

**A
CODE OF
CONDUCT
FOR
COMMUNITY
COUNCILLORS**

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INTRODUCTION

The National Code of Local Government Conduct provides, by way of guidance to members of local authorities, recommended standards of conduct in carrying out their duties, and in their relationships with the council and the council's officers.

This Code is based on that National Code issued jointly by the Secretary of State for the Environment, the Secretary of State for Scotland and the Secretary of State for Wales, under the provisions of the Local Government and Housing Act 1989, and has been amended to meet the differing circumstances, powers, needs and responsibilities of Community Councils.

In Scotland the National Code applies to all members of local authorities and joint boards and committees, but no guidance has been issued to members of Community Councils, although the Councils themselves are creatures of statute and the standards expected of Community Councillors will be no less high than those expected of local authority Councillors. The Scheme for the Establishment of Community Councils in Dumfries and Galloway adopted by Dumfries and Galloway Council requires that members of Community Councils shall undertake to abide by the terms of this Code.

This Code represents the standard against which the conduct of members will be judged, both by the public and by their fellow councillors.

1. THE LAW AND STANDING ORDERS

Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and your Community Council's Constitution and Standing Orders require, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If you are in any doubt, seek advice from the Liaison Officer for Community Councils, Department for Community Resources, Dumfries and Galloway Council or another of the Council's senior officers or from your own legal adviser. In the end however, the decision and the responsibility are yours.

2. PUBLIC DUTY AND PRIVATE INTEREST

- 2.1 Your over-riding duty as a Councillor is to the whole local community served by the Community Council of which you are a member, although, if your Community Council is divided into wards, you may have a special duty to the electors of the ward you represent, including those who did not vote for you.
- 2.2 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Councillors have to decide.
- 2.3 If you have a private or personal interest in a question which Councillors have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.
- 2.5 You should never do anything as a Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your Council.
- 2.6 It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

3. DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 3.1 Whilst the law does not make specific provision requiring you, as a Community Councillor, to disclose both direct and indirect pecuniary interests (including those of a spouse with whom you are living) which you may have in any matter coming before the Community Council, a Committee or a Sub-Committee, nor prohibit you from speaking or voting on that matter, you should behave as if the law applying to Dumfries and Galloway Councillors applies to you. Your Community Council's Standing Orders may also require you to withdraw from the meeting while the matter is discussed. These requirements must be scrupulously observed at all times.
- 3.2 Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the general public interest. Private and personal interests include those of your family and friends, as well as those arising through membership of, or association with, clubs, societies, and other organisations such as the Freemasons, trade unions and voluntary bodies.

- 3.3 If you have a private or personal non-pecuniary interest in a matter arising at a Community Council meeting, you should always disclose it, unless it is insignificant, or one which you share with other members of the public generally as a ratepayer or a council tax payer or an inhabitant of the area.
- 3.4 Where you have declared such a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
- 3.5 In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:

if your interest arises in your capacity as a member of a public body, you may speak and vote on matters concerning that body; for this purpose, a public body is one where, under the law governing declarations of pecuniary interests, membership of the body would not constitute an indirect pecuniary interest;

if your interest arises from being appointed by your Community Council as its representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;

if your interest arises from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your Community Council as its representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;

if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

4. DISPENSATIONS

- 4.1 Circumstances may arise where the work of your Community Council is affected because some Councillors have personal interests (pecuniary or non-pecuniary) in some question.
- 4.2 In the case of non-pecuniary interests, there may be similar exceptions to the guidance contained in paragraphs 3.2 to 3.5 of this Code. In the circumstances below it may be open to you to decide that the work of the Community Council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear and substantial private or personal interest.

4.3 Before doing so, you should:-

take advice from the chairman of your Community Council (if this is practicable) or from the appropriate senior officers of Dumfries and Galloway Council as to whether the situation justifies such a step;

consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the Community Council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and

consider any guidance which your Community Council has issued on this matter.

4.4 The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, but only if at least half the Community Council would otherwise be required to withdraw from consideration of the business because they have a personal interest.

4.5 If you decide that you should speak or vote, notwithstanding a clear and substantial personal or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.

4.6 The guidance set out in paragraphs 4.2 to 4.5 above also applies to Committees and Sub-Committees. However, if the Committee or Sub-Committee is very small, or if a large proportion of members declares a personal interest, it will usually be most appropriate for the matter to be referred to the full Community Council.

