



POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE

**Schedule of disclosable interests,
Schedule A, applicable to the Codes of
Conduct for the Police and Crime
Commissioner, Deputy Police and Crime
Commissioner and the Members of the
Joint Audit Risk and Assurance Committee
(JARAC)**

EXTERNAL POLICY

Control Sheet

Policy details

Policy Title	Schedule of disclosable interests, Schedule A, applicable to the Codes of Conduct for the Police and Crime Commissioner, Deputy Police and Crime Commissioner and the Members of the Joint Audit Risk and Assurance Committee (JARAC)
Responsible Officer	Head of Compliance
Security Classification	External
Disclosable under FOIA	Yes
Policy implementation date	
Next review date	December 2025

Revision details

Revision date	Changes
25/11/2022	Added title page and control sheet – CB, Governance and Compliance officer.

Index

Topic	Page
1) Disclosable Pecuniary Interests	Page 1
2) Non participation in case of Disclosable Pecuniary Interest	Page 2
3) Offences	Page 2
Other interests	
4) Notification of personal interests	Page 4
5) Disclosure of interests	Page 4
6) Non participation in case of prejudicial interest	Page 5
General Interests	
7) Register of interests	Page 6
8) Sensitive interests	Page 6
9) Dispensations	Page 6

**Police and Crime Commissioner for Derbyshire
Schedule of Disclosable Interests – Schedule A**

This is the schedule of disclosable interests, Schedule A, applicable to the Codes of Conduct for the Police and Crime Commissioner, Deputy Police and Crime Commissioner and the Members of the Joint Audit Risk and Assurance Committee (JARAC)

Disclosable Pecuniary Interests

1. Notification of Disclosable Pecuniary Interests

- 1.1 Within 28 days of taking office/ becoming a member of the JARAC, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’ in writing.
- 1.2 A ‘disclosable pecuniary interest’ is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 1.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the local policing body) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as Commissioner, Deputy Commissioner or as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Local policing body - (a) under which goods or services are to be provided or works are to be executed: and

Land	(b) which has not been fully discharged. Any beneficial interest in land which is within the area of the local policing body.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the local policing body for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the local policing body; and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - (a) that body (to your knowledge) has a place of business or land in the area of the local policing body; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

1.4 For the purposes of the above

- a. "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.
- b. "director" includes a member of the committee of management of an industrial and provident society.
- c. "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and

- d. "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 and other securities of any description, other than money deposited with a building society.

2

2. Non participation in case of Disclosable Pecuniary Interest

2.1 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- (i) you must not participate in any discussion of the matter at the meeting.
- (ii) you must not participate in any vote taken on the matter at the meeting.
- (iii) if the interest is not registered, you must disclose the interest to the meeting.
- (iv) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (v) the duties in relation to disclosure of registered pecuniary interests will be regulated by Standing Orders to be adopted by the local policing body.
- (vi) the duties in relation to withdrawal from the room of the meeting whilst the matter in which they have a disclosable pecuniary interest will be regulated by Standing Orders to be adopted by the local policing body

3. Offences

3.1 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

3.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification for up to 5 years.

3

Other interests

4. Notification of personal interests

4.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- (a) this Code being adopted by or applied by the local policing body; or
- (b) your appointment to office/as a member (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 4.2 below for inclusion in the register of interests.

4.2 You have a personal interest in any business of your elected local policing body where it relates to or is likely to affect :

- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by the local policing body;
- (b) any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are in a position of general control or management;

- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

5. Disclosure of interests

5.1 Subject to paragraphs 5.4 to 5.7, where you have a personal interest described in paragraph 4.2 above or in paragraph 5.2 below in any business of the local policing body, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting in your capacity as Commissioner, Deputy Commissioner or as a member of JARAC at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

5.2 You also have a personal interest in any business of the local policing body where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the policing area, affected by the decision;

5.3 In paragraph 5.2, a *relevant person* is –

- (a) a member of your family or any person with whom you have a close association; or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 4.2 (a) or (b).

5.4 Where you have a personal interest in any business of the local policing body which relates to or is likely to affect a body described in paragraph 4.2(a) or 4.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

5.5 Where you have a personal interest in any business of the local policing body relating to gifts and hospitality, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

5.6 Where you have a personal interest but, by virtue of paragraph 8, sensitive information relating to it is not registered in the local policing body's Register of Declarable Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

6. Non participation in case of prejudicial interest

6.1 Where you have a personal interest in any business of the local policing body you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business -

- (a) affects your financial position or the financial position of a person or body described in paragraph 1.3 ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 1.3.

6.2 Subject to paragraphs 2.3 and 2.4, where you have a prejudicial interest in any business of the local policing body:

- a) you must not participate in any discussion of the matter at the meeting.
- b) you must not participate in any vote taken on the matter at the meeting.
- c) if the interest is not registered, you must disclose the interest to the meeting.
- d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

- e) the duties in relation to withdrawal from the room of the meeting whilst the matter in which they have a Prejudicial Interest will be regulated by Standing Orders to be adopted by the local policing body
- 6.3 Where you have a prejudicial interest in any business of the local policing body, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 6.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the local policing body in respect of—
- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
 - (c) any ceremonial honour given to office holders or members.

General Matters

7. Register of interests

Subject to paragraph 8 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the local policing body's website.

8. Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

9. Dispensations

The Monitoring Officer may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.