

**LOCALISM ACT 2011 - SECTIONS 29 - 31
AND
THE RELEVANT AUTHORITIES
(DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012**

**NOTIFICATION BY MEMBER OR CO-OPTED MEMBER
OF
HAMPSHIRE COUNTY COUNCIL OF DISCLOSABLE PECUNIARY INTERESTS,
PERSONAL INTERESTS AND GIFTS AND HOSPITALITY**

PART A : REGISTER OF DISCLOSABLE PECUNIARY INTERESTS

I, Councillor/Co-opted Member PATRICIA HUTCHES

Being a Member or Co-opted Member of Hampshire County Council hereby give notice that I, my spouse or civil partner, or someone I am living with as if we were husband and wife or civil partner ('partner') have the following disclosable pecuniary interests within the description set out in the Schedule to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, made by the Secretary of State in accordance with Section 30 of the Localism Act 2011 ('the Localism Act').

1 Employment, Office, Trade, Profession or Vocation

This means any employment, office, trade, profession or vocation carried on for profit or gain, of yourself, or your partner.

You should include any self-employment as well as where someone else employs you, or your partner.

| Interests |
|-----------|
| None . |

2 Sponsorship

This means any payment or provision of any other financial benefit (other than from Hampshire County Council) made or provided to yourself, or your partner, within the period of 12 months ending on the date of this notification, in respect of any expenses incurred by yourself in carrying out your duties as a Member, or towards your election expenses.

This also includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992, Section 52.

| Interests |
|-----------|
| NONE |

3 Contracts

This means any contract made between yourself, or your partner, (or a body in which you, or your partner, have a beneficial interest), and Hampshire County Council -

- (a) under which goods or services are to be provided or works are to be executed; AND
- (b) which has not been fully discharged;

| Interests |
|-----------|
| NONE |

4 Land

This means any beneficial interest in land within the area of Hampshire County Council of yourself, or your partner.

This includes land which you, or your partner, own, lease, have the benefit of an option over, or have other rights in or over such as an easement or other burden or interest which carries the right to occupy land or receive income, or upon which you have a mortgage. In consequence this would therefore include your home or any other property you or your partner own or otherwise have an interest, freehold or leasehold, including a property occupied as your home under a short hold tenancy.

| Interests |
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| ROOBERG LUGUE HOSSELL LANE MEOSTEAD HANTS |

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5 Licences

This means any licence (alone or jointly with others) to occupy land in the administrative area of Hampshire County Council held by yourself, or your partner, for a month or longer.

| Interests |
|-----------|
| None |

6 Corporate Tenancies

This means any tenancy where (to your knowledge) –

- (a) the landlord is Hampshire County Council; AND
- (b) the tenant is a body in which you, or your partner, have a beneficial interest;

| Interests |
|-----------|
| None |

7 Securities

This means any beneficial interest in securities of a body where –

- (a) that body (to your knowledge) has a place of business or land in the administrative area of Hampshire County Council;

AND

- (b) either -
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued shared capital of that body; OR

- (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which you, or your partner, have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000, Section 8, and other securities of any description, other than money deposited with a building society.

| Interests |
|-----------|
| NONE - |

N.B. A body in which you, your spouse/civil partner (or person with whom you are living as such) have a beneficial interest means a firm in which you, your spouse/civil partner (or person with whom you are living as such) is a partner, or a body corporate of which you, your spouse/civil partner (or person with whom you are living as such) is a director, or in the securities of which you, your spouse/civil partner (or person with whom you are living as such) has a beneficial interest.

I understand that failure (without reasonable excuse);

- (a) to register any disclosable pecuniary interest required to be registered under Section 30(1), 31(2), 31(3), or 31(7) of the Localism Act; or
- (b) to participate in any discussion or vote in any matter considered at a meeting where I have a disclosable pecuniary interest in the matter in contravention of Section 31(4) of the Localism Act; or
- (c) when acting as a single Executive Member take any steps other than for the purpose of enabling the matter to be dealt with by myself, in contravention of Section 31(8) of the Localism Act; or
- (d) knowingly or recklessly provide information under Section 30(1), 31(2), 31(3), or 31(7) of the Localism Act which is false or misleading;

is a criminal offence under Section 34 of the Localism Act, punishable by a fine not exceeding level 5 on the standard scale

(currently £5,000), and disqualification as a Member or Co-opted Member of Hampshire County Council or any other relevant authority for a period not exceeding five years.

PART B : REGISTER OF PERSONAL INTERESTS

To enable Members to register interests which are not Disclosable Pecuniary Interests and to promote openness, Members may, should they consider it appropriate, enter any Personal Interests in this Section.

