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# CLYDE MUIRSHIEL PARK AUTHORITY

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Report to: Consultative Forum  
On: 2 December 2016

Report  
by  
Clerk

## **SUBJECT: DECLARATIONS OF INTEREST**

### **1. Summary**

- 1.1 At the meeting of the Clyde Muirshiel Park Authority Consultative Forum held on 2 September 2016 the matter of declarations of interest was raised and it was agreed that the Clerk submit a report to the next meeting of the Consultative Forum in relation to declarations of interest in terms of the Councillors' Code of Conduct and whether the same considerations applied to the members of the Consultative Forum who were not elected members.

### **2. Recommendation**

- 2.1 That the report be noted.

### **3. Background**

- 3.1 The Code of Conduct for Councillors is published to comply with the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 3.2 The Code of Conduct continues to play a vital role in setting out, openly and clearly, the standards councillors must apply when undertaking their Council duties. It is vital that the Code continues to give assurance to the public that their elected members are acting in accordance with high ethical standards.
- 3.4 The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for councillors to declare interests at meetings which they attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, actions as a councillor.

- 3.5 It is the individual councillor who must take responsibility to make decisions about whether they have to declare an interest or make a judgement as to whether a declared interest prevents them from taking part in any discussions or voting. They are in the best position to assess personal circumstances and to judge how these circumstances affect their role as a councillor in regard to a particular matter.
- 3.6 Councillors must, however, always comply with the *objective test* (“the objective test”) which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor*.
- 3.7 Interests which require to be declared (if known to councillors) may be financial or non-financial. They may or may not cover interests which are registrable in terms of the Code. Most of the interests to be declared will be personal interests but, on occasion, councillors will have to consider whether the interests of other persons require them to make a declaration.
- 3.8 There is no requirement for non-elected members of the Consultative Forum to declare an interest at meetings as the Councillors’ Code of Conduct does not apply to them.
- 3.9 It is an option for members of the Consultative Forum to agree to be bound by the standards of behaviour in the Councillors Code of Conduct although the sanctions for non-compliance with the Code, which are imposed by the Standards Commission for Scotland cannot apply to those who are not elected members.
- 3.10 Members of the Consultative Forum may also wish to consider whether there would be circumstances where as a matter of good practice they should declare an interest. Declarations of interest are most likely to be seen as appropriate where there is the potential for a conflict of interest to arise during consideration of any item
- 3.11 Issues around conflicts of interest usually arise where there are concerns about whether a decision maker is acting impartially or is acting in their own interests or the interests of another person or organisation with which they are connected.
- 3.12 On bodies such as the Consultative Forum, which is not a decision making body, it is unlikely that a genuine conflict of interest will arise. It is also the case that membership of the Consultative Forum is open to representatives of various interests in the Regional Park which means that it is reasonable to expect that those representatives will seek to promote their own interests. There should also be an awareness among the members present at a meeting of the Forum of which interests each member is representing. This means that in the absence of a statutory requirement to declare an interest, in most cases there should be no expectation that the interests of members of the Consultative Forum will be declared at a meeting.