constitution, or otherwise contribute to the decision-making process, must not be inappropriately involved in decisions that are likely to benefit them, or be seen to benefit them, personally. It is important that whenever Officers are carrying out work on behalf of the Council they are not influenced, or seen to be influenced, by their private interests.
3. These are well-established principles that apply to all Councils in England and Wales and are enshrined in legislation. For example, pursuant to Section 117 of the Local Government Act 1972 (the Act), Officers are required to declare in writing, if they have a direct or indirect pecuniary interest in any contract entered into by the Council of which they become aware. It is a criminal offence if Officers fail to make such declarations. These principles also pervade the Constitution, particularly in the documents referred to in paragraph 1 above.
4. There are three key processes established by the Council to ensure Officers act appropriately, where their personal interests coincide with the work they undertake for the Council. There is a central [Officers' Register of Interests](#) and related [form](#); an [Officers' Declaration of interests form](#); and a [Gifts and Hospitality Form](#), together with processes for managing these issues. This guidance and the related forms explain the processes that are in place.

Officers' Register of Interests

5. The [Officers' Register of Interests](#) is a central register which contains the personal interests of all Chief Officers', Deputy Chief Officers', and any other Officer to whom delegated authority is expressly given under the constitution. This register is required to be maintained under the Constitution. The register can be accessed by clicking the above link, or on the infonet via the link to Policies and Procedures.
6. When appointed, or within 28 days of appointment, as a Chief Officer, or Deputy Chief Officer, or to a role where you are expressly delegated authority to make decisions by the Constitution, the relevant Officer must complete a form to declare any interests, and submit this form to their Chief Officer or the Chief Executive.

The form is entitled [Officers' Register of Interests Form](#) and can be accessed by clicking on this link or on the infonet via the link to Policies and Procedures. Officers must also ensure that interests that subsequently arise, are registered within 28 days of that interest arising, by completing and then submitting a further form, and must review their register of interests annually.

7. A registered interest may give rise to the need to make a declaration of interest and, if so, Officers must submit an Officers' [Declaration of Interests Form](#) (see guidance below) to their Chief Officer or the Chief Executive.

Officers' Declarations of Interest

8. You have a personal interest whenever a reasonable person would perceive a conflict between your private interests and the work you do for the Council. In undertaking work for the Council, you should always consider if you have a personal interest in the matter and, if you consider that you do, you must declare it by completing and submitting the [Officers' Declaration of Interests Form](#) to your line manager.
9. Whilst the Officers' Register of Interests only applies to specific officers, the need to declare a personal interest in Council business, which an Officer becomes aware of, applies to all Officers of the Council. Pecuniary interests in contracts entered into by the Council are not the only circumstances that require a declaration of interest to be made. It may be inappropriate for you to be involved in work on behalf of the Council where it would appear to a reasonable person that you have an interest in the matter outside of your role as an officer of the Council. This may arise where the interest directly affects you financially, or where it affects your wellbeing, but may also arise where the interest affects the finances or wellbeing of a family member (such as a spouse, child, sibling or parent), or a close personal associate.
10. A close personal associate may be a close friend or even someone with whom you are, or were, involved in a private dispute, as it may be perceived that it is in your personal interests that the decision impacts upon that person in a negative way. If a decision which is to be made by the Council affects you or a close personal associate, you must declare this as soon as it becomes apparent. If you are in doubt as to whether you have a personal interest speak to your line manager. Paragraphs 11 to 17 give some examples of when this issue may arise.

Examples of when a personal interest may arise and must be declared

11. If you are employed, otherwise carry out work, or are involved in business outside of your employment with the Council (External Work), your work for the Council may be perceived to impact upon your External Work or vice versa, particularly

where the External Work is of a similar nature to the work you undertake for the Council. For example, if you operate or work for a taxi firm and also work for the department of the Council responsible for licensing that business you will have a personal interest in the application for a license, or in any work carried out by the Council in regulating that license. You should also refer to the Recruitment and Selection Policy and Working Hours Policy to make sure your hours of working are in accordance with these policies.

12. If you carry out work for a business providing planning advice to developers and you are also a planning officer for the Council, you may have given advice to a developer in the course of your External Work and the same developer may apply to the Council for planning permission. You may then have a personal interest in the application submitted to the Council by that developer and you must declare a personal interest in the matter as soon as you become aware of it.
13. If you are a planning officer who deals with planning applications on behalf of the Council and you either submit a planning application yourself, or an application is submitted by a close personal associate, you must declare a personal interest in the matter as soon as you become aware of the issue. The same would apply if an application is submitted by someone who is not a close personal associate, but where the application relates to a proposed development near to your own home and would reasonably be perceived as impacting upon your home, or the home of a close personal associate.
14. If you are a housing officer who deals with the allocation of tenancies to Council houses, and a close personal associate is on the housing register for such allocations, you must declare a personal interest in the matter as soon as you become aware of it. The same would apply if a close personal associate has applied to the Council for improvements to be made to their Council house, such as an updated kitchen or bathroom.
15. If you are an Officer who has managerial responsibilities, which include the appointment of other officers, and an application for an appointment is made by a close personal associate, you must declare a personal interest as soon as you become aware of it.
16. If you have delegated authority to enter into contracts on the Council's behalf, or are involved in the procurement process, and a potential contractor is a close personal associate of yours, or the potential contractor is a company where a close personal associate has a position of control or management, you must declare a personal interest as soon as you become aware of it.
17. Further, if you use contractors who have been awarded a contract by the Council to carry out work connected with your personal life, this could lead to a perception that there has been impropriety in the procurement process and you should avoid this. You should avoid, in particular, using information that is confidential as

part of a contract with the Council (such as using confidential lists of approved subcontractors to carry out work for you privately, or using personal data or information to create a client list for an external business in which you have an interest) to assist you in your private life.

Declaring a Personal Interest and the process for managing such interests

18. The relevant form to complete is entitled [Officers' Declaration of Interests Form](#) and can be accessed by clicking this link or on the infonet via the link to Policies and Procedures. You must complete this form and then submit it to your line manager. Managers must put in place all necessary arrangements to ensure that council functions are carried out without any suggestion they are being influenced by the private interests of Officers. Managers should seek advice from their Chief Officer or the Monitoring Officer about what arrangements are appropriate and there is further guidance in the [Officers' Declaration of Interests Form](#). Your line manager will make appropriate arrangements for dealing with your personal interest and will inform you, as appropriate, of those arrangements.

Gifts and Hospitality

19. All Officers must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the Officer to demonstrate that any such rewards have not been corruptly obtained.
20. Section 117(2) of the LGA 1972 forbids any Officer "under colour of" their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.
21. The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity.
22. It is therefore essential that if you receive, or are offered, any gift or reward that you report this by completing the [Gifts and Hospitality Form](#) and submitting it to your manager either by using this link or on the infonet via the link to Policies and Procedures
23. If you have accepted a gift or hospitality from any person and subsequently you become aware of Council business that relates to that person (for example to an application submitted to the Council by that person), then this is likely to give rise to the need for you to make an Officers' Declaration of Interest in respect of that matter using the procedure and form set out above.

END OF GUIDANCE NOTE