



Community Council Scheme 2025

**COMMUNITY COUNCIL
CODE OF CONDUCT**

This Code of Conduct was adopted at a meeting of «CCName» Community Council held on:

Date _____

(Signed) Chair, «CCName» Community Council

1. INTRODUCTION

This Code of Conduct is designed to guide the conduct, attitudes and behaviour of Community Councillors and applies to all members of the Community Council. Everyone must be treated equally with dignity and respect, and not be discriminated against in any way regardless of race, age, gender, religion, marital status or disability.

Community Council meetings are held in public and therefore Community Councillors have a responsibility to conduct themselves in a proper manner at all times throughout the duration of Community Council meetings. All members of the Community Council are required to be familiar with this Code of Conduct, and that your actions confirm with the principles set out below.

This Code of Conduct is underpinned by the nine key principles of public life in Scotland. You should ensure that you always have regard to, and follow, these key principles. You should not persuade others to act in a way that would be contrary to the key principles. The key principles are set out as follows:

- Duty
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Duty

As a Community Councillor you have a duty to act in the best interests of the local community for which you have been elected or co-opted to serve and represent. You have a duty to uphold the law and to act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Community Council and the communities served by it, and a duty to be accessible to the people of the area for which you have been elected or co-opted to service and to represent their interests conscientiously.

You also have a duty to act in accordance with the Shetland Islands Council's Community Council Scheme of Establishment, as set out by Shetland Islands Council (hereinafter the "Local Authority") under the terms of the Local Government (Scotland) Act 1973 as well as any other relevant policies or procedures pertaining from time to time applicable.

Selflessness

You have a duty to take decisions purely in terms of the public interest and community that you represent. You must not use your position in order 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 the performance of your duties. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare an interest and withdraw from discussions and any decision making process with regards to that matter.

Objectivity

In all decision making and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking into account information which is provided to you or is publicly available, assessing it on its merits and gathering information as appropriate to reach an informed decision, whilst setting aside personal opinions or preferences.

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

If appointed or nominated by the 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.

Accountability and Stewardship

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

Community Councillors will individually and collectively ensure that annual accounts and an annual report is produced that sets out the financial undertakings and achievements of the Community Council. Community Councillors must also ensure that all resources are used efficiently, effectively and fairly, and are used solely for the purposes of Community Council business and no other purpose.

Openness

You have a duty to be open and transparent 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/opinions of others.

If you have dealings with the media or members of the public, including through social media channels 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 have an obligation to work within the law at all times. You must declare any private interests 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 these principles by leadership and example, and to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in conducting public business and representing the views and needs of the local area.

You should act to assist the Community Council, as far as possible, in the interests of the whole community that it serves.

Respect

You must respect all other 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 you have dealings with in your capacity as a Community Councillor, regardless of their position.

2. CONDUCT AT MEETINGS

You are accountable for your own conduct at all times in terms of the Code, irrespective of the conduct of others. Abusive or offensive language and/or unnecessarily disruptive behaviour should not be tolerated. During the course of a meeting, the Chair has the right to rule on and to take appropriate action as necessary, on the acceptability of conduct, and any language used and comments made. This can include requiring the withdrawal of a remark, asking for an apology, or any other action deemed necessary to allow the meeting to proceed properly. Factors you should consider include whether:

- your behaviour, including your body language, is courteous and respectful (even when you hold a different view to that of other participants);
- you are treating others with courtesy, respect and consideration;
- your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- it is appropriate to refer to other Councillors by nicknames or to refer to them in the second person, by using terms such as 'you';
- newspapers, mobile phones, laptops and other devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying; and
- your conduct could diminish the public's opinion of, and trust and confidence in, its Community Councillors.

3. DECLARATIONS OF INTEREST

A fundamental obligation of the Code is the requirement for Community Councillors to declare certain interests. The rules regarding declaration of interest are intended to ensure transparency and openness in regards to interests which might influence, or be thought to influence your actions as a Community Councillor.

In the event that you declare an interest during a Community Council meeting then you **must** withdraw from the meeting until the discussion of, and voting on, the relevant item of business has been concluded.

If you are in any doubt about whether you can take part in such decisions, you should apply the “objective test” to that connection to decide whether it amounts to an interest that requires to be declared. The “objective test” assumes that a member of the public has knowledge of the relevant facts.

The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the interest as so significant that it would be likely to prejudice your discussion or decision making in your role as a Community Councillor. If the answer is yes, the connection is deemed to be an interest which you should declare.

Declaring an interest is solely the responsibility of each individual. If in any doubt about the implications of your involvement in a Community Council discussion or decision, you should seek prior advice from the Local Authority.

