



Community Councils

'A Code of Practice'

1. GENERAL

A Code of Practice to promote clear communications and a recognised exchange of information between Community Councils and Argyll & Bute Council is required under the terms of the Scheme for the Establishment of Community Councils within Argyll & Bute (1997).

The Code will primarily set out the responsibilities and commitments of both Community Councils and Argyll & Bute Council to each other.

The Code will cover areas including:

- The criteria, mediums and methods of communicating between Community Councils and Argyll & Bute Council;
- An agreed exchange of information between Argyll & Bute Council and Community Councils, i.e. the information required by Community Councils from Argyll & Bute Council and conversely the information required by Argyll & Bute Council from Community Councils;
- The areas and issues on which Argyll & Bute Council will consult with Community Councils;
- The expected conduct of Community Councillors in discharging their responsibilities;
- The role of Community Councils and Community Councillors.

2. COMMUNICATION

2.1 Any Community Council can, at any time, communicate with Argyll & Bute Council on any matter which is relevant to the geographical area of the Community Council and which is related to one of the functions of Argyll & Bute Council.

2.2 Communication between Argyll & Bute Council and Community Councils can be through the local Area Corporate Services Manager, where, for example, guidance may be sought in directing an enquiry to a specific service, or can be directly to an operational contact/service department where that is known.

A Community Council can also raise matters with their local Argyll & Bute Councillor for the Community Council area.

2.3 Communications from a Community Council to Argyll & Bute Council should, wherever possible, be made in writing or facsimile by the Secretary of a Community Council to the local Area Corporate Services Manager, or directly to an operational contact/service department where that is known.

Argyll & Bute Council will acknowledge all written correspondence to the Secretary of the Community Council, detailing when it was received, a contact name and telephone number of the officer who is dealing with the matter, and what, if any action is being taken, including a likely timescale.

Where any matter is urgent, Community Councils can contact directly by telephone the local Area Corporate Services Manager, or an operational contact/service department where that is known.

2.4 All written communications from Argyll & Bute Council to a Community Council will normally be addressed to the Secretary of the Community Council concerned, except where a liaison or contact nomination has previously been agreed. For example, to a Planning or Licensing Liaison/Contact.

3. EXCHANGE OF INFORMATION BETWEEN COMMUNITY COUNCILS AND ARGYLL & BUTE COUNCIL

3.1 The Area Committee Agenda, Minutes of the previous Area Committee (for a Community Councils area) and the Council Agenda, will be sent to all Community Councils. In addition, any reports or additional background material required by a Community Council will also be made available, on request, except when these reports or background material contain exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

3.2 With the exception of exempt information as defined in the Local Government (Scotland) Act 1973, and information which, in the opinion of the local Area Corporate Services Manager, could not be readily made available, for example, because of its technical nature or insufficient resources to compile or reproduce it, may be made available for inspection to a Community Council on request.

In appropriate circumstances however, a charge may be made for the compilation and/or reproduction of the information.

3.3 Argyll & Bute Council will advise each Community Council, in writing, of the name, address and contact telephone number of the Argyll & Bute Councillor/s representing part or all of a Community Council's area. Any subsequent changes will also be advised in writing.

3.4 A Community Council must provide to any Argyll & Bute Councillor whose ward falls within the Community Council boundary, at least ten days prior to the date of the next meeting, a copy of the agenda and minutes of each meeting of the Community Council. A copy of the minutes must also be made available to the local Area Corporate Services Manager for Argyll & Bute Council.

3.5 A Community Council must make available to the local Area Corporate Services Manager for Argyll & Bute Council a copy of their Annual Report.

3.6 A Community Council must advise, in writing, to the local Area Corporate Services Manager for Argyll & Bute Council, details (i.e. the name, address and any contact telephone number) of all those serving as elected Community Councillors (including Office-Bearers and Liaison Contacts), as well as "Co-opted" and "Nominated" members of the Community Council. Any subsequent changes must also be advised in writing to the local Area Corporate Services Manager for Argyll & Bute Council.

4. CONSULTATION BY ARGYLL & BUTE COUNCIL

- 4.1** Argyll & Bute Council will consult with Community Councils on issues with which consultation with the public is a statutory requirement. Argyll & Bute Council will consult as early as possible to allow Community Councils reasonable time to give their views. When consultations are required by law, Community Councils must respond within the legal timescale set.
- 4.2** Argyll & Bute Council will consult with Community Councils on any other matters of community/local interest as considered, in the opinion of Argyll & Bute Council, to be appropriate. Community Councils will however, be expected to respond within any set timescale and the consultation procedure in each instance will be determined by the local Area Corporate Services Manager and the appropriate Chief Officer of Argyll & Bute Council.
- 4.3** A list detailing all applications for planning consent received by Argyll & Bute Council will be sent to each nominated "Planning Liaison/Contact" within a Community Council. The list is normally compiled and sent to Community Councils each week.

