

Declaration of Interest – Guidance



Sustaining & developing Shetland communities

Below are extracts from the Scottish Government and SIC's code of conduct and a link to Orkney Islands Council's code of conduct. A description with examples has also been provided from the SIC's Community Council Liaison Officer.

Scottish Government's Code of Conduct for community councillors:

"If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision-making process with regard to that matter"

SIC Code of Conduct:

"Section 6. You must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a community councillor"

"Section 7. Community councillors may have significant non-financial interests and it is important that relevant interests, such as membership or holding office in clubs, societies and organisations are registered and described. In this context, non-financial interests are those, which members of the public might reasonably think could influence your actions, speeches or votes in the council. If you have a financial or non-financial interest you must judge whether your interest is sufficiently relevant to the particular proceedings to require a declaration. Your declaration should be made as soon as practicable after the commencement of the meeting by way of an oral statement."

[community-council-code-of-conduct \(shetland.gov.uk\)](http://shetland.gov.uk/community-council-code-of-conduct)

Orkney Islands Council code of conduct

[Orkney Islands Council's code of conduct for community councillors](#)

SIC Community Council Liaison Officer – Guidance

As a general rule "Declarations of Interest" should be a standing item on all Community Council agendas. Members are asked to consider whether they have an interest to declare in relation to any agenda item at each meeting. Any member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. He or she may be debarred from voting on any such matters. Advice may be sought from the Council prior to a meeting taking place.

It is the responsibility of the individual(s) concerned to determine if he/she should declare an interest. Community Councillors are there to take decisions solely in terms of the interests of the community that they represent and not to seek personal gain. It is also a requirement of

all Community Councillors to respect the ruling of the Chair in matters concerning the Community Council.

Examples could be something like if a community councillor was a member of a community group that is applying for funding they should declare an interest and withdraw from the process/decision. Same could apply if they had a close family member who is a member of an applicant organisation. Or where a community councillor is a landowner and expected to benefit from a decision in some way, again they should declare an interest and withdraw from the process/decision.

Public perception can sometimes be another consideration so if in any doubt, declare an interest and withdraw from the discussion/decision.