LOCAL GOVERNMENT AND REGENERATION COMMITTEE

AGENDA

30th Meeting, 2013 (Session 4)

Wednesday 27 November 2013

The Committee will meet at 9.30 am in Committee Room 6.

1. The Implications of Procurement Reform for Public Services and Community Regeneration (in private): The Committee will consider a draft Committee Memorandum on the implications for local government of the Procurement Reform (Scotland) Bill.

2. Delivery of Regeneration in Scotland: The Committee will take evidence from—

   George Black, Chief Executive, Glasgow City Council;

   John Mundell, Chief Executive, Inverclyde Council;

   Lindsay Freeland, Chief Executive, South Lanarkshire Council;

   Adrian Gillespie, Managing Director, Scottish Enterprise.

   Not before 11.30 am

3. Model Code of Conduct for Members of Devolved Public Bodies: The Committee will take evidence on the Model Code of Conduct for Members of Devolved Public Bodies (SG/2013/229) from—

   John Swinney, Cabinet Secretary for Finance, Employment and Sustainable Growth, Scottish Government;

   Alison Douglas, Head of Public Service Reform, Scottish Government;

   Gordon Quinn, Policy Officer, Public Bodies Unit, Scottish Government.

4. Model Code of Conduct for Members of Devolved Public Bodies: John Swinney to move motion S4M-8382—
That the Local Government and Regeneration Committee recommends that the Model Code of Conduct for Members of Devolved Public Bodies (SG/2013/229) be approved.

5. **Delivery of Regeneration in Scotland (in private):** The Committee will consider the evidence received.

   David Cullum  
   Clerk to the Local Government and Regeneration Committee  
   Room T3.60  
   The Scottish Parliament  
   Edinburgh  
   Tel: 0131 348 5223  
   Email: david.cullum@scottish.parliament.uk
The papers for this meeting are as follows—

**Agenda Item 1**

PRIVATE PAPER LGR/S4/13/30/1 (P)

**Agenda Item 2**

Glasgow City Council Submission LGR/S4/13/30/2
South Lanarkshire Council Submission LGR/S4/13/30/3
Scottish Enterprise Submission LGR/S4/13/30/4
Inverclyde Council Submission LGR/S4/13/30/5
PRIVATE PAPER LGR/S4/13/30/6 (P)

**Agenda Item 3**

Cover Note with Appendix-Model Code Of Conduct LGR/S4/13/30/7
Submission from Commissioner Ethical Standards LGR/S4/13/30/8
SPICe paper on Model Code of Conduct for Members of Devolved Public Bodies LGR/S4/13/30/9
Scottish Parliament Local Government and Regeneration Committee

A Submission from Glasgow City Council

1. Introduction

This submission sets out the different, comprehensive aspects of regeneration at various spatial levels in Glasgow from city/regional level e.g. Clyde Gateway to small area regeneration. The Local Government and Regeneration Committee, in its investigation into regeneration, has posed a number of questions and this response addresses each.

The City Council’s approach is described in the Council’s Strategic Plan, 2012-17. This sets out the council’s priorities for regeneration. It focuses on economic growth and resilience for the city and our communities. The strategic plan provides a medium-term view of the actions we will take to deliver these priorities.

Council’s five key strategic priorities are:
- Economic growth
- A world class city
- A sustainable city
- A city that looks after its vulnerable people
- A learning city

Our submission describes the breadth and depth of regeneration at neighbourhood, city and city/region with our communities central to the drive to achieve our strategic priorities.

2. Committee's Questions

The Committee has asked for a strategic perspective on the following questions:

a. How the various bodies involved are providing a joined-up approach to the delivery of regeneration

Our approach is described below.

Community Planning
Glasgow’s Community Planning Partnerships bring key public, private, community and voluntary representatives together with the aim of delivering better, more joined-up public services in the city. An important part of the Partnership’s work is to ensure that the targeted regeneration of Glasgow continues to improve the quality of life for all of our citizens and visitors.

The Community Planning Partnership Board consists of the following organisations:

- Glasgow City Council
- Glasgow Housing Association
- NHS Greater Glasgow and Clyde
- Scottish Fire and Rescue
- Police Scotland
- Glasgow Chamber of Commerce
- Glasgow’s Third Sector Forum
Within the Glasgow’s Community Planning structures there are three Sector Partnerships and twenty one area partnerships. These provide membership opportunities to a broader range of strategic partners, including the Scottish Government, Glasgow Council for the Voluntary Sector, Strathclyde Partnership for Transport, Jobcentre Plus, Glasgow Life, Glasgow Community & Safety Services, Jobs & Business Glasgow, the Community Health & Care Partnerships, local residents and representatives from the Further Education Sector.

**Glasgow Economic Leadership (GEL)**

GEL represents coordinated and effective strategic partnership working at the highest level between the public, private and third sectors with the complementary objective of delivering economic recovery and growth for Glasgow. GEL leads on the delivery of a comprehensive city-wide action plan which aims to build on Glasgow’s economic strengths by stimulating growth across a range of key business sectors. This type of joined-up approach to regeneration represents a strong delivery model because it adds greater focus and direction for all delivery partners.

**Service Reform**

In 2011, the Community Planning Partnership agreed to develop **One Glasgow** - a total place approach to budget planning and financial challenges based on pooling resources, focusing on specific shared priorities, eliminating duplication, and creating efficiencies.

The core principles for One Glasgow are that partners focus on and accelerate joint working on outcomes through early intervention and a proactive approach to prevention, outcome based targets, improved working with third sector, and targeting of services based on need. We are piloting One Glasgow in Govanhill.

To complement the CPPs, Glasgow has recently approved measures to reinvigorate and strengthen Community Councils. They have been given a prominent role in new community planning structures and will work alongside the council and other public services, including Police Scotland and the Scottish Fire and Rescue Service.

**City Economic Development Group (CEDG)**

A positive outcome of the Council’s rationalisation programme is the co-location of Development and Regeneration Services, City Property Glasgow, Jobs and Business Glasgow (formerly Glasgow Regeneration Agency) and Glasgow City Marketing Bureau. To maximise the benefits of co-location, the Council has created a new City Economic Develop Group consisting of senior managers from each of the aforementioned agencies and Clyde Gateway. CEDG is a delivery vehicle for synergised decision-making across specialist regeneration organisations thus creating a strategic and purposeful mechanism for delivering city-wide regeneration. The Group will have a significant impact on the effectiveness of economic development activity in the City and will assist directly in the delivery of the Council’s Strategic Plan.

