



INTEGRITY IN PUBLIC LIFE

ADVICE NOTE FOR COUNCILLORS ON HOW TO DECLARE INTERESTS

1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission for Scotland (Standards Commission), aims to provide advice to councillors on how and when to declare an interest at meetings.
- 1.2 The Councillors' Code of Conduct identifies and outlines the types of interest that must be declared. The Standards Commission had produced Guidance on how the provisions in the Councillors' Code of Conduct should be interpreted. A version of the Guidance, which incorporates the Councillors' Code of Conduct, can be found on the Standards Commission's website at <http://www.standardscommissionscotland.org.uk/guidance/guidance-notes>. This Advice Note does not, therefore, repeat advice about what interests require to be declared and / or how councillors should identify whether they have a declarable interest. Instead, it aims to provide guidance on when such a declaration should be made. The Advice Note also suggests wording that councillors may wish to use when declaring an interest.

2. When an interest should be declared

- 2.1 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered at a meeting. You should review agendas or papers sent in advance of meetings in order to determine whether you have a declarable interest in any items. Your declaration of interest must be made as soon as practicable at the meeting, however if you do only identify the need for a declaration of interest when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary.
- 2.2 The interest must be declared at the meeting in question, regardless of whether or not you have already provided advance notice of it to any officer, colleague or the chair.

3. Wording to use

- 3.1 In order to be as transparent and consistent as possible, you may wish to consider using the following wording:

"I declare an interest in item (x) for the following reason(s)" "

- 3.2 The information you provide in terms of your reasoning does not need to be detailed but should be sufficient for those at the meeting to understand why you are making a declaration.
- 3.3 For example, you could state: *“I am a Member of (x), who are the applicants in respect of ...”, or “my partner is employed by (x) who are objecting to”.*
- 3.4 Again, in order to be as transparent as possible and so that your actions are recorded in any minute of the meeting, you should end your declaration by clearly stating that you will leave the room when the item you have the interest in is being considered. For example, you may wish to state:

“As I have declared an interest, I will withdraw from the meeting during any discussion and voting on item (x)”.

- 3.5 Occasionally, in the interests of transparency you may wish to explain to the meeting that you have considered making a declaration but have decided it would not fall within the objective test. In such circumstances you should consider saying something along the lines of:

“I have considered whether I require to declare an interest in item (x) for the following reasons However, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.”

4. Wording to use where a specific exclusion may apply

- 4.1 The specific exclusions are outlined under paragraph 5.18 of the Councillors’ Code of Conduct. If you consider a specific exclusion applies in respect of the interest you have as a member or director of an outside body, you should consider using the following wording:

“I declare an interest in item (x) for the following reasons However, I consider that a specific exclusion applies as my interest is as a member of (y), which is [choose the appropriate option from the following]:

- *a devolved public body as defined in Schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000; or*
- *a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme; or*
- *a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or*
- *a body being a company:- (i) established wholly or mainly for the purpose of providing services to the councillor’s local authority; and (ii) which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.*

I will, therefore, take part in the consideration, discussion and any voting in respect of item (x)”

- 4.2 You should note that if a specific exclusion applies, and the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body you are a member of is:
- applying for a licence, a consent or an approval;
 - making an objection or representation;
 - has a material interest concerning a licence consent or approval; or
 - the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority

then you cannot take part in the consideration, discussion and / or voting on the item.

- 4.3 In such circumstances, you may wish to state:

"I declare an interest in item (x) as I am a member / director of (y). Although (y) is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where (y) has an interest as it [choose the appropriate option from the list under 4.2 above]. I will therefore withdraw from the meeting during any discussion and voting on that item.

5. Further Sources of Information

- 5.1 If you have any queries or concerns about this Advice Note or how to interpret or act in accordance with the provisions in the Councillors' Code of Conduct, you should seek assistance from your Monitoring Officer.
- 5.2 Further information can also be obtained from the Standards Commission using the contact details outlined below.

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