Details of a particular application; the date by which objections to that application must be received by Argyll & Bute Council; and the date when the application will be dealt with by Argyll & Bute Council can be obtained from the Development Control Section of Argyll & Bute Council's Development Services Department.

5. CONDUCT OF COMMUNITY COUNCILLORS

Community Councillors will be expected to follow the Councillors' Code of Conduct issued by the Standards Commission for Scotland, and any subsequent amendments or revisions thereto.

5.1 THE LAW, CONSTITUTION AND STANDING ORDERS

Community Councillors hold office by virtue of statute, and must at all times act within the law.

Community Councillors should make sure that they are familiar with the rules of personal conduct which the law and a Community Council's Constitution and Standing Orders require, and the guidance contained in this Code of Practice. It is a Community Councillors responsibility to make sure that what he / she does complies with these requirements and this guidance. Community Councillors should regularly review their personal circumstances with this in mind, particularly when any circumstances change.

Community Councillors should not at any time advocate or encourage anything to the contrary. If a Community Council or Councillor are in any doubt, they should seek advice from the local Area Corporate Services Manager or from their legal adviser.

5.2 PUBLIC DUTY AND PRIVATE INTEREST

The over-riding duty of a Community Councillor is to the whole local community served by the Community Council, although, if a Community Council is divided into wards, Community Councillors may have a special duty to the electors of the ward they represent, including those who did not vote for them.

Whilst Community Councillors may be strongly influenced by the views of others, it is an individuals responsibility alone to decide what view to take on any question which a Community Council has to decide.

Community Councillors require to disclose both direct and indirect pecuniary interests (including those of a spouse with whom they are living), which they may have in any matter coming before the Community Council. Such an interest prohibits them from speaking or voting on that matter. The Community Council's Standing Orders may require them to withdraw from their meeting while the matter is being discussed.

If a Community Councillor has a clear and substantial private or personal interest in a question which the Community Council has to decide they should declare it, unless it is insignificant, or one which they share with other members of the public generally as a rate payer, a council tax payer or an inhabitant of the area.

Where they have declared such a private or personal interest they should decide whether it is clear and substantial. If it is not, then they may continue to take part in discussion of the matter and vote on it. If however, it is a clear and substantial interest, then they should always withdraw from the further part in the proceedings and should always withdraw from the meeting while the matter is being considered, they should ask themselves whether members of the public knowing the facts of the situation, would reasonably think that they might be influenced by it. If they think so, they should regard the interest as clear and substantial.

A Community Councillor should never do anything which could not be justified to the public. The conduct, and what the public believes about a Community Councillors conduct, will affect the reputation of a Community Council.

It is not enough to avoid actual impropriety. Community Councils and Community Councillors should at all times avoid any occasion for suspicion and any appearance of improper conduct.

5.3 MEMBERSHIP OF COMMITTEES AND SUB COMMITTEES

A firm or body with which a Community Council or Community Councillor is personally connected, may have professional business or personal interests within an 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. Persons should not seek, or accept, membership (Election, Nomination or Co-option) of the Community Council or of any Committee or Sub-Committee if that would involve disclosing an interest so often that they could be of little value to the Community Council, or if it would be likely to weaken public confidence in the duty of the Community Council to work solely in the general public interest.

5.4 USE OF CONFIDENTIAL AND PRIVATE INFORMATION

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

5.5 GIFTS AND HOSPITALITY

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

There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of good will. For example, it may be reasonable for a member to represent the Community Council at a social function or event organised by outside persons or bodies.

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

5.6 EXPENSES AND ALLOWANCES

There may be rules within a Community Council enabling Community Councillors to claim expenses and allowances in connection with their duties as a Community Councillor or a Committee or Sub-Committee member. These rules must be scrupulously observed.

5.7 USE OF COUNCIL FACILITIES

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

6. ROLE OF COMMUNITY COUNCILS AND COMMUNITY COUNCILLORS

Community Councils and Community Councillors should:

- Try to establish close, constructive relationships with Argyll & Bute Councillors and with other organisations active in the area;
- Recognise the importance of developing a wider range of contacts outwith of Argyll & Bute Council. For example, to develop relationships with the public utilities/suppliers of water, gas and electricity and bodies such as Scottish Natural Heritage, Argyll and the Islands Enterprise/Dunbartonshire Enterprise and Argyll & Clyde Health Board etc., to communicate local views and to seek the widest possible range of support.
- Actively seek the views, opinions and aspirations of the full cross-section of the community;
- Consider how best to reflect the spectrum of interests of the community and of other local community groups;
- Ensure that the work of the Community Council is visible and accessible to communities. For example, by issuing newsletters, questionnaires etc.;
- Hold regular public meetings and encourage community attendance and participation;
- Encourage contested Community Council elections.

7. REVIEW OF THE CODE OF PRACTICE

Argyll & Bute Council will keep the responsibilities and procedures laid down in this Code of Practice under review and will consult with Community Councils on any aspects where amendment appears necessary or desirable.