



From mountain to sea

A Guide to the Role and Duties of an Aberdeenshire Councillor

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Contents

1. What does being a Councillor involve?	4
2. What does Local Government do and what is the role of a Councillor?	5
2.1 <i>Local Government serves the people</i>	5
2.2 <i>Local Government represents the people</i>	5
2.3 <i>Local Government makes rules</i>	5
2.4 <i>Local Government works with others</i>	6
2.5 <i>A Councillor fulfils an ambassadorial role</i>	6
2.6 <i>Councillors and Employees</i>	6
3. Principles of Public Life	8
4. Councillors – Main Tasks	9
5. Councillors – Skills and Attributes	11
6. Council Information	13
7.1 <i>Multi-member Wards</i>	13
7.2 <i>Decision Making</i>	13
7.3 <i>Councillors Workload</i>	14
7.4 <i>Support for Councillors</i>	14
7.5 <i>Council Funding</i>	14
7.6 <i>External Scrutiny and Accountability</i>	15

The purpose of this Guide is to give advice to:

Electors and Councillors about what a Councillor is responsible for;

Potential Councillors about what is involved in being a Councillor and the skills, experiences and personal qualities that are needed to fulfil that role.

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Serving Aberdeenshire from mountain to sea – the very best of Scotland

The best area

Helping to create and sustain the best quality of life for all through . . .

- happy, healthy and confident people
- safe, friendly and lively communities
- an enterprising and adaptable economy
- our special environment and diverse culture

The best council

Aiming to provide excellent services for all by . . .

- involving, responding and enabling
- finding new and more efficient ways of doing things
- providing elected leadership for our area
- working with our partners in the North East and beyond
- always looking to the future



1. What does being a Councillor involve?

Being a local Councillor is a position of trust which can be a rewarding and enriching experience. It is no easy task being a Councillor. Society needs to have people, whether at a national or local level who are able, willing and prepared to take decisions on its behalf. These can relate to matters which affect the lives of residents and Councillors must be prepared to be accountable for these decisions. Being a councillor is a complex and challenging position but is hugely rewarding.

Democratic election gives local Councillors, like Members of Parliament, a special status in public life which brings with it opportunities to contribute to the wellbeing of society, and in doing so, responsibilities to act fairly and within the law.



2. What does Local Government do and what is the role of a Councillor?

21 Local Government serves the people

Providing public services is a prime function of local government. No other public body provides the range of services which a local Council does. Providing services to meet community needs and aspirations requires the development of policy about the nature of services to be provided and the planning of the delivery and resourcing of those services.

A Councillor, therefore, shares a collective responsibility with other Councillors to:

- Make policy
- Formulate and monitor strategies and budgets
- Take executive decisions
- Check on the effectiveness of the Council in delivering services
- Develop an effective Councillor/officer partnership

22 Local Government represents the people

Local Government Councils consist of Councillors who are democratically elected. Although the majority are elected on a party political basis, they represent all the people of their communities, including those who did not vote for them. This representational function would remain even if Council ceased to deliver services.

A Councillor, therefore, is –

- A representative of his/her constituents
- A community leader providing a focus for the development of his/her community
- A representative of the wider interests of Aberdeenshire; and may also have a party political representative role.

23 Local Government makes rules

All societies need principles to which they must conform, if they are to safeguard the freedom, safety and well-being of their citizens. At a national level there is a clear distinction between Parliament, which make the rules, and Government on the one hand and Courts (or other tribunals) on the other which have separately defined roles to administer these rules.

A local Council, however, has three roles:

- It must administer certain rules which Parliament has laid down for it
 - It may make rules of its own
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- It must administer rules of its own which it makes

By participating in making or administering rules which affect the rights and obligations of citizens, Councillors are involved in granting or refusing permissions, licences and planning applications.

A Councillor, therefore:

- Pays attention to relevant considerations and ignores irrelevant ones
- Considers and weighs evidence
- Considers each issue on its merits
- Acts fairly and within the law.