5. **DISCLOSURE IN OTHER DEALINGS**

You should always apply the principles about the disclosure of interests to your dealings with Council officers, and to your unofficial relations with other councillors at, for example, informal occasions no less scrupulously than at formal meetings of the Community Council, Committees and Sub-Committees.

6. **MEMBERSHIP OF COMMITTEES AND SUB COMMITTEES**

You, or some firm or body with which you are personally connected, may have professional business or personal interests within the area for which the Community Council is responsible. Such interests may be substantial and closely related to the work of the Community Council or of one or more of the Community Council's Committees or Sub-Committees. You should not seek, or accept, membership of the Council or any such Committee or Sub-Committee if that would involve you in disclosing an interest so often that you could be of little value to the Council, Committee or Sub-Committee, or if it would be likely to weaken public confidence in the duty of the Community Council, Committee or Sub-Committee to work solely in the general public interest.

7. **CHAIRMANSHIP**

You should not seek or accept the Chairmanship of the Community Council if you or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the Community Council. Likewise you should not accept the Chairmanship of a Committee or Sub-Committee if you have a similar interest in the business of the Committee or Sub-Committee.

8. USE OF CONFIDENTIAL AND PRIVATE INFORMATION

As a Councillor or a Committee or Sub-Committee member, you necessarily acquire information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Community Council or anyone else.

9. GIFTS AND HOSPITALITY

9.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Community Council, or may be applying to the Community Council for some kind of decision or recommendation.

9.2 There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Community Council beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Community Council at a social function or event organised by outside persons or bodies.

9.3 You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the Secretary of the Community Council.

10. EXPENSES AND ALLOWANCES

There may be rules enabling you to claim expenses and allowances in connection with your duties as a Community Councillor or a Committee or Sub-Committee member, and these rules must be scrupulously observed.

11. DEALINGS WITH THE COMMUNITY COUNCIL

If you have dealings with the Community Council on a personal level, you should never seek or accept preferential treatment in those dealings because of your position as a Councillor or a Committee or Sub-Committee member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Councillor or a Committee or Sub-Committee member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

12. USE OF COUNCIL FACILITIES

You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Community Council for use in your duties as a Councillor or a Committee or Sub-Committee member are used strictly for those duties and for no other purpose.

13. APPOINTMENTS TO OTHER BODIES

You may be appointed or nominated by your Community Council as a member of another body or organisation - for instance, to a voluntary organisation. You should always observe this Code in carrying out your duties on that body in the same way you would with your own Council.

14. AUTHORITY OF CODE

This code has been issued by Dumfries and Galloway Council as to the standard of behaviour expected by the Government of local Councillors. It is expected that all Community Council Members will adhere to its terms.

STANDING ORDERS

1 COUNCIL MEETINGS

1.1 Election Year

Within twenty-one days of an ordinary election of the Council, the Returning Officer shall convene the first public meeting of the Council.

1.2 Conduct of the First Meeting of the Council after an Ordinary Election

1.2.1 The Returning Officer, or his or her nominee (who shall normally be an *ex-officio* Member, if available) shall chair the meeting and obtain nominations for the office of Chairperson.

1.2.2 The Chairperson shall be elected and shall thereafter chair the meeting.

1.2.3 The Council shall thereafter:-

- (a) elect a Vice Chairperson
- (b) appoint a Secretary and Treasurer who may be the same person and need not be a Member of the Council
- (c) elect such other office bearers as the Council considers necessary and appropriate
- (d) deal with any business considered necessary and appropriate.

1.3 Ordinary Meetings of the Council

1.3.1 **Place and Time**

All meetings of the Council, including General Meetings, shall be held at such place and time as the Council may decide subject to conformity with the provisions of the Constitution.

1.3.2 **Calling of Meetings**

Members of the Council shall be advised of the place, date and time of any meetings of the Council, Committees or Sub Committees by means of written agendas, specifying the business to be conducted and sent along with the minute of the previous meeting either to their normal residence or place of work at least seven days before the due date of such meeting.

Public notice shall be given by a copy of the agenda and accompanying Minutes or other papers for discussion in public circulated with the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of the Council are held and/or in such other manner or locations as the Council may choose to prescribe.

1.4 Special General Meetings of the Council

A general meeting including a meeting convened to make a resolution for dissolution of the Council shall be called by the Secretary at least fourteen days before the date of such meeting in the manner prescribed in paragraph 1.3.2 together with such additional notice to the electorate as the Council may prescribe.

