

Guidance 5

Code of Conduct

MODEL CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1. INTRODUCTION TO THE MODEL CODE OF CONDUCT

1.1 Community Councils:-

- Are voluntary bodies, existing within a legal framework.
- Must work within the framework set out by the Scheme for the Establishment of Community Councils
- Have a key role to play in supporting a decentralised pattern of local government and service delivery
- Have a statutory right to be considered on planning and certain licensing applications
- Can jointly agree matters between the Community Council, the Council and other public and private sector bodies
- Should be proactive in identifying and assessing issues of concern affecting its local community by:
 - Taking into account views expressed by the public
 - Considering relevant evidence
 - Conveying findings and conclusions to the relevant authority for consideration
- Should work, and co-operate, with the Council to ensure successful consultation and to work in all areas of the Council's responsibilities.
- Must be non-party political and non-sectarian in their discussions and in their decision-making

1.2 Members of Community Councils – “Community Councillors” are not covered by the Code of Conduct, enforced by the Standards Commission for Scotland, which apply to Councillors elected to Local Authorities, MSPs and devolved public bodies. However, Aberdeenshire Council expects Community Councils to adopt this Model Code of Conduct to apply to their members.

1.3 The provisions of this Model Code have been developed in line with the key principles listed in Section 2 below and set out how the principles should be interpreted and applied in practice.

My Responsibilities

1.4 The public has a high expectation of its representatives including members of Community Councils and the way in which they should conduct themselves in undertaking their duties. I will meet those expectations by ensuring that my conduct is above reproach.

1.5 I will comply with the provisions of this Code in all situations where I am acting as a Community Councillor, have referred to myself as a Community Councillor or could reasonably be perceived to be acting as a Community Councillor.

- 1.6 I will comply with the provisions of this Code in all my dealings with the public and fellow Community Councillors, whether formal or informal.
- 1.7 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law, the Scheme for the Establishment of Community Councils, standing orders and regulations. I will also ensure that I am familiar with any guidance issued by the Scottish Government or the Council.
- 1.8 I will not, at any time, advocate or encourage any action contrary to this Code. I will meet the public's expectations by ensuring that my conduct is above reproach.
- 1.9 I understand that no written information can provide for all circumstances. If I am uncertain about how the Code applies, I will seek appropriate advice.

Enforcement

- 1.10 Section 17 and Guidance 5 of the Scheme for the Establishment of Community Councils sets out the provisions for dealing with alleged breaches of this Code of Conduct, including sanctions. More information on how complaints are dealt with and the sanctions available can be found at Section 5 below.

2. KEY PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 The general principles upon which this Code of Conduct is based are:-

Duty

I have a duty to act in the interests of the Community Council as a whole and of all members of the communities served by it. I will be accessible to all the people of the area for which I have been elected or adopted to serve and will represent their interests conscientiously.

Selflessness

I will take decisions solely in terms of the public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

Integrity

I must not place myself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties, or when making decisions at Community Council meetings.

Accountability and Stewardship

I am accountable for my decisions and actions. I must consider issues on their merits, taking accounts of the views of others, and I must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

I must be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

Honesty

I must act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

I must promote and support these principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Councillors in conducting public business.

Respect

I must respect all other Community Councillors and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a Community Councillor, and when representing the Community Council on official business.

3. General Conduct

Respect and Courtesy

- 3.1 I will treat everyone with courtesy and respect. This can include in person, in writing, when at meetings, when I am representing the Community Council and when I am online using social media.
- 3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership or pregnancy and maternity; I will advance equality of opportunity and will seek to foster good relations between different people.
- 3.3 I accept that disrespect, bullying and harassment can be a one-off incident, part of a cumulative course of conduct or a pattern of behaviour. I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

