

MORAY COUNCIL COUNCILLORS' ROLES AND RESPONSIBILITIES

The document sets out the different roles which councillors can hold within the council and the council's expectations of these roles. It has been created for the benefit of the public, councillors and officers in the interests of clarity and transparency.

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1 ALL COUNCILLORS

1.1 Legal duties

1.1.1 All councillors must comply with general legal requirements in carrying out their duties. They also have specific legal duties to:-

- sign a declaration of acceptance office
- at least once in a six-month period, attend a meeting of the council, a committee, a sub-committee, a joint committee, a joint board or other formal outside body as a council representative
- maintain an accurate and up-to-date Register of Interests available on the [Councillors pages](#) of the Committee Management Information System CMIS
- familiarise themselves with and comply with the Councillors' Code of Conduct, having regard to Standards Commission guidance and advice
- comply with duties under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018
- comply with regulations concerning remuneration, expenses and allowances and the council's Scheme of Elected Members' Remuneration, Allowances and Reimbursement of Expenses

1.2 Other duties and expectations

1.2.1 There are other duties and expectations over and above that legal minimum. They arise in the following areas. Councillors have to maintain a complex balance and mix of roles:-

- as Moray residents and recipients of council services
- as holders of a public office
- as ward members, to the ward area and constituents
- as council members, to the whole council and its constituents
- as members of a political party or group, expressing political values and supporting the group to which they belong and its policies and values
- as independent councillors, supporting and following their values and the platform on which they were elected
- as decision-makers in a regulatory capacity
- as holders of additional responsibilities and positions within the council
- as representatives of the council in partnership working, outside body appointments and dealing with the public in general

1.3 Values and principles

1.3.1 In everything they do, councillors are expected to uphold and comply with the council's values as set out in our [Corporate Plan](#). Those are:-

Fair

- tackle inequalities
- treat people fairly
- promote equalities and awareness
- consider our impact on others

Ambitious

- promote and celebrate Moray
- be a great place to work
- ensure sustainable and efficient council services
- improve life for the most vulnerable

Improving

- Drive improvement
- Encourage innovation
- Take commercial opportunities
- Invest in transforming to meet future needs

Responsive

- Be open and transparent
- Promote community participation and involvement
- Listen to and involve our communities

1.3.2 The Councillors' Code of Conduct sets out the principles of good conduct which councillors must follow:-

- Duty
- Selflessness
- Integrity

- Objectivity
- Accountability
- Stewardship
- Openness
- Honesty
- Leadership
- Respect

1.4 Public office

1.4.1 As holders of public office Councillors are accountable to the public of Moray for their decisions. Through their personal conduct and through their work including contact with the people in the area they represent, the media and other agencies, councillors are expected to:-

- uphold and act in accordance with the law
- fulfil and act in accordance with the public trust placed in them
- justify their actions to the public
- maintain the highest standards of conduct
- promote the core values of the council
- provide an example to others
- enhance the reputation of the council and Moray
- safeguard and enhance the public perception of the council and its status
- take a key role in advancing the social, economic and environmental wellbeing of Moray
- facilitate and encourage partnership working with other committees/boards in responding to meeting the needs of Moray communities
- avoid any circumstance which could lead to the suspicion or appearance of improper conduct or which could bring the council into disrepute
- carry out their roles and duties in a dignified and respectful manner

1.5 Internal rules and procedures

1.5.1 Councillors are expected to comply with the council's internal governance arrangements by:-

- being familiar with and complying with Standing Orders
- respecting other councillors, the Chair and rulings by the Chair at meetings
- adhering to the protocols approved to guide councillor and officer relations
- following the council's rules regarding the use of council facilities
- respecting the role and responsibilities of officers
- complying with corporate policies which apply to them as well as officers (for example, information security)

1.6 Duties to whole council, and to the ward

1.6.1 Councillors have responsibilities and duties to the council and council area as a whole. They are expected to:-

- participate in the decision making of the council and the formation of the council's policies and programmes
- monitor and scrutinise the effectiveness and efficiency of the council in the discharge of its functions
- ensure that the council uses its resources prudently and in accordance with the law
- represent, both in council decision-making and in contact with officers of the council, all of the constituents in the area which they are elected to represent
- promote participation and citizen involvement in the decision making process through recognised means.
- have regard to the policies and decisions of the council when representing the interests of their constituents
- recognise the cultural diversity within the area and encourage equal opportunities
- attend training and briefing sessions and progress their own personal development
- seek advice where appropriate from colleagues and senior officers
- consider issues on their merits, taking account of the views of others
- accept responsibility individually and collectively for ensuring that adequate provisions for the proper conduct of the council's business are in place