I hereby give notice that I consider it appropriate for the following personal interests to be entered on my Register of Member's Interests pursuant to Part 5 of Hampshire County Council's Code of Conduct for Members.

| Specific Personal Interests | |
|---|--|
| Membership of, or occupation of, a position of general control or management in any: | |
| a) Bodies to which you have been appointed or nominated by the County Council. <i>Example: Any outside organisation that you have been appointed to by the County Council</i> | None |
| b) Public authorities or bodies exercising function of a public nature. <i>Example: Other Local Authorities, Parish Council, Health Trust</i> | Joint C. Exec HART DISTRICT COUNCIL. |
| c) Bodies directed to charitable purposes. <i>Example: Any Charitable Trusts</i> | N/A |
| d) Bodies one of whose principal purposes include the influence of public opinion or policy. <i>Example: Single Interest Action Groups, National Trust, Friends of the Earth</i> | N/A |
| e) Trade Unions | N/A |
| f) Political Parties | N/A |

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General Personal Interests – Interests which may reasonably be regarded as affecting the well being or financial position of yourself, a member of your family or person with whom you have a close association more than other Council Tax payers, rate payers or inhabitants of the County Council's area.

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PART C: REGISTER OF GIFTS AND HOSPITALITY

I hereby give notice pursuant to Part 4 of the Members' Code that I have received / accepted the following Gifts / Hospitality.


| Date of receipt of gift/hospitality | Name and address of donor | Nature of gift and or hospitality |
|-------------------------------------|---------------------------|-----------------------------------|
| | | |

NB This section will be updated by the Monitoring Officer on receipt of notification of Gifts and Hospitality from the Member or Co-opted Member.

This Register records information in regard of Disclosable Pecuniary Interests, other Interests and gifts and hospitality required by Hampshire County Council to be registered as supplied from time to time by Councillor/Co-opted Member.

If you have any queries regarding the information contained in this Register, please contact Barbara Beardwell, Monitoring Officer of Hampshire County Council for more information by emailing members.interests@hants.gov.uk or by telephone, 01962 845157.

To the best of my knowledge, the information given in this form is complete and correct.

Date:  29 June 2017

Name: P. HUGHES

DECLARATION OF ACCEPTANCE OF OFFICE

I, PATRICIA HUGHES

having been appointed to the office of co-opted member Hampshire County Council declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgment and ability.

Signed: 

Date: 29 June 2017



*Corporate Services
The Castle, Winchester,
Hampshire SO23 8UJ*

To All Co-opted Members of
Hampshire
County Council

Telephone 01962 841841
Fax 01962 840215
DX Winchester 2510
www.hants.gov.uk

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|---------------------|-------------------|-----------------------|--------------------------------|
| <i>Enquiries to</i> | Barbara Beardwell | <i>My reference</i> | BB/DS/HF000011629947 |
| <i>Direct Line</i> | (01962) 845157 | <i>Your reference</i> | |
| <i>Date</i> | 30 May 2017 | <i>E-mail</i> | barbara.beardwell@hants.gov.uk |

Dear Co-opted Member

Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - Notification of Disclosable Pecuniary Interests and Personal Interests

The Members' Code of Conduct (as revised) was adopted by the County Council at its meeting on 17 July 2014. The Code includes provision in respect of the registration and disclosure of specified disclosable pecuniary interests ('DPI's'), and also Personal Interests where Members consider it appropriate that they should be registered. The Code also includes provision in respect of the registration of Gifts and Hospitality. This letter summarises the requirements of the Code of Conduct in respect of Members' Interests, and sets out the steps which you need to take as a result. The Code applies equally to Members and Co-opted Members of the County Council.

What is a DPI

An interest is a DPI if it is an interest of a subject and description specified in the Regulations, and is either :

- (i) An interest of a Member, or
- (ii) An interest of the Member's spouse or civil partner (or person with whom the Member is living as if they were husband and wife as civil partners), where the Member concerned is aware that such person has that interest.