24 Local Government works with others

Councils not only plan and deliver their own services but overall have a community leadership role. As part of this leadership role, Council take the lead in community planning by drawing together the activities of a whole range of public bodies, and the business and voluntary sectors, in identifying a common agenda and drawing together the plans of the partners to address the needs of communities. Beyond that, Councils work in a national framework with Government and Parliament at UK and Scottish level, and with other agencies. Your role isn't simply representative. It should also involve facilitating local people to be actively participating in democratic processes so people feel that they can contribute to and participate in shaping the decisions that affect their lives. You might also want to support local people and groups to develop and build upon existing community assets to create healthier, more resilient communities. This makes your community leadership role 'facilitative' as well as 'representative'

25 A Councillor fulfils an ambassadorial role:

- On behalf of his/her community in a local context
- As a champion and representative of the interests of Aberdeenshire Council in a wider national and international arena.

26 Councillors and Employees

In the context of the above it is important to understand the different responsibilities of Councillors and Council employees. Councillors are responsible to the public and the Council but employees are responsible to the Council as employer.

A Councillor's role is to decide on policy and not become involved in the direct operational management of the Council's services: that is the responsibility of the Council's officers. As paid employees, senior Council officers carry out the following roles:

- Have responsibility for the day-to-day running of Council services
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- Give professional advice to allow Councillors to make informed decision on the provision of services
- Implement policies which committees have agreed on
- Observe a code of strict political neutrality and serve all Councillors irrespective of political party.
 - Senior Councillors and the Council leader have additional roles and responsibilities which contribute to the effective governance of the Council

The Standards Commission have produced a very useful [advice note for councillors](#) on the strategic role of councillors and the operational role of officers.

3. Principles of Public Life

A Councillor must apply the following principles in all their dealings with council employees, colleague Councillors and others:

- **Duty** - Councillors have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.
 - **Selflessness** – Decisions must be taken solely in terms of the public interest. Councillors must not act in order to gain financial or other material benefit for themselves or family or friends.
 - **Integrity** – Councillors must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.
 - **Objectivity** – Councillors must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.
 - **Accountability and Stewardship** – Councillors are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and they must ensure that the council uses its resources prudently and in accordance with the law.
 - **Openness** – Councillors have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands it.
 - **Honesty** – Councillors have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
 - **Leadership** – Councillors have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the council and its Councillors in conducting public business.
 - **Respect** – Councillors must respect all other Councillors and all council employees and the role they play, treating them with courtesy at all times. It is also expected that others reciprocate this degree of respect in their dealings with Councillors.
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4. Councillors - Main Tasks

- A.** Regular attendance at meetings of the Council and of any Policy Committee, Area Committee, Sub-Committee and Working Group to which the Councillor is appointed is an essential component of the policy making and decision taking life of the Council. However, it is recognised that different people can commit different amounts of time to their role as Councillor and participation in Sub-Committees and Working Groups is usually after you have expressed an interest in their topics.
- B.** Contributing constructively to debates within and about the Council. This is usually done through formal Committee structures but dependent upon the role that you play within the Council; it can also take place informally.
- C.** Dealing with issues raised by constituents by correspondence, telephone, electronically and in person on an ongoing basis, and making arrangements to make themselves available to constituents, including “surgeries” or in other ways, contributes to the representative role of the Councillor.
- D.** Actively being aware of issues, affecting the Councillor’s electoral ward and the wider Aberdeenshire community (inside and outside the Council) is part of fulfilling a community leadership and representative function.
- E.** A key role for a Councillor is to scrutinise how effectively the Council is performing and meeting its targets, whether it is achieving best value for the money it is spending, This is important both across Aberdeenshire as a whole and also locally.
- F.** Working in partnership with other local organisations, as well as other ward Councillors, to identify and pursue local needs and aspirations and encouraging community action is fundamental to the role of community leader.
- G.** As a local community leader, Councillors will be invited by local organisations to participate in local forums and events which collectively provide a focus for community activity and development.
- H.** Representing Aberdeenshire Council on other organisations or agencies to which the Councillor may be appointed or nominated by the Council. This may involve an advisory or ambassadorial function where he or she must promote the Council’s policies, views and profile while serving the relevant organisation’s or agency’s best interests.
- I.** Treating all other Councillors and Council Officers with respect and courtesy at all times (there is a Councillor/Officer Working Together Guidance available)

The Protection of Vulnerable Groups (Scotland) Act 2007 provides that any Councillor who is a member of a committee (including joint committees) of a council

which is concerned with the provision of education, accommodation, social services or healthcare services to children or protected adults is considered to work in a position which involves regulated work with children or adults.