**Co-operative Glasgow**

Glasgow’s Co-operative Development Unit’s (CDU) is committed to developing and coordinating co-operative activity across the city. It promotes the development of co-ops, mutuals and social enterprises; provides advice and support to individuals, businesses and social enterprises on developing co-operative business models; and provide small grants for co-operative business start-up activity or business development.
The City Council has earmarked a £500,000 Co-operative Development Fund to help social enterprises in the city.

**Community Asset Transfer**

The Council has also developed a policy for the transfer of control of assets to the community which is an objective within our Strategic Plan. An example is our pathfinder project where there is a proposal to transfer Knightswood Community Centre to Knightswood Community Association.

**Financial Inclusion**

Some of our citizens who are most in need of the regeneration that we aspire to often feel economically or socially excluded. To rectify this, we promote the City’s Financial Inclusion Strategy, which seeks “To give our citizens, no matter their circumstances, access to quality advice, information and assistance that aims to help them from being financially excluded, putting them back in control of their life, and enabling them to fully contribute to, and participate in, the social and economic life of the city.” At the forefront of this work is GAIN (Glasgow's Advice and Information Network), and a tangible example of improving financial inclusion is Glasgow Credit Union, which has more than 32,000 members and won Cosla’s ‘Strong and Sustainable Communities’ award in 2012.

**Learning City**

As stated above, a key strategic focus for Glasgow is in continuing to be ‘A Learning City’. At one level, this means continuing to work with the city’s world-class universities. But on a more fundamental level it means continuing to improve our school infrastructure. Recent years have seen unprecedented spending on improving and maintaining the city’s schools, and this will continue with a £250m commitment to rebuild or refurbish every primary in the city in the five years from 2013 to 2018. This investment is a key building block in raising educational attainment, and improving the economic, social and cultural wellbeing of Glasgow’s citizens.

Education is a basic building block for empowering the individual and communities. Attainment is increasing and the City Council has entered into an initiative whereby each secondary school is matched to a Glasgow business to help prepare pupils for working life after school to build on this progress.

**Technology Strategy Board (TSB) Future Cities Demonstrator**

This is an ambitious £24million programme aimed at using technology to make life in Glasgow smarter, safer and more sustainable. Public, private and academic sectors will combine expertise and use cutting-edge technology to enhance day-to-day life in the city. It addressed issues such as public safety, transport, health, and sustainable energy. Examples include increasing active travel (walking and cycling), smart, low-energy street lighting, and more efficient use of public and social transport.

**‘Connected’ Regeneration**

The remit of this investigation asks whether physical, social and economic regeneration are separate entities, and how partnership working can be most effective. Glasgow would take the view that different regeneration themes cannot be looked at in isolation.

The Metropolitan Glasgow Strategic Drainage Partnership (MGSDP) is a unique partnership formed by organisations involved with the operation of the sewerage and
drainage network in the area including Glasgow City Council, Scottish Water, Scottish Environment Protection Agency, the Scottish Government and British Waterways. The overarching aim of MGSDP is to provide a holistic approach to managing surface water which will reduce flood risk and unlock development potential while improving water quality and allowing residential areas to co-exist with the natural landscape.

Another example of this is the various regeneration activities around the Forth and Clyde Canal. The Glasgow Canal Partnership, between Scottish Canals, Glasgow City Council and ISIS Regeneration, takes a holistic view of regeneration in this part of the north of the city. As well as developing housing as part of the Maryhill TRA, the Partnership looks at other, complementary regeneration activities – for example community facilities, leisure and heritage trails, and cultural organisations, especially at Speirs Wharf and Port Dundas, where the Whisky Bond, the Glue Factory, the National Theatre for Scotland, and – soon – the Pinkston Paddle Sport Centre all provide cutting-edge facilities.

The examples outlined above demonstrate a key aim to work in partnership and facilitate community-led regeneration. One further example of this is the Scottish Government’s Regeneration Capital Grant Fund. Many of the projects submitted by the City were community led, including two (Barmulloch, Cadder) of the three that have progressed to the second stage of the bidding process.

b. **Who is accountable for delivering what?**

The governance structures at various levels in regeneration also reflect the accountability framework that is in place.

Glasgow City Council provides the leadership for partners at the local authority level. So, there is ultimate accountability through the democratic process.

Partners will have specific roles/responsibilities within agreed regeneration plans or strategies and therefore will be accountable for delivering the objectives that they are responsible for. So, if there is a housing regeneration aspect then Housing Association partners and/or Developers will be accountable for delivery. It is essential that where partners have joint ownership of regeneration delivery for a community and/or area that there is local accountability too.

c. **How physical, economic and social regeneration activities are planned, co-ordinated, funded and monitored, with communities, for the benefit of communities**

The key overall mechanism for the engagement with communities is Community Planning. However, we describe below some examples of how we approach regeneration with communities.

*Community Ownership*

Community Ownership, which has evolved since the 70s in Glasgow, is a prime example of how people make Glasgow is the strength, diversity, through the significant positive impact of the community-based housing association (CBHA) movement. There are over 60 CBHAs – effectively social enterprises – throughout the city. The majority of Glasgow’s HAs are community based, and community led through their tenant and resident committees. Committees do not just deal with the day-to-day management of their stock, and tenants, but through pro-active
communities and wider action activity they help shape housing-led regeneration across the city. The Community Based Housing Association sector is a strong example of what could be considered as 'community anchors'.

Since stock transfer to Glasgow Housing Association in 2003, and the Transfer of Management of Development Funding (TMDF) to the Council that year, housing associations in Glasgow have completed more that 10,000 housing units, and spent more than £ 770m on new and improved housing and related activities. These figures do not include GHA's own programmes for new build and refurbishment.

Through subsidiary companies or associated organisations, housing associations also provide economic and social/cultural benefits e.g. through community gardens and allotments, IT facilities, pensioner and after school clubs. Three examples are Partick HA's Partick Works, Shettleston HA's Upkeep Ltd, and the Calton Heritage & Learning Centre at Thenue HA, but there are many others.

