

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

8 March 2023

Officers' Registration of Interests

1.0 PURPOSE OF REPORT

1.1 To update the Committee regarding the regime for the registration of officers' interests.

2.0 BACKGROUND

2.1 At the Committee's last meeting, Members requested that details of the arrangements for the registration of officers' interests be brought to this meeting, for Members to compare the registration requirements to those required of Members.

3.0 REGISTRATION OF OFFICER INTERESTS

3.1 Guidance for officers on interests is contained in the Council's Standards of Conduct Policy which is published on the Intranet. The Policy contains the following specific provisions relating to officer interests:

Personal interests

9.0 Employees must declare in writing initially to the Assistant Director or Head teacher:-

- (a) Any financial or non-financial interests that they consider could bring about conflict with the County Council's and/or School's interests, e.g. being involved in an official capacity with an outside organisation.
- (b) any financial interest which could conflict with the County Council's and/or school's interests, e.g. work for which a fee is received.
- (c) Employees must declare membership of any secret societies. The definition of "secret society" is as follows:

"Any Lodge, Chapter, Society, Trust or regular gathering or meeting which:

- Is not open to members of the public who are not members
- Includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance.
- Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

In the case of a Director/Assistant Director, such a declaration must be made to the Chief Executive/Director. In the case of a Head Teacher, the declaration must be made to the Chair of Governors.

9.1 Where employees (Grade K and above) have declared an interest in regard to section 9.0(c) the detail will be kept in a register by the Council's Monitoring Officer or Head Teacher/Chair of Governors. The information is not available to the public but is accessible by other officers who have a 'need to know'.

3.2 Officers (grade K and above) are required to register their principal private interests, as set out below, and to update their interests form within 28 days of becoming aware of any material change in respect of their private interests:

1. Employment and business details of the officer and immediate family members
2. Membership of another local authority by the officer and immediate family members
3. Membership of other public bodies by the officer and immediate family members
4. Land in the area of the authority which is owned or occupied by the officer or by a member of their immediate family
5. Membership of local companies in which the officer or their immediate family own any shares or securities with a nominal value of £25,000 or more
6. Any contract for goods, services or works made between the authority and the officer, a member of their family or a company or firm of which they have registered in their interests form
7. Membership of outside bodies to which the officer has been appointed by the authority
8. Any position held within a trade unions or professional association
9. Membership of any body whose principal purposes include the influence of public opinion or policy
10. Membership of any charity or body directed to charitable purposes of which the officer is a member which operates nationally or as North Yorkshire.
11. Details of any other private interest which the officer has which they consider is likely to give rise to a conflict with the proper performance of any of their duties in their job.

Failure to declare a relevant interest or change can lead to disciplinary action being taken. A copy of the officers' interests form and supporting guidance is attached at **Appendices 1 and 2** respectively. Certain updating amendments are required to the documents for example to remove outdated references to the Standards Board which no longer exists.

3.3 Officers' interests are held by the authority in a Register of Officers' Interests which is not open to public inspection, but may be inspected by managers and key officers of the authority, by the authority's auditors and by the Ombudsman on a 'need to know' basis. Electronic options for officers' registrations, going forwards, are currently being considered.

3.4 The Standards of Conduct Policy also contains links to officers' gifts and hospitality requirements:

Gifts and hospitality

12.0 Both Council and school employees may from time to time, in the course of their work, encounter situations where individuals or organisations may offer gifts or hospitality. Whilst most are well meant and innocent, nationally there have been instances of benefits being offered and accepted for corrupt purposes to secure improper advantage. The rules which regulate the acceptance of gifts and hospitality by Council employee are outlined in the 'Gifts and Hospitality Protocol for Employees' document. School based staff should refer to their Head Teacher in regards to the School's practices on this matter.

- 3.5 Further details are contained in the Gifts and Hospitality Protocol for Employees, also published on the Council's Intranet.
- 3.6 Day to day monitoring of officers' interests and gifts and hospitality is undertaken within directorates. The Standards of Conduct Policy is also referred to in Part 5 of the Council's Constitution.
- 3.7 Awareness of key policies and protocols, including the Employees Standards of Conduct Policy and requirements regarding gifts and hospitality, forms part of periodic training to officers.

4.0 COMPARISON WITH MEMBERS' REGISTRATION OF INTERESTS

- 4.1 The registration of interests by Members is governed by legal requirements in the Localism Act 2011 and informed by the national model Code and Guidance, which are reflected in the Council's Code of Conduct for Members. The following types of interest are required to be registered by Members:

A. Disclosable Pecuniary Interests – Member and partner interests

- 1) **Employment, office, trade, profession or vocation** carried on for profit or gain.
- 2) **Sponsorship** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of any expenses incurred by the Member in carrying out duties as a member, or towards their election expenses (including any payment or financial benefit from a trade union).
- 3) **Contracts** made between the Member/the relevant person (or a body in which the Member/the relevant person has a beneficial interest) and the Council.
- 4) **Land** interests within the area of North Yorkshire.
- 5) **Licences** to occupy land in the area of North Yorkshire for a month or longer.
- 6) **Corporate tenancies** where the landlord is the Council and the tenant is a body in which the Member/relevant person has a beneficial interest.
- 7) **Securities** - any beneficial interest in securities of a body where it has a place of business or land in the area of North Yorkshire and either the total nominal value of the securities exceeds £25,000 (or one hundredth of the total issued share capital of that body); or 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 Member/the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

B. Other Registrable Interests – Member interests only

- 1) **Unpaid directorships**
- 2) **Bodies to which the Member is nominated by the Council**
- 3) **Public bodies** - any body exercising functions of a public nature of which the Member is a member or in a position of general control or management.
- 4) **Charitable bodies** - any body directed to charitable purposes of which the Member is a member or in a position of general control or management.
- 5) **Political parties/Trade Union/Professional Association** - any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association) of which the Member is a member or in a position of general control or management.

4.2 Members should register and amend their interests themselves via the Committee Management software or, if any problems, through contacting the Monitoring Officer.

4.3 The Committee will see from comparing the registration of interests requirements for officers and Members that the scope of the requirements are almost identical, with the registration requirement for partners being slightly wider for officers.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 There are no significant legal implications arising from this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 There are no significant environmental/climate change implications arising from this report.

8.0 RECOMMENDATIONS

8.1 That the Committee considers the information contained in this report.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents: None

County Hall
NORTHALLERTON

24 February 2023