1.6.2 Alongside the duties to the council as a whole, councillors have specific roles and duties in relation to their ward area. They are expected to:-

- be accessible to all the people within their ward area
- represent conscientiously the interests of the people within their ward to the council and to other public sector committees/boards
- respect and work constructively with their ward councillor colleagues
- have regard to and respect the policies and decisions of the council when representing the interests of their constituents without limiting their ability to scrutinise and review the application and continuing relevance and fitness for purpose of these policies and decisions.
- interpret and express the wishes of their constituents to the council
- exercise community leadership and involvement, both in their ward and in Moray as a whole
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- develop local knowledge of local issues and use it to inform council decisions and policy-making
- listen and respond to the needs of local people

- carry out casework on behalf of constituents
- account for service priorities, the allocation of resources and the performance of the council to constituents

1.7 Regulatory and quasi-judicial business

1.7.1 Councillors may be appointed to make decisions on regulatory or quasi-judicial business. This means that they are acting like a court of law in making a decision on an application or determination of individual rights or an appeal.

1.7.2 Councillors have duties and responsibilities in these cases which are higher than normal:-

- They must be impartial
- They must be aware of and understand the relevant legal provisions and take advice where necessary
- They must be aware of relevant council policies
- They must make decisions based only on relevant facts and circumstances which have been brought to their attention as part of the meeting or hearing
- They must apply the appropriate legal tests and rules to those relevant factors
- They must not take irrelevant factors into account
- They must ensure that everyone is treated fairly and equally and is given a fair hearing
- They must avoid making statements or doing or saying anything which may give the perception of bias or pre-judgment
- They must not make decisions according to a pre-determined political or group line, or lobby colleagues to reach a particular determination

1.8 External work and relationships

1.8.1 Councillors may be appointed by the council to external committees/boards, including arms-length external organisations (ALEOs). They have particular responsibilities in relation to those appointments. Those are:-

- participating in the activities of the outside body
- providing two-way communication between it and the council
- developing and maintaining a working knowledge of the council's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
- contributing to community planning by acting as a representative of the council, working in partnership with relevant external committees/boards
- representing the council and Moray at events at local, national and international level

- acting as an effective ambassador for the council and Moray at all times
- representing the interests of the people of Moray to the council to other public sector committees/boards

1.8.2 The Councillors' Code of Conduct extends to councillors representing the council on outside committees/boards. It also requires compliance with any other Code of Conduct applicable to the outside body itself.

2 COUNCILLORS WITH ADDITIONAL RESPONSIBILITIES

2.1 Defined

2.1.1 The Council recognises a number of positions with additional responsibilities to that of a Councillor. These positions are described in more detail below and comprise:

- Council Champions
- Chairs of Committees and Boards
- Leader of the Council
- Depute-Leader of the Council
- Leader of Largest Non-Administration Group
- Civic Leader

2.2 Additional allowances

2.2.1 Under statutory remuneration regulations every councillor receives a basic allowance. A fixed higher allowance is payable for the positions of Council Leader, Civic Leader and Chairs/Vice-Chairs of Joint Boards. In addition the remuneration regulations give the council discretion to approve up to 9 further senior responsibility allowances or SRA's.

2.2.2 The posts which attract SRA's are not fixed and require to be approved at a council meeting. For transparency the remuneration of councillors is reported annually to the council.

3 COUNCIL CHAMPIONS

3.1 Defined

3.1.1 The Council may nominate individual councillors as Champions to promote an aspirational theme, goal or group interest in which that councillor has a particular interest, knowledge or affinity.

3.2 Responsibilities

Council Champions are expected to:

- Encourage best practice, make suggestions and act as a positive influencers within the Council in relation to the theme, goal or group to which they have been nominated.
- Maintain links with relevant officers, chairs and external groups /bodies as appropriate in relation to their particular role
- Participate in appropriate publicity relevant to their particular role.

4 CHAIRS OF COMMITTEES AND BOARDS

4.1 Defined

4.1.1 The council delegates functions to committees and sub-committees to make recommendations and to take decisions in relation to the delivery of services and the discharge of the council's functions. These committees require an individual councillor to chair their meetings. Chairs are appointed by full council.

4.1.2 Chairs (who may have multiple roles) will generally be classed as Senior Councillors and receive a higher level of remuneration than ordinary councillors.

4.1.3 The role of Chairs goes beyond that of ordinary councillors. Chairs are expected to provide a focus for councillors in relation to the services within the remit of the committees/boards they chair and to enhance the reputation of the council and Moray.

