

CAIRNGORMS NATIONAL PARK AUTHORITY AUDIT & RISK COMMITTEE

FOR DECISION

**Title: GOVERNANCE: DECLARATIONS OF INTEREST
AND ROLE OF CONVENER**

**Prepared by: DAVID CAMERON, DIRECTOR OF CORPORATE
SERVICES**

Purpose

To present a draft guidance note to members and Conveners on the process of declarations of interest and the roles of Conveners in that process.

Recommendations

The Audit & Risk Committee is asked to:

- a) **Consider the draft guidance note.**
- b) **Subject to any agreed amendments, determine whether the guidance note should be submitted to the Board for final approval.**

Executive Summary

1. The processes for members' declarations of interest and management of meetings by Conveners are set out in the Authority's agreed Code of Conduct and Standing Orders.
2. On a few occasions, the process of members declarations have given rise to some question as to the finality of a member's decision on the extent of their interest and subsequent participation in an item of business. There have been associated questions of the extent of other members', and in particular the meeting Convener's, role in finalising the conduct of business having heard declarations of interest made.
3. The Director of Corporate Services has therefore drafted a guidance note, interpreting the relevant parts of the Code of Conduct and Standing Orders, with a view to clarifying the process which should be undertaken. It is intended that adoption of this guidance note would clarify the situation for all members and give a clear basis for the conduct of the Authority's business.
4. The Audit & Risk Committee is invited to consider this draft note in the first instance, in light of its overview of internal controls and governance processes within the Authority, prior to the note potentially being considered by the Board.

David Cameron, 2 September 2016
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Declaration of Interests and Role of Meeting Convener

Draft Briefing Note

Introduction

1. The Cairngorms National Park Authority's Code of Conduct and Standing Orders set out the responsibilities of members in conducting the business of the Authority, and also the role of Conveners in managing the process and order of meetings.
2. The Code of Conduct makes clear that it is a Board Member's individual responsibility to comply with the rules of conduct for the Authority as established by the Code (paragraph 7). This covers the requirement to consider and declare any outside interests that a member may have in any items of business under consideration by the Authority.
3. However, the Code, no matter how carefully drafted, will give rise to situations where there are matters for interpretation and potentially delicate balances between judgement on potential courses of action. This is particularly true of matters relating to declarations of interest and participation in decision making by the Authority. Hence, on occasions, it may be possible that a member's interpretation of the Code varies from the interpretation of the requirements held by colleagues and / or the Convener.
4. This note sets out the relevant sections of the Authority's Code of Conduct and Standing Orders which support the handling of process in such circumstances.

Members' Individual Responsibilities

5. The Code of Conduct sets out as clearly as possible the responsibilities of individual members in undertaking the Authority's business. The Code is written in line with the nine key principles of public service and good governance, and in meeting the Scottish public's high expectations of the public bodies which deliver their public services.
6. The process of declaring an interest in an item of business gives further practical implementation of the Code's key principles. This ensures transparency of a member's interests which might influence, or be thought by others, to influence a member's decisions. It is the responsibility of each individual member to identify their potential interests in an item, declare them and to judge whether those interests prohibit them from participating in an item of the Authority's business.

The Role of Convener

7. The Convener has responsibility for managing the process and conduct of the meeting.
8. As regards declarations of interest, the Convener must ensure that appropriate opportunity is provided to members to declare any interests in items of business to be considered and indicate their proposed action as a consequence of any interest declared. Typically, this will be sufficient involvement for the Convener in the matter of declarations of interest.

9. However, there may be occasional instances where judgement of the impact of interests is delicate, and where the Convener and / or other members may not agree with a member's assessment of the impact or significance of any interest. In such circumstances, paragraph 21 of the Board's Standing Orders support further involvement of the Convener in resolving any matters of members' interest and their participation in items of business.

Board Standing Orders:

21. The Convener of a Board meeting or Committee will preserve order; determine all matters of order; competency and relevancy; and will ensure all members have sufficient opportunity to express their views on any matters under consideration.

10. Where there is dubiety over the interpretation of a declaration of interest, its significance and impact on a member's participation in an item of business, the Convener should ensure that the matter is questioned further and brought to a resolution.
11. Ultimately, it is for the Convener, in their role of determining matters of order, to resolve whether a member should participate in an item of business given any declaration made. The Convener may seek the support of other members in this regard or take the decision in their own right. In this way, the Convener is responsible for protecting the overall integrity of the business undertaken by the Authority.
12. The Code of Conduct clearly sets out the obligation of a member to respect the Convener and to comply with their rulings in the conduct of the business at the Authority's meetings.

Code of Conduct:

23. You must respect the Chair, your colleagues and the staff of the Cairngorms National Park Authority in meetings. You must comply with rulings from the Chair in the conduct of the business of these meetings.

Wider Considerations

13. All such matters are of course better resolved prior to meetings taking place. As such the staff group seek to issue all meeting papers at least one week prior to the meeting to which they relate. This time provides opportunity for members to consider potential interests in items of business and seek guidance from the Convener and staff. This period also allows the Convener, with the knowledge of the background of their members and also in light of the Authority's Register of Interests, to consider the potential for conflicts of interest to arise.
14. The Proper Officer (currently Director of Corporate Services) is able to provide advice to both members and Convener on any matters relating to the Code of Conduct and Standing Orders.

David Cameron
1 September 2016