There is engagement with Housing Associations at a local level through Local Housing Forums (LHFs). There is alignment with other aspects of regeneration activity to ensure 'joined-up' working as these Forums are part of the Community Planning Structure at Sector level (see above). LHFs have and will continue provide a mechanism for discussion on key housing issues such as investment and regeneration.

Transformational Regeneration
The Council continues to work hand-in-hand with GHA. Eight large-scale Transformational Regeneration Areas (TRAs) have provided, and will provide, thousands of new houses, many of them for tenants of demolished multi-storey flats.

Amongst the six active TRAs is Sighthill, the proposed site for the athletes' village for the 2018 Youth Olympic Games. Although the city's bid for this event was ultimately unsuccessful, the regeneration of Sighthill is still being taken forward through an ambitious programme of social and private house building, and significant infrastructure provision.

TRAs however are not just a top-down, centralised initiative- each active TRA has its own Local Delivery Group, with local resident representation. A special-purpose vehicle has been set up to deliver the TRAs. The Directors of this company, Transforming Communities: Glasgow, include representatives of GHA and the Scottish Government as well as ourselves.

Community Benefit in Public Procurement
Our emphasis on education is described above. Creating training and employment opportunities is also a means of empowering individuals and communities.

In 2008, the Council approved its Community Benefit (CB) in Public Procurement policy for inclusion in the procurement of all the major infrastructure projects in relation to the Commonwealth Games. The Council has since updated this policy to encourage the inclusion of CB clauses in all public procurement activity in Glasgow. Led by the Council, the CB delivery group represents a public and private sector multi-agency partnership to maximise the CB that can be derived from public sector investment across the City. The CB delivery group focuses on three main areas:
• Targeted Recruitment and Training (TR&T), specifically for the long term unemployed and those directly leaving education or training – classed as New Entrant Trainees (NETs)
• The advertising of business opportunities
• The development of SMEs and Social Enterprises (SEs)

Relevant stakeholders from each of the regeneration project examples highlighted below are represented on the CB delivery group. This integrated approach ensures that wider regeneration benefits are derived from investment in large-scale physical infrastructure projects. By working closely with large-scale construction contractors and sub-contractors, the Council and its employability and business development network have developed effective support mechanisms and strong working relationships that ensure CB outcomes are maximised across all projects. This has seen a significant number of additional jobs created for those unemployed and a high level of public sector procurement contracts secured by small to medium enterprises and social enterprises in Glasgow.

Stalled Spaces
‘Stalled Spaces’ is a citywide initiative which delivers an innovative approach to dealing with issues relating to poor environmental conditions that have become prevalent due to the economic downturn. The initiative focuses on temporary use of vacant or under-utilised land to deliver a range of projects including urban growth spaces, community gardens and art sculpture parks. As well as physical renewal this initiative enables community empowerment.

As a result of the Community Support for Stalled Spaces funding, it is estimated that a total match funding package of nearly £500,000 has been attracted; over 6 times the amount invested by Glasgow City Council and Glasgow Housing Association.

d. The absolute size and spend on ‘regeneration’ by local authorities and Scottish Enterprise. The Committee is also interested to know what the balance of this spend is, broken down by capital funding, revenue funding – (split by ‘cash’ resource and ‘staffing’ resource)

The timescales, scale, range and diversity of investment in regeneration in Glasgow are substantial. For instance physical regeneration and economic development may feature more in early regeneration stages with other social and cultural investment having greater emphasis after these initial phases. In terms of staff resources, within the Council, most regeneration responsibilities are carried out by staff as part of their overall duties rather than through specific teams established for regeneration projects (although an exception is described below). This approach has a key strength in that it embeds regeneration within the services we deliver. This enables joint working within and between services and with our partners and communities to deliver agreed regeneration objectives.

Table 1 below identifies investment in the city from projects underway, recently completed and planned. A broad set of criteria has been used to give a clearer picture of activity and investment in Glasgow reflecting the comprehensive nature of regeneration. These criteria include: -

• those investments that have been formally announced with a firm intention to begin
expanding the geographical area to include areas outside the City Centre (e.g. South Glasgow Hospital Campus)

- a longer timeframe of two years to show developments which are under construction plus those recently completed

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**Inward investment**

Following the publication of the Glasgow Economic Commission Final Report in July 2011, which recommended that an "in Glasgow investment team" be established to help drive up the levels of investment into the city, in June 2012, GCC set up an inward investment team based in DRS. The team, now 6 strong with an annual budget of £500,000, is implementing an inward investment strategy which focuses on promoting the 6 key sectors identified in the same report: low carbon industries; life sciences; engineering, design and manufacturing; financial and business services; tourism and events; and, higher and further education. These sectors are seen as providing Glasgow with the best opportunities for economic growth and job creation.

The team’s remit is to provide a first point of contact for first and second round investors to Glasgow. Working closely with partner agencies such as GCMC and Glasgow Chamber of Commerce, as well as national bodies such as Scottish Enterprise and Scottish Development International, the team aims to provide a rapid response to all enquiries, pooling resources to present the best case for Glasgow as a place to locate new businesses.

The overall picture for investment into Glasgow totals for 2012: SDI figures 2012/13 – 1502 new jobs and 972 safeguarded. So far in 2013/14, just under 2,000 jobs have been secured for the city. This brings job numbers from 2012 to present to 3,464 new jobs and 972 safeguarded.

e. **The Committee is also interested in learning about ‘regeneration projects’ across local authority boundaries (such as a URC or other infrastructure/economic development activity), in terms of the linkage and governance between the bodies, policies and activities involved**

The City Council works with our neighbouring local authorities across a range of issues e.g. through the Strategic Development Plan (SDP) and this is likely to increase in future given the importance of the city region nationally.

Our approach can be illustrated with the following examples:

**Clyde Gateway**

This is a specially created urban regeneration company established in 2007. This is a partnership of Glasgow City Council, South Lanarkshire Council and Scottish
Enterprise backed with funding from the Scottish Government. It has been identified as Scotland’s top regeneration priority within the National Planning Framework. The Commonwealth Games Athlete’s Village and the Emirates Arena are located within the Clyde Gateway.

Clyde Gateway’s task is to drive forward a massive investment programme over a 20 year period and to deliver unparalleled social, economic and physical change.