There are seven prescribed descriptions of DPI's in the Regulations. These are set out in detail on the registration form attached to this letter, and constitute the following:



- (i) Any employment, office, trade, profession or vocation of yourself or your partner carried out for profit or gain
- (ii) Sponsorship – any payment or provision of any other financial benefit (other than from the County Council) made or provided to yourself or your partner within the last 12 months in respect of carrying out your duties as a Member, or towards your election expenses. This also includes any payment or financial benefit from a trade union.
- (iii) Any contract made between yourself or your partner, or body in which yourself or your partner has a beneficial interest, and the County Council, under which goods or services are to be provided or works executed, and which has not been fully discharged.
- (iv) Any beneficial interest of yourself or your partner in land within the administrative area of the County Council.
- (v) Any licence (alone or jointly with others) to occupy land in the administrative area of the County Council held by yourself or your partner, for a month or longer.
- (vi) Corporate tenancies - this means any tenancy where (to your knowledge) the landlord is the County Council, and the tenant is a body in which either yourself or your partner has a beneficial interest.
- (vii) Securities - this means any beneficial interest of yourself or your partner in securities of a body, where that body (to your knowledge) has a place of business or land in the administrative area of the County Council, 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 more than one class, the total nominal value of shares of any one class in which you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

What must you do and when

Within 28 days of becoming a Member or Co-opted Member of the County Council, you must notify me as the County Council's Monitoring Officer of any DPI's which you have at the time such notification is given. Please note that there is no need to differentiate on the form DPI's which relate to you personally and those that relate to your spouse or civil partner.

I am required as Monitoring Officer to arrange that any such interests are entered on the County Council's Register of Members' Interests, to make the

Barbara Beardwell MA Solicitor

2 *Head of Law and Governance and Monitoring Officer*

John Coughlan CBE

Register available for public inspection, and to ensure that the Register is published on the County Council's website. However where an interest is 'sensitive' within the meaning of the legislation¹, whilst still required to be recorded on the Register, details of the interest will be withheld from any copy of the Register available for inspection, or published.

If you are present at a meeting of the County Council, its Committees or Sub-Committees, a Joint Committee or Joint Sub-Committee of the County Council, the Executive (Cabinet) or Committee of the Executive, and are aware that you have a DPI in a matter to be considered or being considered at such meeting, you must declare that you have a DPI and you cannot, subject as set out below, participate in discussion or voting on the matter at the meeting. If the DPI is not already on the County Council's Register of Members' Interests you must disclose the DPI to the meeting, and if not already the subject of a pending notification, you must notify me of the DPI before the end of 28 days beginning with the date of disclosure.

If acting as a single Executive Member you must not take any steps in relation to the matter, except for the purpose of enabling the matter to be dealt with otherwise than by yourself. Similarly if the DPI is not already on the County Council's Register of Members' Interests you must notify me of the DPI within 28 days.

The Localism Act does not specifically require a Member with a DPI having declared the DPI to leave the room while a matter is discussed. The County Council has however as a matter of good governance, and in the interests of openness and transparency, included provisions in the Members' Code of Conduct, and in its Standing Orders, which require a Member to leave the room when a matter in which a Member has a DPI is debated or voted on.

Without prejudice to the above where you have a DPI in a matter under consideration you may attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the matter, provided that members of the public are also allowed to attend the meeting for the same purpose.

Dispensations

It is possible under the Localism Act for the County Council, on written request from a Member or Co-opted Member, to grant a dispensation for up to four

¹ A 'sensitive interest' is described at Section 32 of the Localism Act 2011 and applies where a Member or Co-opted Member of the County Council has an interest (disclosable pecuniary interest or otherwise), and the nature of the interest is such that the Member or Co-opted Member and the County Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member or Co-opted Member, or person connected with the Member or Co-opted Member, being subjected to violence or intimidation.

In such cases whilst the Register will record the interest, details of the interest will be withheld from any copy of the Register of Interests available for inspection, or published, and the Register will state that details of the interest are withheld under Section 32 (2) of the Localism Act.



years for a Member to be able to participate or vote in a meeting in which a Member has a DPI. This function was delegated by the County Council at its meeting on 17 May 2012 to the Conduct Advisory Panel. A dispensation may be granted if, having regard to all relevant circumstances, it is considered that without the dispensation one of the following would apply :

- (i) The business of the County Council or a Committee, Sub-Committee, Joint Committee, or Joint Sub-Committee of the County Council would be likely to be impeded; or
- (ii) The political balance of the County Council, or Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the County Council would be so upset as to alter the outcome of a vote; or
- (iii) That granting the dispensation is in the interests of persons living in the administrative area of the County Council; or
- (iv) That all Members of the Executive (Cabinet) would otherwise be unable to participate in business to be carried out by the Executive; or
- (v) That it is considered appropriate to grant a dispensation for other reasons

Dispensations already granted

A number of Co-opted Members may be in receipt of an allowance under the County Council's Members' Allowances Scheme. Any Members who are 'twin hated' will also be in receipt of an allowance under their other Authority's Members' Allowances Scheme. Members are required under the Localism Act to disclose as a DPI 'any employment, office, trade, profession or vocation carried on for profit or gain'. My view as Monitoring Officer of the Council is that whilst Membership of the County Council or another relevant authority constitutes a public 'office', such office is not carried out for profit or gain for the purposes of the Regulations, the receipt of an allowance being compensatory (relating to time spent and expenses incurred), and therefore not 'carried out for profit or gain'. It is however recognised that there might be some confusion in this regard on a day to day basis.

