

CONSTITUTION PRACTICE NOTE

WHAT TO DISCLOSE AS A REGISTERABLE INTEREST UNDER THE STANDARDS REGIME

1. Why this Practice Note has been produced

- 1.1 As required by the Localism Act 2011 (the Act), the Council has adopted a Code of Conduct for Councillors (the Code), together with a Complaints Procedure to be followed should anyone consider the Code has been breached. These can be found respectively in Parts 5.1.1 and 5.1.2 of the Council's Constitution.
- 1.2 The Code requires all Councillors to:
 - a) Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matters in which they have a disclosable pecuniary interest (DPI), under **Paragraph 3 of the Code** and **Sections 30 and 31 of the Act**, and
 - b) Disclose "other interests" as defined in that paragraph and/or as more particularly specified in the City Council's adopted "Notice of Registerable Interests" form (the Notice), under **Paragraph 4 of the Code**. A copy of the Notice adopted is set out in Appendix 1.
- 1.3 Central Government defined the categories of DPI that must be disclosed in the **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**, details of which can be found here. The Council cannot therefore change what is or is not a DPI. It can however:
 - a) Ensure that how these are described are easily understood; and
 - b) Define for itself other interests, which it believes should be disclosed.
- 1.4 The Council approved the Notice in 2012 and this includes a description of all categories that must be disclosed and those related to DPIs quoted the wording of the regulations. There is therefore room for improving the clarity to make the categories easier to understand and complete the form.
- 1.5 Failure to properly disclose and notify any of these interests to the Monitoring Officer leaves Councillors open to potential prosecution in the case of DPIs, or other action for a breach of the Code of Conduct in relation to any other disclosable interest.
- 1.6 The Governance Committee asked for the descriptions of the interests to be made clearer and guidance issued as to what should be inserted in each category. This Practice Note has been produced to address that request.

2. Guidance as to whether an interest should be disclosed

- 2.1 A copy of the Notice is attached at **Annex 1** and contains guidance as to what should normally be included in each category.
- 2.2 The Department for Communities and Local Government also issued guidance for Councillors in relation to the need for openness and

transparency in relation to the declaration and registration of interests, which can be found [here](#).

- 2.3 These documents explain the most frequently asked questions, but are not comprehensive guidance as there may be any number of variations as to what should be included on the form based on an individual Councillor's circumstances.
- 2.4 You should contact the Monitoring Officer for specific advice if:
 - a) You are a Councillor and are in any doubt as to what should be included in the Notice, or notified to the Monitoring Officer at any later date; or
 - b) You believe that there has been a failure or error in the disclosures made by a Councillor
- 2.5 If you have any questions as to whether an interest should have been or should be disclosed or about the guidance, you should contact the Council either by:
 - a) sending an email to standards@chelmsford.gov.uk; or
 - b) contacting the Monitoring Officer on 01245 606560