Financial Matters

You must declare, if it is known to you, **ANY FINANCIAL INTEREST** in any grant award, proposed grant award or other financial matter, at a meeting of the Community Council where this matter is the subject of consideration. **YOU MUST** retire from the meeting during discussion and determination of this item. You must also declare, if it is known to you, **ANY FINANCIAL INTEREST** relating to:

- a spouse, a civil partner or a co-habitee;
- a close relative, close friend or close associate;
- an employer or a partner in a firm or partnership;
- a body of which you are a remunerated member or director.

The above list of examples is not exhaustive. If there is any doubt about declaring an interest you must make advance contact with the Local Authority to seek advice.

Non-Financial Matters

If you have a non-financial interest in a matter being discussed by your Community Council, you should consider whether it would be appropriate for you to declare this interest and to withdraw from discussion and determination of that matter unless the interest is so remote or insignificant that it could not reasonably be taken to fall within the objective test. In considering this, you should have regard to the following criteria:

- That members of the public might reasonably think the private interest could influence you, stifle discussion, or influence other members through your presence; and/or
- That members of the public might reasonably think the private interest creates a real danger of bias on your part because it affects you, or someone connected with you, or an organisation where you are an office-bearer, more than any other person present or more than the generality of other persons present who may be affected by the matter.

As a Community Councillor you may serve on other bodies as a result of express nomination or appointment by your Community Council. Your membership on other bodies does not necessarily raise any issue of declaration of interest in regards to Community Council business.

In relation to service on the boards and/or management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter whether or not to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance taking into consideration whether the objective test applies to the interest.

4. PLANNING AND LICENCE APPLICATIONS

As a Community Councillor you will have to consider and provide consultation responses to planning and licensing applications. It is your duty to ensure that development responses are properly taken and that the parties involved are dealt with fairly. The final decision on such planning and licensing applications will be the responsibility of the consulting body.

If you have an interest, whether financial, non-financial or personal, in the outcome of a decision on a planning or licence application, you must disclose that interest and withdraw from the meeting during discussion and determination of this matter.

5. GIFTS AND HOSPITALITY

In your role as a Councillor, you should never ask for or seek any gifts or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. The exception to this is:

- Isolated gifts of a very trivial level such as a pen, notepad, diary or calendar; or
- Normal hospitality associated with Community Council duties such as a cup of tea or coffee at a local event

If you are in any doubt about accepting a gift or hospitality then apply the “objective test” to that proposed gift or hospitality. You should consider whether an informed member of the public may reasonably conclude your acceptance of that proposed gift or hospitality might lead to your being influenced in your judgement on matters.

You should also consider whether you have been given the gift or hospitality if you were not a Community Councillor. In doing so, you should think not just of your own perception, but also the perception of others.

6. CONFIDENTIALITY

General proceedings and printed materials such as meeting minutes are open to the public. However there may be times when you will be required to treat certain discussions, documents and other information in a confidential manner.

7. DEALINGS WITH SHETLAND ISLANDS COUNCIL

If you have dealings with Shetland Islands Council on a personal level, you must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a Community Councillor. You should also avoid placing yourself in a position that could lead the public to reasonably believe you are receiving such preferential treatment.

8. APPOINTMENTS TO OTHER BODIES

You may be appointed or nominated by the Community Council to a partner organisation or body. If so, you will be bound by the rules of conduct of these organisations and must also continue to observe the rules of this Code in carrying out the duties of that body.

If you are appointed to represent the Association of Shetland Community Councils as a member of another body or organisation, it is your duty to promote the views of all Community Councils represented by the Association of Shetland Community Councils.

9. BREACHES OF THE CODE

Any breach of the Community Council Code of Conduct may be reported to the Local Authority to determine what action or sanctions, if necessary, should be taken.

10. CONCLUSION

It is the responsibility of each Community Councillor to adhere to the rules and principles of this Code of Conduct. Community Councils are a position of public office, so all Community Councillors are expected to conduct themselves in an appropriate manner.

Community Councillors are required to work together in order to best serve the interests of the communities they represent. Therefore it is incumbent on each Community Councillor to treat their fellow Community Council members with respect and dignity, even if the odd occasion might arise where they have differing opinions on a matter of business. Your conduct, and what the general public believes about your conduct, will affect the reputation of your Community Council.

If you have any doubt about how to apply this Code of Conduct, you should seek advice from the Local Authority, as follows:

Shetland Islands Council
Community Council Liaison Officer
Community Planning & Development Service
3 North Ness
Lerwick
Shetland
ZE1 0NN

Tel. 01595 743828