

Declaration of Business / Pecuniary Interests to help avoid potential conflicts of interest

Devon County Council has strict procedures in place to ensure that the private business interests of elected member are clearly recorded in order to avoid any conflict with their public role as decision-makers. It is keen to have in place equally robust and transparent processes for officers..

Section 117 of the Local Government Act 1972 states that

“If it comes to the knowledge of an officer employed.....by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect, has been, or is proposed to be entered into by the authority or any committee thereof, he shall as soon as practical give notice in writing to the authority of the fact that he is interested therein”.

The County Solicitor keeps a Register in which all such notices are filed and we encourage all officers to file there a record of any private business interest they or family members may have which could involve any commercial dealing or relationship with the Council. Staff are also invited to list their involvement with other organisations whose activities overlap with those of this Authority.

Some examples of potential conflicts of interest are as follows these should certainly all be declared if they apply.....

- External business interests where a DCC employee is engaged by another company, as a member of staff *, partner, director, substantial equity/share holder or consultant.
- Membership of a School Governing Body
- Membership of any NHS or PCT Boards
- Appointment as a Parish Councillor or other political appointment.
- Businesses that employ your direct family (wife, husband, partner, son, daughter, brother, sister, mother or father) where you have any ability to effect or potentially effect DCC's decision to use that companies services.
- Involvement with an organisation receiving grant aid from the Council.

There are a number of other situations that could give rise to a conflict of interests which should also be declared. Good judgement should be exercised and if doubt arises, advice may be sought from the County Solicitor or Internal Audit if required.

Completion of Business Pecuniary Interest Declaration Form

- All employee's ** should use the attached [declaration form](#) to record potential conflicts of interest.
- All employees should ensure that their line manager also signs the declaration form or seeks further advice.

The line manager in signing the form is confirming that they are aware of the potential conflict of interest and

- **EITHER**..... the line manager does not consider that it has a material effect in relation to the work of the employee within DCC;
- **OR**..... the line manager will work with the employee to ensure that an actual conflict of interest will not arise (this may involve re-distributing work for example).
- **OR**..... if a line manager cannot identify an obvious way to avoid the employee having a conflict of interests, then an approval may have to be withheld until a solution can be identified that negates the conflict of interest or in extreme circumstances DCC may potentially require employees to relinquish certain responsibilities or interests to remain in the employ of DCC.

Lodging of Business / Pecuniary Interest Declaration Forms

One copy of the declaration must be sent to the County Solicitor to be kept in the official Register and a second copy given to the officer's Director.. It is the joint responsibility of the employee and line manager to ensure that both copies of the form are lodged.

Nil Declarations

Nil declarations are not required from officers.

Monitoring of Process

All employees will receive an annual reminder via E mail that they must declare potential conflicts of interest or if they have previously made a declaration, that employees should review their previous declaration and certify their declaration form to confirm a review has taken place and the form is a true and correct record. When you need to review your declaration you should check the copy held by the nominee in each directorate. Employees may wish to keep a copy of their declaration but this is not mandatory.

The County Solicitor will call the declarations held by every directorate on an annual basis.

Foot notes

* - Not all secondary employment need be declared, a declaration is only required where there is the potential for a conflict of interest to arise (for example if the company trades with DCC or the company has the potential to benefit from awards or decisions made by DCC).

** - It is especially important that staff in the following posts promptly lodge their declarations – politically sensitive posts, Procurement & Contracts Officers or staff who regularly procure goods or services or have authority to authorise DCC contracts for goods or services.