

Guidance 5 - Code of Conduct for Community Councils

1. Introduction

- 1.1 Members of Aberdeen City Council are bound by the Councillors' Code of Conduct. This is a legally binding code of conduct, imposed by law and enforced by the Standards Commission for Scotland.
- 1.2 Members of Community Councils, normally referred to as Community Councillors, are not bound by the Councillors' Code of Conduct. However, Aberdeen City Council expects all Community Councils to adopt this Code of Conduct. This Code will apply to all Community Councillors representing Community Councils in Aberdeen.
- 1.3 This Code of Conduct has been developed in line with the key principles of behaviour expected from Community Councillors. It has also been developed to emphasise and protect the important work done by Community Councils.

2. Community Councils

- 2.1 Are voluntary bodies, existing within a statutory framework found in the Local Government (Scotland) Act 1973;
- 2.2 Must operate within the framework set out by the Scheme for the Establishment of Community Councils;
- 2.3 Have a key role to play in supporting a decentralised pattern of local government and service delivery;
- 2.4 Have a statutory right to be consulted on planning and certain licensing applications;
- 2.5 Can jointly agree matters between the Community Council, the Council and other public and private sector bodies;
- 2.6 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; and
 - working, and co-operating, with the Council to ensure successful consultation and working in all areas of the Council's responsibilities.

3. Key Principles

- 3.1 The key principles which underpin this Code of Conduct 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 account 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.

- 3.2 For the avoidance of doubt, failure to comply with one or more of the key principles is not, in itself, a breach of this Code of Conduct. However, compliance with the key principles will be examined in the event of any alleged breach of the Code of Conduct.

4. My Responsibilities as a Community Councillor

- 4.1 I acknowledge that the public has high expectations of all representatives, including Community Councillors. These expectations include, but are not limited to, the way in which Community Councillors conduct themselves when undertaking their duties.
- 4.2 I will ensure that those public expectations are met by making sure that my conduct is beyond reproach.
- 4.3 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.
- 4.4 I will comply with the provisions of this Code in all my dealings with the public and fellow Community Councillors, whether formal or informal.
- 4.5 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 Aberdeen City Council.
- 4.6 I will not, at any time, advocate or encourage any action contrary to this Code.
- 4.7 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.

5. General Conduct

Respect and Courtesy

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

- 5.5 I will respect all Aberdeen City 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.
- 5.6 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.
- 5.7 I must comply with rulings from the Chairperson in the conduct of the business of the Community Council.
- 5.8 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.
- 5.9 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

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

Gifts and Hospitality

- 5.11 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 under an improper obligation or which might influence, or might reasonably appear to influence, my judgement.
- 5.12 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.
- 5.13 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.
- 5.14 I will never accept any gifts or hospitality from any individual who is seeking to do business with the Community Council.

Confidentiality

- 5.15 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

- 5.16 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.
- 5.17 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.
- 5.18 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).

Appointment to Outside Bodies

- 5.19 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 or organisations, the principles set out in Section 4 above shall apply.

6. Declaration of Interests

- 6.1 I understand that the public expects community councillors to declare where they have an interest in a matter being discussed. I will declare an interest, in line with this Code of Conduct, whenever I have an interest.
- 6.2 When determining if I have an interest, I will first determine if I have a connection to the matter. 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.
- 6.3 If I have such a connection, I will then go on to determine if that connection is a declarable interest. A connection is a declarable interest where the 'objective test' is met. This 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.
- 6.4 If I have a declarable interest, I will declare this at the earliest stage possible in the meeting.
- 6.5 I will not remain in the meeting or participate in any way in those parts of meetings where I have declared an interest.

6.6 If I have a connection but have determined that I do not have a declarable interest, I will consider if, for reasons of transparency, I should explain this to the meeting.

6.7 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.

7. Breaches of the Code of Conduct

7.1 I understand that the Scheme for the Establishment of Community Councils gives Community Councils powers to introduce provisions to consider allegations of Members breaching this Code of Conduct, where it has been adopted.

7.2 I understand and accept that breaches of this code shall be reported via the Complaints Process and shall comply with the findings through that process.