Clyde Gateway’s boundaries encompass the communities of Bridgeton, Dalmarnock, the Burgh of Rutherglen and Shawfield.

**City Deal**
In 2012 the UK Treasury confirmed plans to transform the powers and levers available to local leaders to deliver growth and jobs in their communities. The aim of City Deals is to unlock the full growth potential of cities.

City Deals provide a suite of new freedoms, powers and tools to help cities embark on new and innovate ways to drive local economic growth.

The City Council together with our neighbouring local authorities is developing a bid that will unlock £1bn of infrastructure investment across the region through a number of specific regeneration projects. Together with new powers there is the potential to deliver innovative investment to generate jobs and growth for the city/region that will also bring national benefits. This approach can deliver immediate benefits e.g. through employment and in the long term through reductions in welfare and health costs.
SCOTTISH PARLIAMENT
LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Evidence Session 27th November 2013 on the “Delivery of Regeneration in Scotland”

Chief Executive, South Lanarkshire Council

The Committee has provided advance notice of the broad areas they wish to explore during this evidence session. The Council’s response to each of these areas is as follows:

1. How the various bodies involved are providing a joined up approach to the delivery of regeneration in Scotland

1.1 There is a long and successful history of Partnership working in regeneration type activities in South Lanarkshire dating back to the early 1990s and in response to the significant structural changes to the local economy that were in progress at that time. Local authorities and key national and regional development agencies came together to agree common objectives and combine resources to tackle the major physical, economic, social and environmental challenges that confronted them. Since then that holistic approach to the challenges and opportunities facing the local economy and local communities has endured.

1.2 As a pilot area for Community Planning, the partner agencies in South Lanarkshire established mechanisms to continue and build upon the successful regeneration activity of the 90’s. Theme based Partnerships covering community regeneration and economic development activities have provided forums through which joint working arrangements between partners in the public, private and voluntary sectors could be organised and strategies, policies and plans could be developed, implemented and monitored by the South Lanarkshire Community Planning Partnership. Ringfenced national funding, allied to that of the Council and local partner agencies, has been deployed extensively to deliver targeted regeneration activity. Over some time there has been a focus on priority areas particularly those experiencing high levels of deprivation and disadvantage.

1.3 The role of these regeneration theme based partnerships under the Community Planning Partnership has been to
- Agree partnership priorities
- Monitor and evaluate progress
- Oversee the development and implementation of programmes
- Manage and agree funding allocations and monitor programme performance.
- Co-coordinate funding bids
- Ensure links are made with other partnership structures under the CPP
- Ensure effective arrangements exist to support the engagement of local communities
- Represent South Lanarkshire’s interests and lobby to gain support for its priorities and approaches.

1.4 These Partnerships have had appropriate representation both from within the authority and partner bodies. For example, the South Lanarkshire Community Regeneration Partnership currently comprises senior representation from South Lanarkshire Council, including senior cross party political representation and from relevant services, including Regeneration, Housing, Social Work, and Education, together with NHS Lanarkshire, Skills Development Scotland, the Department of Work and Pensions, Police Scotland, and the Community and Voluntary Sector.
1.5 Since 2007 the development of Single Outcome Agreements as part of the evolution of the CPP process has provided a new focus for joint partnership working based upon the identification of local priorities, outcomes and targets aligned to national outcomes as set out in the Scottish Government’s National Performance Framework. Regeneration themes feature strongly within the South Lanarkshire SOA process – employment, economic recovery and growth and tackling poverty – and Performance Improvement Plans relating to economic growth and tackling poverty have been produced with relevant partner agencies.

1.6 Although there has been a long tradition of partnership working in South Lanarkshire and the Community Planning and the SOA processes have provided the frameworks within which these relationships have been developed and managed, it has to be recognised that a lot of effort is required on an ongoing basis in ensuring a collective focus and momentum is maintained locally and that there is real added value and benefits resulting from working together. There has been and continue to be challenges to partnership working e.g. increasing budgetary constraints, differing budgetary, planning and reporting mechanisms and cycles, conflicting policy priorities. Structural change within key partner agencies has also presented challenges.

1.7 The restructuring of the Enterprise Network whereby Scottish Enterprise ceased to be involved in local regeneration activity and Skills Development Scotland was created, has presented particular challenges around how best these organisations can support locally identified regeneration and economic development priorities. In the case of Skills Development Scotland relationships have developed positively over a number of years since its inception to a position in which local representatives of key partners such as the Council and DWP are engaged in co-decision making on appropriate SDS provision in support of joint SOA objectives. However, in the case of SE there is a recognition that improvements can still be made in addressing the needs of South Lanarkshire’s local business base and in that context a series of joint Partnership events are planned to improve joint economic development processes and outcomes.

1.8 Although the partnership approaches to regeneration have matured over time, in the light of the step change in driving improvements in community planning at a national level and ensuring that the partnership in South Lanarkshire continues to develop locally and that all partners are engaged as fully as possible, a comprehensive review of Community Planning arrangements is currently being taken forward in South Lanarkshire.

1.9 This encompasses a review of support for regeneration with proposed revisions to structures that will reflect this growing agenda, including the creation of a Sustainable Economic Growth Board through which regeneration activity will be developed and monitored. The production of a new Economic Strategy for South Lanarkshire, through which the partners aim to promote significant improvements in the local economy over the next 10 years, should also assist in refocusing and reinvigorating our joint efforts locally.

1.10 The Council is fully committed to its leadership role in community planning and supporting national and local regeneration objectives, and will continue to facilitate effective partnership processes to help achieve these.

2 Who is accountable for what

2.1 The CPP and SOA processes described in response to the question above identify who is accountable for delivering the various regeneration programmes and actions being taken forward in partnership within South Lanarkshire and what outcomes and targets these activities seek to achieve. However, the Council recognises that further improvements can
2.2 The purpose of community planning is to ensure public services work together with each other and with communities and the third and private sectors to make the most effective use of their collective resources to deliver better outcomes for communities. Regeneration has an important contribution to make to the delivery of better outcomes through increasing sustainable economic growth, tackling area inequality, addressing market failure, and increasing opportunities for areas of need to attract investment and jobs and to enhance well-being. Therefore, as stated above, South Lanarkshire’s Single Outcome Agreement therefore places a significant focus on these areas of work.