This means that any Councillor who is on the list of individuals barred from regulatory work with children or adults must not sit on such a Committee. All Councillors will undergo a basic disclosure check other than those on the Children and Education Services Committee who will do a PVG check.

Being a Councillor is a time consuming occupation and may or may not be a full-time occupation. Councillors should not be faced with excessive demands on their time but should be able to combine this work with other responsibilities and/or interests. In addition to attendance at meetings during the day, many of the groups that Councillors have regular contact with, such as Community Councils or Village Associations, meet in the evening and attendance at such meetings can add to the length of the working day.

5. Councillors - Skills and Attributes

The list below may seem daunting at first but support will be provided to help develop them over time.

- A.** A commitment to the ethos of public service and equality lies at the heart of being a local Councillor.
 - B.** Active citizenship is a commitment to contributing to and focusing on what best improves the wellbeing of communities.
 - C.** The ability to take on board a wide range of information, combined with clear thinking and common sense and to provide the analytical skills which enable objective and fair decision-making.
 - D.** Dealing with constituents requires a polite and fair approach to understanding the problems which they bring to their local Councillor.
 - E.** Presentational and communication skills enable the Councillor to publicise the needs of their constituents as well as the policies and vision of the Council.
 - F.** Resolving often conflicting points of view and contentious issues requires skills of negotiation, diplomacy and clear thinking.
 - G.** Resourcing the provision of local authority services involves very significant levels of expenditure, which requires a local Councillor to develop an understanding of the Council's budgeting and control system.
 - H.** The ability to work with others to attain mutual goals. This can include partnership working with external bodies, working as a team in multi-member wards as well as cross-party working.
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6. Training

If an individual member wishes to develop any of the skills or attributes described previously, then suitable training will be provided.

The Council will provide a range of training opportunities including induction, democratic process skills, the rights and responsibilities of Councillors, local government finance and media and communication skills.



Developing knowledge about the functions of the Council and the services which are delivered is supported through the ongoing provision of development opportunities such as seminars and other events.

To fulfil their role as a Councillor requires diligence in their attendance at training opportunities.

It is agreed that Aberdeenshire Council Councillors will undertake and record at least five days (36.25 hours) of Continuous Professional Development per annum.

7. Council Information

7.1 *Multi-member wards:*

There are 19 wards in Aberdeenshire, each with either three or four elected members. Each of these members has an equal responsibility for the whole ward. To make this work effectively, Ward members will have to work together in a collaborative way sharing duties, information and knowledge. Electronic communication will be the standard way of doing business and systems will be in place to assist members in this.

7.2 *Decision-making:*

In Aberdeenshire Council, Councillors make decisions with other Councillors in Council committees or sub-committees. Decisions can be made by mutual agreement or as the result of a vote. Currently, the Aberdeenshire system of committees consists of an Area Committee for each of the Council's six Areas, along with four policy committees, an audit committee as well as Full Council:

- **Education and Children's Services** (Education and Education HR& OD, Children's Social Work)
- **Communities** (Housing, Adult Social Work Procurement, Community Planning, Integration Joint Board monitoring, Leisure and Sport, Fire, and Police, Libraries and Culture and Museums)
- **Infrastructure Services** (Planning and Building Standards, Roads, Transportation, Waste Management, Economic Development and Protective Services and Visitor Attractions, City Region Deal and Northern Roads Collaboration.)
- **Business Services** (Licensing, Customer Communications, Emergency Planning, Finance, HR & OD, ICT, Legal and People, Property and Facilities, Registration, and Valuation and Electoral Registration)
- **Audit** (ensures effective audit systems are in place and has a scrutiny role.).

