

**CODE OF CONDUCT FOR
COMMUNITY COUNCILLORS**

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1.0 INTRODUCTION

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc. (Scotland) Act 2000. The local authority is Dumfries & Galloway Council and is referred to as 'DGC' in this document.

2.0 PRINCIPLES

2.1 As elected representatives of their communities, Community Councillors have a responsibility to make sure they are familiar with, and that their actions always comply with, the principles set out in this Code of Conduct:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and stewardship
- Openness
- Honesty
- Leadership
- Respect.

3.0 SERVICE TO THE COMMUNITY (PUBLIC SERVICE)

3.1 As a Community Councillor you must at all times act within the law and in accordance with the Scheme for the Establishment of Community Councils (hereafter called "the Scheme"), as set out by DGC under the terms of the Local Government (Scotland) Act 1973. You should never do anything as a Community Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect your Community Council's reputation. At all times you should avoid any occasion for suspicion and any appearance of improper conduct. If you are in any doubt about your actions, seek advice from the Chair or another Community Councillor or from your own legal adviser.

3.2 You have a duty to act in the interests of the local community, which you have been elected or nominated to represent.

3.3 You should ensure that you are, within reason, accessible to the residents living in the Community Council (CC) area as determined by the electoral roll, and put in place various mechanisms to allow the general community to express their views.

4.0 SELFLESSNESS

4.1 You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

4.2 Whilst you should take into account the views of your local community and you may be strongly influenced by the views of others, it is your responsibility to decide what view to take on any question about which Community Councillors have to make a decision.

5.0 INTEGRITY

5.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be thought to influence you in your representation of your community. Non-financial interests can be just as important. Private and personal

interests include those of your family and friends, as well as those arising through membership of/association with clubs, societies and other organisations.

- 5.2** You should not accept gifts or hospitality that may be seen to influence (or intended to influence) your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the CC's Secretary.
- 5.3** Whilst the law does not require you, as a Community Councillor, to disclose your direct and indirect financial interests (including those of a partner with whom you are living) in any matter coming before the CC, nor prohibit you from speaking or voting on that matter, you should behave as if the law* applying to Dumfries & Galloway Councillors applies to you. For guidance on declaration of interests, see pages 40-41 of the Standards Commission for Scotland's Guidance Note to Councillors and Local Authorities in Scotland (hyperlink below). Your CC's Standing Orders (if any) may also require you to withdraw from the meeting while the matter is discussed.

* http://www.standardscommissionscotland.org.uk/webfm_send/279

- 5.4** Where you have declared 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 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 and your fellow Community Councillors, knowing the facts of the situation, would reasonably think that you might be influenced by it.
- 5.5** In the following circumstances it may 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 financial interests, membership of the body would not represent an indirect financial interest);
 - from being appointed by your CC 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;
 - from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your CC 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;
 - 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; OR

- if at least HALF of the CC would otherwise be required to withdraw from consideration of the business because they have a personal interest.

- 5.6** If you decide that you should speak or vote, despite a clear and substantial personal or private non-financial interest, you should declare at the meeting **before** the matter is considered that you have taken such a decision, and why.
- 5.7** You should always apply the principles about the disclosure of interests to your dealings with DGC Officers, and to your unofficial relations with other councillors at, for example, informal occasions no less scrupulously than at formal meetings of the CC and its Committees.
- 5.8** This guidance also applies to CC Committees but if the Committee is very small, or if a large proportion of members declare a personal interest, it will usually be most appropriate for the matter to be referred to the full CC.
- 5.9** You, or some firm or body with which you are personally connected, may have professional business or personal interests within the CC's area. Such interests may be substantial and closely related to the CC's work. You should not seek, or accept, membership of the CC or any of its Committees if that would involve you in disclosing an interest so often that you could be of little value to the CC, or if it would be likely to weaken public confidence in the duty of the CC to work solely in the general public interest.
- 5.10** You should not seek or accept the role of Chair of the Community Council or one of its Committees if you or anybody with whom you are associated has a substantial financial interest in, or is closely related to, the business or affairs of the CC.

6.0 OBJECTIVITY

- 6.1** In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- 6.2** You may be appointed or nominated by your CC to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

7.0 ACCOUNTABILITY AND STEWARDSHIP

- 7.1** You are accountable for the decisions and actions that you take on behalf of your community through the CC. You must ensure that the CC uses its resources efficiently, effectively and fairly, strictly for CC business and in accordance with the law.
- 7.2** Community Councillors will individually and collectively ensure that the CC's business is conducted according to the Scheme and this Code of Conduct.
- 7.3** Community Councillors will individually and collectively ensure that annual accounts are produced showing the CC's financial undertakings as set out in the Scheme.

7.4 Minutes of meetings recording all actions and decisions made should be produced and circulated to all CC members as soon as possible after each meeting.

7.5 Any breach of the Scheme may be reported to DGC to determine what action, if necessary, should be taken by DGC.

7.6 As a Community Councillor or a Committee member, you may receive 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 discredit of the CC or anyone else.

8.0 OPENNESS

8.1 You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

8.2 If you have dealings with the media, members of the public, or others not directly involved in your CC, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the CC. Community Councils and Community Councillors should carefully consider any comments/statements they make during meetings, in public, through social media and to the Press, taking into account the standards outlined in this Code of Conduct.

9.0 HONESTY

9.1 You have a duty to act honestly. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. 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 CC beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the CC at a social function or event organised by outside persons or bodies.

9.2 There may be rules enabling you to claim expenses and allowances in connection with your duties and these rules must be scrupulously observed.

9.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the CC for use in your duties are used strictly for those duties and for no other purpose.

10.0 LEADERSHIP

10.1 You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the CC and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

10.2 You should act to assist the CC, as far as possible, in the interest of the whole community that it serves. Where the concerns of particular interest groups are in conflict with those of other groups or other areas, you should help to ensure that the CC is aware of them.

11.0 RESPECT

11.1 You must respect fellow members of your CC and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person with whom you have dealings in your capacity as a Community Councillor.

11.2 Recognition should be given to the contribution of everyone participating in the work of the CC. You must comply with the Equality Act 2010 and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account.

11.3 You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

12.0 SANCTIONS

12.1 Failure to observe the Code of Conduct may lead to suspension if felt appropriate by the CC. This matter will be decided by a majority of Community Councillors with voting rights.

This Code has been issued by Dumfries & Galloway Council in relation to the standard of behaviour expected by the Scottish Government of local Community Councillors. See the Councillors' Code of Conduct at

<http://www.scotland.gov.uk/Publications/2010/12/10145144/2>

The nomination form for a Community Councillor contains a statement whereby they must agree to comply with this Code of Conduct.