2.3 Local authorities are at present under a statutory duty to initiate, facilitate and maintain community planning. In South Lanarkshire, this has meant that the Council has played a significant lead role in the progress of community planning and regeneration to date, including

- ensuring that our local partners are engaged in delivering joint priorities including regeneration outcomes. Key contributors have included the Third Sector, NHS Lanarkshire, Scottish Enterprise, Police Scotland, community anchor organisations, the private sector, Registered Social Landlords our local URC (Clyde Gateway), the Further Education Colleges and other delivery agents can make to regeneration efforts in South Lanarkshire.
- ensuring that communities are actively involved in the process
- establishing and supporting appropriate thematic partnerships to identify and progress priorities (such as the Community Regeneration Partnership noted above) and
- monitoring progress and reporting locally as well as to the Scottish Government.

2.4 The Council appreciates that its leadership role reflects our broad understanding of our communities’ needs and aspirations as well as our local democratic mandate. However, the proposed new legislation within the Empowering Communities (Scotland) Bill is welcomed in which community planning can no longer be considered something that local authorities are solely responsible for taking forward. The duties to be placed on partners will share responsibility and accountability for delivering regeneration outcomes and more broadly our Single Outcome Agreement.

2.5 In this context the Council has instigated detailed discussions with a broad range of partners, some of which have been heavily involved in CP processes within our area to date and others who have perhaps been at the margins of these processes, to determine what they can “bring to the table” in terms of meeting the CPP and SOAs outcomes and targets and how best they can play in and also report progress on their actions through a single common mechanism.

3 How physical, economic and social regeneration activities are planned, co-ordinated, funded and monitored with communities, for the benefit of communities

3.1 The nature of targeted regeneration activity in South Lanarkshire has changed over the years. Scottish Government ring-fenced funding matched with external funding, including ERDF and the Lottery, and core resources from Council mainstream budgets has enabled the authority to respond to community priorities, improving community facilities and the physical environment. We now have high quality integrated community facilities in many of our most disadvantaged neighbourhoods able to host a wide range of community activities and services including Credit Unions cash points, employability support and a wide range of
learning and recreational opportunities for all ages. We also have improved parks and play areas, public spaces and town centres, community sports facilities, housing and schools, all of which have been planned in collaboration with the communities they serve as well as other interest groups.

3.2 In taking forward this significant investment in physical regeneration activity in South Lanarkshire for the benefit of communities, the Council has always sought to maximise the economic and social benefits of this spend e.g. through community benefits clauses in procurement processes and the development of effective employability pipeline and business development frameworks to ensure that local people and businesses have the skills and services to match the contractors’ requirements.

3.3 South Lanarkshire’s flagship Primary School Modernisation Programme is well underway to provide first class accommodation for every child in its schools. 85 primary schools have now been completed along with 43 nursery classes, 19 bases for children with additional support needs and 12 community wings. 66 of the primaries are new builds and 4 schools were remodelled to new build standards. 4 stand alone nursery centres have also been extensively refurbished. These have been delivered with the full involvement of local people and PTAs and the three prime contractors and their supply chains are working to provide key opportunities including apprenticeships, work experience placements and other community engagement opportunities.

3.4 The Council’s extensive Housing Investment programme has also helped to transform communities. The neighbourhood master-planning processes engages with residents and other stakeholders, including local businesses, from the design process onwards. The profile of areas like Whitehill in Hamilton have changed significantly as private and shared ownership properties have been introduced alongside much improved Council managed stock. Improved local community facilities and open space provide a wide range of services and supports many of which are community-led or at the least are informed by community needs and aspirations.

3.5 Having greatly enhanced the local infrastructure, the focus of our regeneration investment has shifted to an extent from capital to revenue, supporting local services aimed at getting people, particularly 16 to 24 year olds, into work and also tackling inequalities and poverty, in many cases utilising the facilities developed through the initial capital investment.

3.6 Following the removal of ring fenced regeneration-linked funding from the Scottish Government, South Lanarkshire Council took the decision to continue to support a £5m annual Tackling Poverty Programme. This supports a wide range of early intervention and preventative activity focusing on –

- Employability
- Supporting Vulnerable Families
- Financial Inclusion
- Community Empowerment
- Health Improvement

3.7 It is a requirement for all the programme delivery partners (which include the voluntary and public sector) to engage with the individuals and target groups they are supporting to ensure that the projects /interventions they are delivering are relevant and respond to local need. We strongly encourage partners, where it is possible, to engage service users in service design and delivery including incorporating peer support.

3.8 A key element of the programme however is targeted neighbourhood focused community capacity building work. This is currently ongoing in 6 urban neighbourhoods in South Lanarkshire that sit within the top 5% most deprived areas in Scotland. The aim is to
increase volunteering levels, establish new community run activities, increase take up of services, increase community influence in relation to local decision making and service design, and improve community spirit. The long term aim is to improve local outcomes for children and adults in these communities.

3.9 The process of community capacity building is at various stages of development across the areas. The success of the approach relies on extensive partnership working and relationship building, recognising the community as key stakeholders and drivers of change. An assets based approach is taken and voluntary sector partners with strong community links are providing the capacity building support. As the communities build their capacity through the work outlined above, they become more able and confident to work with partners in relation to helping to shape/improve mainstream services.

3.10 In our rural communities too the Council has worked in partnership with communities and other stakeholders to plan, implement and monitor regeneration activity through its EU funded LEADER programme. Managed by a Local Advisory Group, the majority of which are community representatives, a major element of spend under this grass roots programme has been in supporting local capacity building activity. This has allowed the capacity of groups and organisations within the rural area to grow, with the scale and complexity of projects now increasing, including the development of social economy enterprises to progress training and employment initiatives e.g. the Clydesdale Community Initiative which through an initial investment of £20k from LEADER has gone on to secure £1.9m funding for a new training and social economy facility.

3.11 The Council looks forward to working closely with the Big Lottery through their Our Place 2 programme which will provide funding and additional capacity building support to two of our most disadvantaged communities in South Lanarkshire. The programme will be community led and our capacity building work in that area already underway will help to provide a sound base to build from. The Council has housing investment plans for the area and will seek to link this work with the Our Place 2 programme. There is also scope to link in additional service improvement/change work where the Council and our partners work with the community to improve local mainstream service delivery.