- 3.4 I accept that it is my responsibility to understand what constitutes bullying and harassment (including sexual harassment) and I will ensure my knowledge and understanding of this is up to date.
- 3.5 I will respect all Aberdeenshire Councillors and Council employees and the role they play and will treat them with courtesy at all times. I expect them to show me the same consideration in return.
- 3.6 I will respect the Chairperson, my colleagues, invited guests and any other members of the public present during meetings, or in other formal proceedings, of the Community Council, whether I agree with their views or not and I will treat them with courtesy at all times.
- 3.7 I must comply with rulings from the Chairperson in the conduct of the business of the Community Council.
- 3.8 I will not, at a meeting of the Community Council, raise my voice unduly, shout, interrupt other speakers, use offensive language, assault other members of the public, disregard the authority of the Chairperson or otherwise disrupt proceedings at a meeting.
- 3.9 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Community Council has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Remuneration, Allowances and Expenses

- 3.10 I will comply with the rules, and the policy of, the Community Council on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

- 3.11 I will never ask for any gifts or hospitality which might place me, or which would reasonably be regarded by a member of the public with knowledge of the relevant facts as placing me:
 - (a) under an improper obligation, or
 - (b) Which might influence, or might reasonably appear to influence, my judgement.
- 3.12 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.
- 3.13 I will not allow the promise of money or other financial advantage to induce me to perform improperly any function while acting as a member of the Community Council. I accept that the money or advantage (including gifts or hospitality) does not have to be given to me. The offer of monies to others may amount to bribery, if the intention is to induce me to perform a function improperly.

- 3.14 I will never accept any gifts or hospitality from any individual who is seeking to do business with the Community Council.

Confidentiality

- 3.15 I understand that Community Council proceedings and printed materials are generally open to the public and this will be the basis upon which I will normally work as a Community Councillor. I also understand that there will be times when I require to treat discussions, documents or other information relating to the Community Council in a confidential manner.
- 3.16 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain consent, I should assume it is not given.
- 3.17 I accept that confidential information can include discussions, documents and information (electronic or otherwise) which is not yet public or never intended to be public.
- 3.18 I will only use confidential information to undertake my duties as a Community Councillor. I will not use it in any way for personal advantage or to discredit my Community Council (even if my personal view is that the information should be publicly available).

Appointments to Outside Organisations

- 3.19 If I am appointed, or nominated by my Community Council, as a member of another public body or organisation, I will abide by their rules of conduct and will act in its best interests while acting as a member of it. I will also continue to observe the rules of this Code of Conduct in carrying out the duties of that body or organisation. In the event of a conflict of interest between the two bodies organisations, the principles set out in Section 4 below shall apply.

4. DECLARATION OF INTERESTS

- 4.1 For each particular matter I am involved in as a Community Councillor, I will first consider whether I have a connection to that matter.
- 4.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.
- 4.3 I will declare my connection as an interest at the earliest stage possible in meetings where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to prejudice the discussion or decision-making.
- 4.4 I will not remain in the meeting or participate in any way in those parts of meetings where I have declared an interest.
- 4.5 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection which I do not consider amounts to an interest.
- 4.6 I note that public confidence in a public body is damaged by perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a Community Councillor. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

5. BREACHES OF THE CODE OF CONDUCT.

- 5.1 I understand that the Scheme for the Establishment of Community Councils gives Community Councils powers to introduce provisions to consider allegations of Members consistently or flagrantly breaching this Code of Conduct, where it has been adopted.
- 5.2 I also understand that the Scheme for the Establishment of Community Councils gives Community Councils powers to introduce provisions for permanent expulsion or suspension for a stated period in respect of Members who are:
- found guilty of theft, in a court of law, of Community Council Assets, or
 - any other offence which is deemed to affect their ability to participate in the activities of the Community Council, or
 - who may have brought the Community Council into disrepute by their actions or activities.

SANCTION - SUSPENSION

- 5.3 I understand and accept that a finding of consistently or flagrantly breaching this Code (including repeated non-declaration of interests) may lead to my suspension as a member of the Community Council for a period not exceeding six months.

SANCTION – EXPULSION OR SUSPENSION FOR A FIXED PERIOD

- 5.4 I understand and accept that a finding of:
- guilt of theft of Community Council Assets, or
 - any other offence which is deemed to affect my ability to participate in the activities of the Community Council, or
 - where I have brought the Community Council into disrepute by my actions or activities.

may lead to me being expelled from being a Member of the Community Council or may lead to me being suspended for a stated period of time.