4.2 Additional responsibilities

4.2.1 Chairs are expected to:

- promote corporate responsibility for the policies and decisions of their committees/boards and ensure clear political direction and guidance in the best interests of the whole of Moray.
- ensure that the Leader of the Council is briefed as appropriate on significant issues within their committee remit
- work with the appropriate officers in respect of the services within the remits of the committees/boards they chair
- foster and develop effective and constructive working relationships with other members of the council and officers, and with relevant outside bodies
- liaise closely and effectively with senior officers in relation to the business of their committees/boards
- chair meetings and ensure the proper conduct of meetings including keeping order; ensuring that members have a fair hearing; that reasonable steps are taken to enable effective participation by members, officers and members of the public participating by being present physically or by remote-access; regulating participation by officers and the public; ruling on all matters of procedure, competency and relevancy; and ensuring the business on the agenda is concluded efficiently and effectively within the terms of the council's Standing Orders.

- promote compliance with the council’s Constitutional Documents corporate policies and objectives and the council’s committees/boards as they affect their committees/boards’ remit
- communicate and link effectively with other committees and working groups and with individual elected members, other committees/boards and community groups
- promote the core values of the council in the work of their committees/boards
- act at all times in a manner to enhance the reputation of the council in terms of fair representation, open government and accountability and as a representative of both the council and the community
- maintain the highest standards of integrity and behaviour personally and act as an example to others
- assist in identifying and raising awareness of relevant training for members of their committees/boards

4.3 Vice-Chairs and Acting Chairs

4.3.1 These responsibilities apply to the Depute-Chairs when acting in the role of Chair.

4.3.2 These responsibilities apply to any councillor appointed in an acting capacity under the council’s Family Leave Scheme for Elected Members or where they are covering an extended absence.

5 COUNCIL LEADER

5.1 Defined

5.1.1 The Leader of the Council is a councillor elected by the other members of the council to be the political figurehead and leader of the council and its councillors and is the title given by the council to the councillor performing the role of “Convener” and elected under section 4 of the Local Government etc. (Scotland) Act 1994. The statutory requirement of this role is to chair full council

The Leader of the Council is usually the head of the political party or group which forms the administration group on the council. The role will carry overall political responsibility for all council service areas as well as any specific area defined in the Scheme of Administration. The role carries a higher level of remuneration (prescribed by regulation) which is distinct from Senior Councillor payments.

5.1.2 The Leader of the Council is expected to enhance the reputation of the council in terms of fair representation, open government and accountability and to maintain the highest standards of integrity and behaviour.

5.1.3 As leader of their political group, they have particular responsibility to represent and communicate the views of their group as part of the

formal decision making processes of the council and its committees and through informal working groups and forums. They are to provide leadership of their group and act as its main spokesperson to ensure clear political direction and guidance is given on behalf of the political administration.

5.2 Additional responsibilities

5.2.1 In addition to meeting the expectations of a council Chair and an ordinary Councillor the Leader of the Council is expected to:-

- chair meetings of full council and ensure the proper conduct of meetings including keeping order; ensuring that members have a fair hearing; that reasonable steps are taken to enable effective participation by members, officers and members of the public participating by being present physically or by remote-access; regulating participation by officers and the public; ruling on all matters of procedure, competency and relevancy; and ensure the business on the agenda is concluded efficiently and effectively in terms of Standing Orders.
- lead the political administration of the council
- ensure clear political direction and guidance in the best interests of the whole of Moray.
- carry overall political responsibility to promote the vision, policies, strategies and decisions of the council as a whole
- promote public confidence in the activities of the council as a whole
- have particular responsibility with regard to community leadership
- exercise sound and fair political leadership
- be responsible for developing and overseeing effective political relationships with partner organisations
- act as the council's main political spokesperson to communicate and promote the policies, strategies, decisions and the achievements of the council within agreed communications strategies.
- provide feedback to the Chief Executive where requested in the following areas: organisational and management processes of the council, decisions to be taken under delegated powers, budget priorities, service planning and performance and pre committee formulation of policy
- promote an inclusive working environment involving all members of the council
- develop and encourages effective working relationships among councillors and officers
- represent the council at meetings of the Convention of Scottish Local Authorities (COSLA) and ensures that the position and interests of the council are represented at COSLA meetings and

that feedback from these meetings is given through established channels within the Council.

