



**EXCLUSIONS AND DISPENSATIONS**

In some circumstances an exclusion or dispensation may apply to your interest. Please see overleaf for further details.

## STATEMENTS

Statement 1: I have an interest in item XX by virtue of (explain the nature of connection) and so I will leave the meeting and take no part in the discussions and / or voting on the item.

\*Statement 2: I have an interest/registered interest in item XX by virtue of (explain the nature of connection) but have applied the objective test and concluded that it is so remote or insignificant that I will remain and participate.

\*Statement 3: I have an interest in item XX by virtue of (explain the nature of connection) but have applied the objective test and concluded that it is not clear and substantial. Therefore, I will remain and participate.

Statement 4: I have a connection to item XX by virtue of (explain the nature of connection). However, having applied the objective test, I have concluded that I have no interest to declare.

**\*Does not apply for decisions on planning applications, planning agreements, enforcement action or the Local Review Body.**

**GENERAL EXCLUSIONS** - Where a general exclusion applies, you do not require to declare the interest and can remain and take part.

The general exclusions are as follows:-

- As a council tax payer or rate payer in relation to the Council's public services;
- In relation to setting the Council tax;
- Matters affecting councillors' remuneration, allowances, expenses, support services and pension; or
- As a council house tenant.

**SPECIFIC EXCLUSIONS** - Where a specific exclusion applies, you will require to declare the interest but you can remain and take part.\*

\*Specific exclusions do not apply to quasi-judicial or regulatory matters, e.g. planning or licensing applications. In such cases you will require to declare the interest and withdraw.

The specific exclusions cover the following interests:-

- **As a member, or director of, an outside body, where you have been appointed or nominated by the Council or had your appointment approved by the Council and the appointment is on your register of interests.** Outside bodies include:-
  - a devolved public body e.g. Visit Scotland, Children's Reporter, NHS Lothian;
  - a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme, e.g. SESTRANS;
  - a body discharging functions of Scottish Enterprise or Highlands and Islands Enterprise by agreement from either agency;
  - a company established wholly or mainly to provide services to the Council which has contracted with the Council to supply said services.
- As a member of the Cairngorm National Park Authority. Please note there are special rules in relation to the CNPA in that Members will be able to remain and participate in respect of certain planning applications. Please take advice from your Council's Monitoring Officer in such circumstances.
- Where you have been appointed by the Council to a Regional Transport Partnerships (RTP). *N.B.* The RTP exclusion includes quasi-judicial and regulatory matters except any quasi-judicial or regulatory matter on which the RTP has made an application to the council, has formally objected to an application made by another party, or is the subject of an order made or proposed to be made by the council.

**Where a specific exclusion applies the following wording can be used:-**

I have an interest in item XX by virtue of *[insert details of interest]*. However, a specific exclusion applies and, therefore, I will remain and participate.

## DISPENSATIONS

In some very limited circumstances the Standards Commission can grant dispensations in relation to the existence of financial or non-financial interests which, in terms of the Councillors' Code of Conduct, would otherwise prohibit participation in discussion and voting.

For example, a dispensation was granted to councillors who are appointed by their Councils to Health and Social Care Integration Joint Boards. This allows them to participate in health and social care matters without having to declare an interest at Council meetings.

**If a dispensation is in place, the following wording can be used:-**

I have an interest in item XX by virtue of my membership of XX, however, a dispensation has been granted therefore I will remain and participate.