
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR INFORMATION

Title: GOVERNANCE: DECLARATIONS OF INTEREST AND ROLE OF CONVENER

Prepared by: DAVID CAMERON, DIRECTOR OF CORPORATE SERVICES

Purpose

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

Recommendations

The Board is requested to note the guidance note.

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 respectively.
2. On a very 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 has considered a draft of note in the first instance, in light of its overview of internal controls and governance processes within the Authority. The Committee agreed that the guidance note should be presented to the Board for information.

David Cameron, 19 September 2016
davidcameron@cairngorms.co.uk

Declaration of Interests and Role of Meeting Convener Guidance 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). The Code covers, amongst other matters, 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. The Code, no matter how carefully drafted, will give rise to situations where there are matters for interpretation, and potentially delicate judgement to be made on whether a declaration needs to be made and whether a conflict exists. 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 guidance 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.
7. This guidance note does not seek to change this individual responsibility of members in any way. The Authority has provided training on the Code of Conduct and its importance in supporting good governance to all Board members. We have also introduced a briefing on these responsibilities as part of the new induction process for all Board members. Members should therefore already be fully aware of their individual responsibilities set out in the Code. For completeness, the key principle of this Code as it relates to declarations of interest is set out here:

In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You 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 member of a public body.

If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. If a board member is unsure as to whether a conflict of interest exists, they should seek advice from the board convenor.

The Role of Convener

8. The Convener has responsibility for managing the process and conduct of the meeting.
9. 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.
10. However, there may be occasional instances where judgement of the impact of interests declared on an item of business 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.

11. 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.
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.

Potential Actions

13. Should the Convener have any concerns over proposed actions to be taken following the declarations of interest on any item of business, or should the Convener sense that other members hold any concerns, then the Convener has the option of suspending proceedings for a period. The suspension of proceedings allows the Convener, the member(s) and any other advisors as required to discuss the matter and explore any aspects of the potential conflict more fully and with a greater degree of privacy.
14. Following any such suspension of business, the member(s) involved will state their interests in the item of business and any subsequent limitation on their capacity to participate in any items of business as a consequence of conflict(s). This statement will be their final declaration on the matter, including any amendments they may have made to their position during discussions while the meeting was suspended, and the meeting shall proceed from that point.

Wider Considerations

15. 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.
16. 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
19 September 2016