- if appointed, chair significant policy consideration/discussion groups established by the council such as the Political Group Leaders group
- help ensure that the work of all committee Chairs contributes to the corporate effectiveness of the council as a whole
- liaise closely with the Depute Leader over the division and delegation of responsibilities between the Leader and Depute Leader roles
- liaise closely with the Civic Leader in terms of civic roles and functions on behalf of the council

5.3 Depute Leader, Acting Leader, Joint Leaders

5.3.1 In addition to meeting the expectations of a council Chair and an ordinary Councillor the Depute Leader is expected to assist the Council Leader in discharging the roll of Council Leader. They may undertake any responsibilities associated with the Leader role as informally agreed by the Council Leader, or in terms of any more formal division agreement, and shall liaise with and work constructively and effectively with the council leader. In particular the Depute Leader is expected to:

- Provide cover for chairing of full Council or attendance at COSLA leaders meetings where the Council Leader is unable to attend.
- promote an inclusive working environment involving all members of the council
- develop and encourage effective working relationships among councillors and officers
- provide feedback to the Chief Executive where requested in the following areas: organisational and management processes of the council, decisions to be taken under delegated powers, budget priorities, service planning and performance and pre committee formulation of policy

5.3.2 These responsibilities apply to any councillor appointed in an acting capacity under the council's Family Leave Scheme for Elected Members or covering a period of extended leave.

5.3.3 Joint Leaders may be elected by the council. The responsibilities of the Leader will apply equally to those who share the office. Joint Leaders have the additional responsibility of liaising with and working constructively and effectively with each other in the best interests of the council and the council's area and residents. If joint Leaders are

appointed then either will be able to take the chair at full council meetings.

6 GROUP LEADER

6.1 Defined

6.1.1 A Group Leader is the nominated representative/spokesperson of any non-administration political party or group comprising three or more councillors. The holder of the position is not elected by the council and there is no automatic right to additional remuneration.

6.1.2 The holder of the post carries all of the duties and responsibilities of an ordinary councillor (and Chair if applicable) with additional responsibilities to ensure that the views of their group are communicated and represented as part of the democratic governance of the council.

6.2 Additional responsibilities

6.2.1 A Group Leader is expected to:-

- represent and communicate the views of their group as part of the formal decision making processes of the council and its committees and through informal working groups and forums
- provide leadership of their group
- act as the group's main spokesperson in order to enable the group to participate effectively in the decision-making processes
- ensure clear political direction and guidance is given on behalf of their group in the best interests of the council and Moray
- participate actively and effectively in the scrutiny of the council's policies, budgets and service delivery and their effectiveness in meeting the strategic and operational objectives agreed by the council and the needs of the communities in Moray
- promote an inclusive working environment and ensure the participation of members of their group in debate and policy decision making processes of the council
- maintain effective communications with other Group Leaders and the Chief Executive
- participate as required in consultation organised by the council with Moray's communities to ensure that their full range of views and opinion are expressed to council in the formulation and review of policies, budgets, strategies and service delivery
- represent their group in council events, community involvement and in other forums in order to further the interests of the council and Moray
- promote the core values of the council in fulfilling their remit

6.3 Depute, Acting and Joint Group Leader

6.3.1 These responsibilities apply to any Depute Group Leader appointed by a group.

6.3.2 The responsibilities of Group Leader will apply equally to any Acting Leader (acting in that capacity under the council's Family Leave Scheme for Elected Members or covering a period of extended leave) or to those who share the office as Joint Leaders

7 CIVIC LEADER

7.1 Defined

7.1.1 The Civic Leader fulfils a unique and important function as the civic head in representing the council and the wider Moray community at ceremonial and other formal events and occasions both within and outside Moray. The Civic Leader is the formal representative of the council when meeting with visiting dignitaries.

7.1.3 The position shall attract a higher level of remuneration, defined "Civic Head" in terms of the remuneration regulations.

7.1.4 The holder of the post carries all of the duties and responsibilities of an ordinary councillor with the additional responsibilities set out below.

7.2 Additional responsibilities

7.2.1 The Civic Leader is expected to:-

- act as civic head, hosting council events and attending other events as civic leader and representative of the council and the Moray communities
- promote Moray's profile to the wider community through public appearances at social, community, cultural and business events and through the media
- foster networks with other organisations in both the business and public sectors to support and enhance the development of Moray and its communities
- liaise closely with the Leader of the Council in terms of the civic roles and functions on behalf of the council, and with the Depute Leader
- promote the core values of the council
- act at all times in a manner to enhance the reputation of the council in terms of fair representation, open government and accountability and as a representative of both the council and the community
- maintain the highest standards of integrity and behaviour personally and act as an example to others

- hold an ex officio position on any cross party policy formulation groups established by the council (such as the Political Group Leaders group) to assist them in meeting their civic duties.

7.3 Acting Civic Leader

7.3.1 These responsibilities apply to any councillor appointed in an acting capacity under the council's Family Leave Scheme for Elected Members.