1.5 Items of Business to be considered at all Council Meetings

No business shall be discussed at any meeting other than that specified in the agenda unless a majority of the Members present and voting consider that any additional item(s) of business should be dealt with as a matter of urgency.

1.6 Order of Business

The order of business shall be:-

- (a) the recording of the names of members present;
- (b) the recording of apologies for absence;
- (c) the approval as a true record of the minutes of the previous meeting (after amendment if necessary) and the signing of these minutes by the person who presided or in his/her absence another Member who was present at the meeting to which the minutes relate;
- (d) the consideration of any other items on the agenda.

1.7 Persons to Preside

The Chairperson shall preside if present and if not the Vice Chairperson and in his or her absence another voting Member chosen by a majority of those present.

1.8 Quorum

No item of business shall be considered unless at least the number of members of the Council eligible to vote and specified as a quorum within the Constitution are present.

1.9 Minutes

The Secretary or, in his or her absence, another person present at the meeting selected by the Council or Committee for that purpose shall draw up a minute recording the persons present, apologies for absence, the date, time and place of the meeting, the items of business under consideration and the decisions taken in relation to those items. The draft minute so drawn shall thereafter be circulated and publicly displayed along with the agenda for the next meeting of the Council or Committee as appropriate in accordance with the provisions contained in Paragraph 1.3.2 above. The minute once approved by the Council or Committee and signed in accordance with paragraph 1.6 above shall be preserved by the Secretary for future reference and transmitted to successors in that office. The signed minutes shall be taken as conclusive evidence of the matters to which they relate.

2 PROCEDURE AND CONDUCT OF MEETINGS

2.1 Powers and Duties of the Chairperson

- 2.1.1 The Chairperson shall preserve order and ensure that all members obtain a fair hearing.
- 2.1.2 The Chairperson shall decide on all matters of competency and relevancy, procedure and conduct of business.
- 2.2 Motions and Amendments at Meetings
 - 2.2.1 A motion must be competent and relevant to the business on the agenda and any amendments and counter amendments must be competent and relevant to the motion.
 - 2.2.2 A motion and any amendments or counter amendments shall be moved and seconded.
 - 2.2.3 A motion or amendment or counter amendments once moved and seconded may be altered or withdrawn with the consent of the mover and seconder.
 - 2.2.4 When a motion and amendment or counter amendments are before a meeting, the last counter amendment shall be voted on as against the second last until the position is reached whereby a final vote shall be taken as between the successful amendment and the motion.
 - 2.2.5 A Member shall not move or second more than one amendment or counter amendment to a motion, unless the earlier amendment or counter amendment is withdrawn.
 - 2.2.6 The mover of a motion or amendment shall not speak for more than three minutes, each succeeding speaker shall not speak for more than two minutes and shall speak only once in the same discussion unless to call attention to a point of order or with the sanction of the Chairperson to make an explanation.
 - 2.2.7 The mover of an amendment and the mover of the original motion in that order shall have the right to speak for two minutes in reply, strictly confining himself or herself to answering previous speakers and not introducing any new matter.
 - 2.2.8 After the replies are concluded the discussion shall be held to be closed, after which no Member shall be permitted to offer an opinion or to ask a question or otherwise interrupt the proceedings or to speak, except with regard to a point of order or clarification and the question under discussion shall thereupon be put by the Chairperson.
 - 2.2.9 Once a matter has been voted on, thereafter no other motion or amendment or counter amendment on the same business shall be competent at that meeting.
- 2.3 Voting Majority, Roll call, Ballot, Equality
 - 2.3.1 All questions coming or arising before the Council shall be decided by a majority of the Members present and voting. In the event of an equality of votes the Chairperson (or in his absence the person presiding) shall have a second or casting vote except in the case of the election of an office bearer, from within the membership of the Council when the equality shall be resolved by lot.
 - 2.3.2 Unless the Council otherwise determine for any specific occasion; the vote will be taken verbally in the order of the roll, beginning with the Chairperson

3 COMMITTEES

- 3.1 The Council may appoint such Committees and Sub Committees as it considers necessary and appropriate.

- 3.2 Each Committee shall appoint a Chairperson and a Vice Chairperson (in accordance with the rules governing the appointment of officers).
- 3.3 The conduct of Committee meetings shall be the same as for full meetings of the Council as set out in Paragraph 2 above.