

(Appendix 3)

**Comhairle nan Eilean Siar
Scheme of Establishment for**

Community Councils

Code of Conduct for Community Councillors

Background

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.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all Community Councillors and those representing the Community Council wherever and whenever they are acting in an official capacity as Community Councillors. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Details of the requirements under these principles are set out in Section two. Section one of the Code sets out Community Councillors responsibilities in relation to Declaration of Interests.

SECTION ONE

Declaration of Interests

General

The key principles of the Code, especially those that specify integrity, honesty and openness, are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a Community Councillor.

“Interests” includes your financial interests, your non-financial interests and the interests, financial and non-financial of other persons who are related to you or connected to you by means of close friendship, an employer/employee relationship or similar.

In the event that you have an “interest” as defined above in any matter, which could give rise to any person reasonably believing that you have a conflict of interest in that matter, you should declare that interest at the earliest stage possible. Where the interest is financial, you should withdraw from the meeting until discussion of the matter has concluded. Where that interest is non-financial, you must make a decision as to whether to participate in the discussion. You must consider the relationship between the interest which has been declared and the particular matter to be considered.

It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a Community Councillor in regard to a particular matter.

In making decisions for which you are personally responsible, you are advised to err on the side of caution. You may feel able to state truthfully that an interest would not influence your role as a Community Councillor in discussion or decision making but you must also keep in mind that the test to be applied is whether a member of the public, acting reasonably, would think that a particular interest in relation to any matter being considered by the Community Council could influence your role as a Community Councillor.

Planning Matters

Community Councils will be consulted on the submission of Planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. In dealing with interested parties in relation to planning applications, Community Councillors must pay particular regard to the principles set out in this Code.

Once a planning application is submitted it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a planning application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a planning application for your own property or acting on behalf of an applicant, you must not take any further part in the decision-making process following submission of the planning application.

As part of your role in planning applications, you are obliged to recognise planning legislation and recognise that Comhairle nan Eilean Siar is bound to act under the terms of this legislation.

Liquor Licensing

This is similar to Planning and the Community Council will be notified of all new premises and major variation applications.

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a licensing application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a licensing application for your own property or acting on behalf of an applicant, you must not take any further part in the decision-making process following submission of the application.

As part of your role in licensing applications, you are obliged to recognise the relevant legislation and recognise that the Comhairle nan Eilean Siar Licensing Board is bound to act under the terms of this legislation.

SECTION TWO

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Comhairle's Scheme of Establishment as set out under the terms of the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994.

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

You should not accept gifts or hospitality that may be seen to influence or be 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 Secretary of the Community Council.

Objectivity

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.

You may be appointed or nominated by your Community Council 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.

You are free to have political and/or religious affiliations; however, you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Comhairle's Scheme of Establishment.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Comhairle's Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively, and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Openness

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.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, 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 Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times, this includes acting within planning legislation. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

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 Community Council 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.

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

Respect

You must respect fellow members of your Community Council 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, regardless of their position, you have dealings within your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

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.