Therefore, in order to assist the smooth running of the County Council's business, and to provide certainty in any case of doubt, a dispensation has been granted by the County Council's Conduct Advisory Panel in order to enable Co-opted Members of the County Council in receipt of an allowance under the County Council's Members' Allowances Scheme, or the Members' Allowances Scheme of another relevant authority, to participate and vote in the business of the County Council. This dispensation expires on **31 July 2017**. The Conduct Advisory Panel is meeting in June to consider a further dispensation, and Members will be updated further in this regard following the meeting.

Barbara Beardwell MA Solicitor

What could happen if you don't disclose a DPI?

It is a criminal offence under the Localism Act if a Member or Co-opted Member fails, without reasonable excuse, to comply with the requirements under the Localism Act to register or declare DPI's, or take part in the business of the County Council at meetings, or when acting as a single Executive Member, when prevented from doing so. It is also a criminal offence to knowingly or recklessly provide information in respect of DPI's required under the Localism Act to be registered, which is false or misleading. Such offence is punishable upon conviction in the Magistrates Court by a fine not exceeding level 5 (currently £5,000), and an order disqualifying the Member concerned from being a Member or Co-opted Member of the County Council or any other relevant authority for a period not exceeding 5 years.

Personal Interests

For the avoidance of doubt, you are not required under the Localism Act or the Regulations to register or disclose any interest which does not fall within the prescribed description of a DPI contained within the Regulations. Neither are you required under the Localism Act to register or disclose any Personal Interests. The County Council's Code of Conduct makes provision for you to register any Personal Interests you consider it appropriate to register and under the Code of Conduct you should disclose those interests at meetings of the County Council when you consider the interest to be relevant to an item of business being considered at a meeting. There is no requirement under the Code of Conduct for a Member with a Personal Interest to leave the room while the business is being considered (although it is open to a Member to withdraw should the Member consider it appropriate to do so). Neither is there any restriction on a Member participating or voting.

Gifts and Hospitality

In addition to the above the County Council's Code of Conduct requires you, within 28 days of receipt, to register any gift or hospitality you have received, if such a gift or hospitality has an estimated value of at least £50.

What you need to do now

I would be grateful if you could complete the attached Notification of Disclosable Interests form, and return the form by email to members.interests@hants.gov.uk by **21 June 2017** at the latest. Where in any particular case no DPI applies please show 'none'. So as not to lose information on the form, please 'file' and 'save' on completion before closing. Please also use the 'forward' option (rather than 'reply') to allow the completed form to be accessed when received. The form will then be acknowledged by or on behalf of myself as Monitoring Officer. I will then arrange for details of DPI's contained within the form (excluding where

Barbara Beardwell MA Solicitor

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Head of Law and Governance and Monitoring Officer

John Coughlan CBE

Chief Executive



applicable details of any sensitive interests), any personal interests and any gifts and hospitality, to be published on the Members' Interests section of the County Council's website in accordance with our usual procedure.

I appreciate that there is much in this letter and form of a prescriptive nature, but it is important that all is completed in accordance with the Regulations to avoid personal liability on Members. If any Member has any queries or would like to discuss their personal circumstances, then do please feel free to contact me for advice.

Personal information

In addition, as a Co-opted Member of the County Council, you may receive personal details about individuals in order to carry out your duties as a Co-opted Member - for example if you have access to personal details of private individuals in order to consider an application before a Committee on which you sit. This is covered under the County Council's own registration as a data controller, and nothing further needs to be done in this regard

If you hold and process information about living individuals you are legally obliged to protect that information. Under the Data Protection Act, you must:

- only collect information that you need for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as you need, and only for as long as you need it; and
- allow the subject of the information to see it on request.

Hampshire County Council has produced a guide regarding the safe handling of personal information; a copy of which is enclosed with this letter. The leaflet can also be viewed on line by following the link below:

Essential Guide to Data Protection

If you require a printed version please contact the Information Compliance Team, using the details below.

The ICO has also produced guidance which can be viewed by following the link below:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

The Information Compliance team will be pleased to assist you with any queries you may have regarding holding and processing personal data.

Barbara Beardwell MA Solicitor

6 *Head of Law and Governance and Monitoring
Officer*

John Coughlan CBE

Please contact Judith Downing on 01962 846612
judith.downing@hants.gov.uk

Yours sincerely



Barbara Beardwell
Solicitor, Head of Law and Governance and Monitoring Officer