3.12 Although at an early stage the Early Years Collaborative approach in South Lanarkshire is evidencing some good practice in relation to how we work with communities and in particular families to improve outcomes for children through service improvements. All tests of change being taken forward are and will at the earliest stage involve parents/carers/children and the intention is that this practice will become the norm in Early Years services and beyond. We are confident that the shift to working with individuals, families and communities from ‘doing to’ will be far more effective.

3.13 The above reflects some of our work to ensure communities are able to play an active and full role in our regeneration and wider work. The Council does however appreciate that there is scope to do more and that there is a need to take a more strategic approach to community capacity building and engagement across the Community Planning Partnership. The recent Community Learning and Development Strategic Guidance will help to drive and guide this as will the Empowering Communities (Scotland) Bill. The Council is currently planning an event for our CPP partners in December where we will begin to explore how we can maximise the contribution of CLD including community capacity building to public sector reform and improving local outcomes and tackling inequalities.

3.14 More broadly, the Council’s Community Engagement Coordination group with officer representation across all of our services ensures we have a coordinated and planned approach to how we engage communities. The group recently developed a Community Engagement Framework to support both council departments and partners to engage
effectively and to work to the National Standards for Community Engagement. In addition to our Citizens Panel and regular Household/Neighbourhood surveys, local tenants forums and neighbourhood management groups are supported by the council providing critical links between neighbourhoods and the council.

4 The absolute size and spend on “regeneration” by local authorities and Scottish Enterprise. The Committee are also interested to know what the balance of this spend is, broken down by capital funding, revenue funding – (split by “cash” resource and staffing resource)

4.1 Although South Lanarkshire Council has had a separately identifiable Regeneration Service since 2002, the authority has recognised the need for a holistic approach to regeneration from its very beginnings. Since its inception, it has taken a holistic view of the improvement of its area, focusing not simply on physical improvements but also on addressing the economic and social challenges facing the area. And it has done so thorough joint working across all of its services and with partner agencies, the private sector and voluntary sectors and communities themselves. This approach can be traced in the development of the policy frameworks that the Council has agreed over the years with partners to the present day.

4.2 Regeneration Services role is and has been to help facilitate these processes on a corporate and partnership basis whilst at the same time maximising resources from wherever possible in order to make a direct contribution in improving the quality of life for people in south Lanarkshire. It is a multifunctional, cross cutting service which aims to promote employment, social inclusion, physical development and sustainability through working in partnership with local communities, voluntary sector bodies, the private sector and other public agencies. It is responsible for the delivery of services directly to businesses and residents, sometimes through contractual relationships with third parties, as well as supporting other departments within the Council.

4.3 An important element of its work involves designing and managing a series of “routes to inclusion” / employability programmes for adults and young people. These programmes support around 3,000 people each year, with approximately two thirds securing employment. Other significant elements of the service’s work include business support, physical / property development activities and tackling poverty programmes.

4.4 The Council’s business support advice, grants and loans programmes help around 1,500 local businesses each year. The focus of the service’s physical development efforts include support for the successful implementation of the Clyde Gateway URC’s Operating Plan, town centres, derelict and contaminated land and addressing market failure through the provision of appropriate sites and premises. The focus of the Council’s Tackling Poverty Programme is on early intervention, family support, health improvement, financial inclusion and employability.

4.5 The Council’s Regeneration Service has a total revenue budget of £8.9m - £4.5m Tackling Poverty Programme, £2.8m Employability Programmes (48% of which are staff costs), £0.7m Business Support (48% of which are staff costs), £0.9m Physical Regeneration and Property Development (69% of which are staff costs). In support of these budgets the Council has attracted a further £3.4m from UK Government, Scottish Government and EU funding sources, largely relating to employability programmes and bringing the total to £12.3m. The Regeneration Services Capital programme for 2013/14 is £5m, including an £800,000 contribution to the Clyde Gateway URC Operating Plan.
4.6 In relation to the broader regeneration related expenditure, as stated above the Council has invested heavily, and continues to spend heavily, in infrastructure that has significantly improved the quality of life for people who live and work in South Lanarkshire’s communities and has helped stimulate the local economy. South Lanarkshire Council will invest a total of £1.146 billion in its schools modernisation programme. £318 m of this has already been invested in new and improved Secondary Schools with an £828m Primary School programme now well underway. Since 2008, £54m has been invested in the improvement of the area’s roads through our Roads Investment Programme, with a further £72m planned to be spent by 2019. And in relation to housing investment, £300m has been invested to date in our “Home Happening” programme to improve the quality of our housing stock, with a further £74m planned over the next two years. In excess of £100m has also been spent in our Housing Regeneration Areas and between 2015 and 2020 the Council plans to provide 500 new homes at a cost of £55m.

4.7 Early last year the Council invited Cambridge Econometrics to estimate the impact of this capital expenditure. The combined impact of the Schools Modernisation Programme, “Home Happening” and the Roads Investment Programme was estimated to be between £55m and £66.5m per annum on value added and between 1,450 and 1,800 jobs per annum.

4.8 The Council is aware that Scottish Enterprise’s revenue budget for 2013/14 is £328.2m and Skills Development Scotland’s is £187m. However, in relation to SE’s spend within South Lanarkshire, whilst the Council receives quarterly reports from it on activity levels within our area, there is little detail within this on the percentage of that £328.2m which is being incurred locally. The Council has no current or historical information on SE spend in South Lanarkshire. Based on what little information we do receive on activity under various programme heads, the Council has raised concerns about what appears to be a relatively low level of activity in support of South Lanarkshire based businesses. However, SE has responded by saying that their budgets are largely demand driven based on the identified needs of their account managed companies and so they are not in a position to identify any forward budget for any area of Scotland.

5 The Committee is also interested in learning about Regeneration projects across local authorities boundaries (such as a URC or other infrastructure/economic development activity) in terms of linkage and governance between the bodies, policies and activities involved

5.1 Clyde Gateway is a good example of effective cross border working. It began life as a partnership initiative between Glasgow City Council, South Lanarkshire Council, Scottish Enterprise and the Scottish Government. These partners willingly came together in 2004 based on an agreed understanding of the needs and opportunities of this area, in particular related to the M74 extension. A masterplanning exercise identified an ambitious framework and set of targets for the partnership which the Urban Regeneration Company has been pursuing since it was formed in 2007.