Supplementary information on each of these committees can be obtained from the Council's website (www.aberdeenshire.gov.uk).

Area Committees deal with a wide range of local issues and cover all of the central Committees' interests. Major elements include the determination of planning applications, agreeing local revenue and capital budgets, providing local input into policy making and monitoring the local delivery of services.

Area Committees consist of all local Councillors (between 10 and 14 Members each) and the central committees have around 14 members each, with the exception of Audit Committee which has 12.

Aberdeenshire Council also nominate 5 Councillors to the Integration Joint Board whose remit includes Adult Social Care.

73 Councillors' workload:

Whilst Councillors with significant additional responsibilities may need to spend substantial amounts of time on Council business, the majority of Councillors should be able to combine Council work with other responsibilities and/or interests.

74 Support for Councillors:

In a variety of ways, Councillors are provided with support to help them fulfil their duties. For example each Councillor has the use of a personal computer and access to secretarial support. A basic annual salary of £18,604* is paid to Councillors. This is paid monthly and is subject to appropriate tax and NI deductions. Councillors with specific additional responsibilities receive an additional allowance. Councillors are entitled to claim travel and subsistence expenses incurred on Council business and also receive a telephone allowance.

75 Council Funding:

The Scottish Government allocates revenue support grant to the Council using a grant distribution mechanism based on a combination of variables related to the Council's spending needs and other historical factors. Business rates are collected by all Councils from businesses in their areas and pooled by the Scottish Government then redistributed to Councils on the basis of population. Specific grants are paid towards the costs of certain services. The difference between the Council's expenditure and the money paid by the Scottish Government is met by local residents from the Council Tax and fees and charges.

7.6 External Scrutiny and Accountability:

Councillors and the Council are subject to various forms of external scrutiny and accountability.

The public has high expectations of Councillors and the way in which they should conduct themselves in undertaking their duties. The Ethical Standards in Public Life etc. (Scotland) Act 2000 introduced a code of conduct for Councillors. This requires Councils to help their members comply with the relevant code. There is the Standards Commission for Scotland which oversees the framework and deal with alleged breaches of the code. If the Commission finds that there has been a breach of the code it can apply various sanctions including disqualification for a period of up to five years from being a Councillor.

However, it should also be remembered that all Councillors are accountable to the electorate via the ballot box. Local authority elections are held periodically and if voters are dissatisfied with a particular party/group or individual Councillors then they can apply the ultimate sanction by voting for another party or candidate.

The financial probity and performance of Aberdeenshire Council is scrutinised by the Accounts Commission which appoints the Council's external auditors. The Council's has an appointed independent auditor although Audit Scotland will also undertake some work.

These bodies carry out:

- Financial audits to make sure that all local authorities are meeting high standards of financial management
- Performance audits to check that local authorities are achieving the best possible value for money.

Some of the work is done on an annual basis e.g. audits of all local authorities and publication of performance information. Other work is carried out as a result of special circumstances e.g. complaints of concerns about how public money has been spent.

The Council welcomes feedback and has a well-established procedure for handling complaints, if a complainant is not satisfied with the action the Council takes, he or she can send a written complaint to the Scottish Public Sector Ombudsman. The Ombudsman will then investigate the complaint and if there has been maladministration by the Council satisfactory redress will be obtained. From time to time the Ombudsman's Service also publishes advice on good administrative practice in local government based on experience from investigations.

Following the introduction of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 both of which came into force on 1 January 2005, the office of the Scottish Information Commissioner was created.

“The main role of the Commissioner is to promote observance by public authorities of the Act, by which “a person who requests information from a Scottish public authority is entitled to be given it by the authority.”

The Scottish Information Commissioner is responsible for enforcing and promoting the right to access public information created by the Act and the Regulations give anyone, anywhere in the world, important rights to access information held by more than 10,000 public authorities in Scotland.

The Act and the Regulations give the Commissioner a range of powers to support him in fulfilling his role.

Accessibility

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