

# **Colintraive and Glendaruel Community Council**

## **Declarations of Interest Policy**

As the first item on the Agenda of every Community Council meeting, Councillors are required to declare if they have an interest in any item on the agenda.

An item could also come up during the course of the meeting, for example during *Any Other Business* or *Public Discussion*, and a councillor should declare an interest at that time if appropriate.

**Interests can be financial or non-financial, and financial interest may be direct or indirect.**

### **Direct Financial Interests**

All direct financial interests will automatically exclude a Councillor from the determining process for that matter, i.e. the debate among the councillors and the subsequent vote.

Examples of Financial Interest include

- a builder tendering for or intending to tender for a contract to build a house that is the subject of a Planning Application
- A Planning Application referring to a councillor's own property
- A Planning Application referring to an immediate neighbour's property

In these instances a councillor is automatically excluded from taking part in the determining process. However he may address the Council from the floor as a member of the public before leaving.

### **Indirect Financial Interests**

An Indirect Financial Interest will not automatically exclude a councillor from taking part in the determining process, but will be subject to the process detailed below

An example of an Indirect Financial Interest includes

- A Planning Application by a spouse, civil partner or co-habitee, close relative, employer or business partner.

### **Non- Financial interests**

A Non -Financial Interest will not automatically exclude a councillor from taking part in the determining process, but will be subject to the process detailed below

An example of a Non Financial Interest includes

- A Planning Application by an organisation or committee of which a Councillor was a member or a volunteer.

## **PROCESS TO BE FOLLOWED IN THE EVENT OF AN INDIRECT FINANCIAL, OR NON FINANCIAL INTEREST BEING DECLARED**

Indirect Financial Interests and Non Financial Interests, if known to the councillor, must always be declared, no matter how remote or insignificant they might seem to them.

Having declared an Indirect Financial Interest or a Non Financial Interest, the remaining Councillors must vote on whether the Councillor should take part in the determining process. If the Community Council believes that the interest is so remote or insignificant that they should be allowed to participate in the determining process, then the reasons for reaching such a view will be recorded in the minutes. Unless that is the view then the Councillor should leave the room during the determining process. However, as with a direct financial interest, they should be allowed to address the council from the floor before leaving.

In determining the treatment of either an Indirect Financial Interest or a Non Financial Interest the Councillors should take into consideration how their taking part in the determining process would be viewed by the community, and how it would reflect on the reputation of the Community Council. They should apply the following test to their consideration, that whether a member of the public, with knowledge of all the relevant facts, would reasonably regard the interest as so significant that it would be likely to affect the councillor's judgement and prejudice their discussion or decision making.

**In all instances the process and decision should be carefully minuted.**