5.2 There are a number of structures and processes in place to ensure that there are strong governance arrangements in place that link back to and reflect the policies and practices of the three member organisations:

- Two South Lanarkshire Council and two Glasgow City Council Elected Members are members of the full URC Board (meeting at least bi-monthly), with two of these being Vice Chairs. In addition an Elected Member from South Lanarkshire Council chairs the arms length Development Company Board (meeting monthly). The Boards approve strategy, Operating Plans and all key project decisions in line with relevant company and charity law and in accordance with transparent company
procedures. Pre agenda meetings are held between the URC’s independent Chair, the local authority vice chairs and senior URC management team members

- Special meetings held of combined full Board and Development Company Board members, as well as senior officers from the member bodies and the URC, to develop and agree Operating Plans
- A “Stakeholders Group” meets monthly chaired by the URC Chief Executive and involving officials from the three member organisations (GCC, SLC and SE) and the Scottish Government to peer review activities and ensure that all parties are aware of progress with projects, spend levels, funding bids and to agree agenda items for the full and Development Company Boards
- Liaison meetings are held monthly between senior officers of South Lanarkshire Council and the URC relating to specific programme activity within the South Lanarkshire part of the area and further regular meetings are held with SLC Planning and Roads officers on key projects
- Regular meetings have been instigated between the Leader and Chief Executive of South Lanarkshire Council and the Chair and Chief Executive of the URC
- Regular reporting / presentations to SLC Executive and Enterprise Services Committees on Council and URC spend in support of the Operating Plan and visits organised to give all elected members the opportunity to view progress of works on the ground
- Multi agency partnership groups established to advance masterplanning exercises for key projects

5.3 Clyde Gateway seeks to ‘achieve unparalleled social, economic and physical change right across its communities’. It recognises that there needs to be a focus on all three elements from the outset to ensure that the outcomes are maximised - particularly for the communities within the Clyde Gateway area. For this reason, even at the early stages of the various developments that will fall within the Clyde Gateway area, resources are deployed into community engagement and capacity building work and in securing employment opportunities and other community benefits via procurement procedures. This is to ensure the outcomes are not limited to physical improvements. One of the communities within the Clyde Gateway area recently worked with a major contractor to design and implement a range of local projects as part of the contractors community benefit contribution.
Scottish Enterprise Submission to the Local Government and Regeneration
Committee – 21 November 2013
Inquiry into Delivery of Regeneration in Scotland

Introduction

We welcome this opportunity to provide written evidence in advance of the Committee session on 27 November 2013. In doing so we are building on the evidence we have already submitted, both in writing and in the sessions on 11th and 25th September 2013.

How the various bodies are providing a joined up approach to the delivery of regeneration in Scotland.

In all cases of national physical regeneration projects, SE would be one among a number of partners. Each partner brings both resources, both in terms of funds and personnel, to the table along with their own perspective and objectives.

As set out in our written evidence of 28 May, the setting of well articulated objectives for a project is vital in:

- Aligning the interests of partners around the successful achievement of agreed outcomes
- Identifying outcomes by which the ultimate success of the project can be measured
- Providing the means to judge the progress of the project during delivery to allow for adjustments to the approach being taken
- Enabling the contribution of the project to wider national, regional or local outcomes to be assessed.

Through our engagement with Community Planning Partnerships (CPPs), SE is working closely with Local Authorities in the identification of economic opportunities.

Who is accountable for delivering what.

Local regeneration is the responsibility of Local Authorities. SE’s role, as guided by the Government Economic Strategy, is to increase Scotland’s sustainable economic growth. As such, we invest in physical infrastructure projects which have the potential to generate increased economic growth at a national level. Our role in this is shaped by our focus on growth sectors, e.g. the energy sector in Energetica.

Also contributing to regeneration outcomes is our support for growth companies in these areas. For example, our support for Sigma-Aldrich Company Ltd in Irvine and Walker Precision Engineering in the east end of Glasgow has increased employment in these areas.

How physical, economic, and social regeneration are planned, coordinated, funded, and monitored, with communities and for the benefit of communities.

As SE’s focus is principally on economic growth and the sector opportunities arising from physical regeneration, this is a question which best sits with our Local Authority partners. Our main role in this is consultation with the business community and ensuring that they are engaged with these projects.
The absolute size and spend on ‘regeneration’ by Scottish Enterprise. What the balance of spend is, broken down by capital and revenue funding.

As stated in our written evidence of 28 May 2013, SE does not have explicit regeneration objectives, our primary focus being economic growth. As such we do not have an easily identifiable regeneration budget. We do however have objectives which reflect the contribution we make to regeneration outcomes. This raises a challenge to this question as it raises the issue of what to include. For example, our work in supporting growth companies leads to the creation of employment opportunities, an important contribution to regeneration.

If we focus specifically on physical infrastructure projects SE’s expenditure in any given year will reflect the expenditure profile of projects, their priority relative to other projects, and the overall resources available. There is no ring-fenced pot of money.

SE’s total spending plans for 2014/15 total £336.7m, estimated to be split £149.4m capital and £187.3m revenue. As SE has the flexibility to transfer funds from revenue to capital to meet operational requirements the final outturn may differ from this split.

Of this total, the current budget for 2014/15 for business infrastructure projects is £35.2m, almost entirely (£33.4m) capital.

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1 These budget figures are draft and could be subject to change following SE Board consideration in January 2014.
2 As above.
Submission to the Local Government and Regeneration Committee for the

27 November 13

Inverclyde: Strategic Context

Regeneration and economic development in Inverclyde, as in any locations are complex issues requiring bespoke interventions and solutions by the many partner organisations based on identified need to help transform the area and improve the life chances and opportunities for local people. It is a complex issue with many interlocking components showing both physical and social regeneration needs that requires a complete response. The Committee may find it helpful to first understand some of the local challenges in Inverclyde which are not uncommon in other post heavy industrial areas.

Challenges

Population Decline

Inverclyde is facing critical demographic challenges with a declining working age population and a growing elderly population. In 1921 the population of Greenock alone was 81,123. The total Inverclyde population at that time was over 142,000 but it has fallen dramatically since then to under 82,000. Our vital regeneration issue is to improve local sustainable job opportunities and commuting links to wider city region economy as well as increasing affordable housing opportunities.

Poor Health and Poverty

Changing demographics mean that health and social care are high on the agenda with the associated issues which are prevalent in areas of deprivation such as poverty and addictions, require intensive interventions within a reducing funding environment. Projections have indicated that in 20 years time the number of 85 year olds and over will increase by 117% and the birth rate reducing by 40% coupled to a 32% reduction in the Inverclyde working population. Even starker are the unacceptable differences in life expectancy between some local communities of up 13.8 years for men and 7.6 years for women.

Economic Climate

De-industrialisation has shifted economic activity in Inverclyde from its traditional industries of sugar refining, heavy engineering, textile and electronics towards the public and service sectors. Our economic base continues to be narrow and dependent on the public sector, call centre and much reduced electronics industries as a source of employment. Currently 55% of all jobs in the area are located in large size companies with the Council being the single biggest employer in the area. Enterprise activities are particularly low in the most disadvantaged areas. We must support entrepreneurial culture and continue providing high quality support to existing businesses. The current economic situation presents yet further challenges in regard to maintaining the economy and diversifying the business base in Inverclyde.

Housing Mismatch

There is currently a shortage of some types of housing and a mismatch of existing stock relative to needs, demand and potential opportunities. Some developments have failed to
materialise due to the recession and associated lack of access to finance for private developers and much reduced public sector funding for registered social landlords. The Council transferred its housing stock to River Clyde Homes in 2007 and delivery of the original approved new build and refurbishment programme has been challenging as a result of the economic climate.

Welfare reform

Welfare reform is an additional challenge for those living in particular areas of Inverclyde with independent studies indicating that Inverclyde is one of the worst affected areas within the UK. Our Financial Inclusion Partnership is working hard to ensure that the right support is delivered and co-ordinated across a wide range of partners.

Significant Successes to date

Despite these challenges Inverclyde is being transformed and much has been achieved. The Council and the Community Planning Partners have worked together and delivered significant successes in a whole range of areas. Some examples are shown below:

- Huge investment in education – once completed our Schools Estate Programme means that every school child or young person in Inverclyde will be educated in either new or refurbished state of the art school. Investment amounts to about ¼ billion pounds including all secondary schools with the last of these new secondary schools in the Port Glasgow Joint Campus being completed in December of this year.

- Major investments in sport, leisure and health activity – new play parks and multi-use games areas being created across the area as well as the development of all weather pitches, boosting the facilities which citizens can make use of to increase their activities.

- More effective asset management – the Council is working to reduce its footprint in the area working with partners to identify appropriate assets which might be shared.

- More effective and integrated health and social care provision. Inverclyde’s CHCP is well integrated and in a good place from which to implement the Health and Social Care integration agenda. Inverclyde’s integrated CHCP is seen as good practice and being replicated elsewhere.

- Inverclyde’s Future Jobs Fund contract for the Department of Works and Pensions (DWP) was the second best performing scheme in the UK in terms of successful job outcomes for clients. Since 2009, the programme helped a total of 722 (gross) local unemployed people into jobs.

- Major investment in regeneration and new housing – investment from partners across the CPP has helped to boost the physical, economic and social regeneration of Inverclyde. Housing in particular has been vastly improved via the RSLs with a range of high quality socially rented homes built, changing the face of neighbourhoods.

- Increasing investment infrastructure – the Council is making significant investment in roads network of £17 million from 2013 – 2016.

- Positive destinations for school leavers have been a particular success story with Inverclyde now 3rd in the Scotland for positive destinations for 94.8% of our young people. Inverclyde has no unknowns meaning we are able to track, support and develop customise programmes to promote success for all school leavers.
Local Government & Regeneration Committee Evidence

Inverclyde Council’s Chief Executive received two letters dated the 11th October and 8th November, respectively from the Scottish Parliament requesting evidence from a strategic perspective for consideration at the Local Government & Regeneration Committee on the 27th November 2013. For ease of reference, this written submission has been structured around the specific requests contained in the Convenor’s letter to the Chief Executive dated the 8th November 2013 and the responses below also address the points within the earlier letter.

Regeneration and Community Planning in Inverclyde

1. **Strategically, how are the various bodies providing a joined up approach to delivery of regeneration in Inverclyde?**

The policy framework and strategic overview (Appendix 1) for regeneration and all service delivery across agencies in Inverclyde is through the local community planning partnership known as Inverclyde Alliance.

Inverclyde’s vision is to get it right for every child, citizen and community and each action in our outcome delivery plans are linked to the aspiration of becoming a ‘Nurturing Inverclyde’ through our corporate wellbeing outcomes. This demonstrates how partnership working is helping Inverclyde become safe, health, achieving, nurtured, active, respected, responsible and included. (Appendix 2)

The Alliance’s Single Outcome Agreement (SOA) incorporates the key aspects of the area’s Economic Regeneration Strategy and Action Plan and these key documents focus partners on regeneration for the Inverclyde. However, to regenerate Inverclyde it is not enough to only look to physical regeneration. We need to support our communities to be involved and to change and shape the services to meet their needs.

2. **Who is accountable for delivering what?**

The Council has a statutory role in leading the Community Planning Partnership.

The Alliance is chaired by the Leader of the Council and involves a full range of relevant Partners at board level for example, NHS Greater Glasgow & Clyde, Police Scotland, Scottish Fire & Rescue, Community Councils Skills Development Scotland, Greenock Chamber of Commerce and West of Scotland College etc. (Board Membership Organisations - Appendix 3).

The Alliance is supported by a Programme Board chaired by Inverclyde Council’s Chief Executive and the Programme Board is made up of chairs of all the Single Outcome Agreement Delivery Groups (Appendix 4) who come from the partner organisations.

Each outcome delivery group has an outcome delivery plan based on robust evidence following extensive consultation across all sectors of the community. Progress reports from these plans are made through the Programme Board and then on to the Alliance Board to allow for scrutiny of performance on a quarterly basis.

3. **How are physical, economic and social regeneration activities planned, coordinated, funded and monitored, with communities, for the benefit of communities**

**Communities**

Community engagement is at the heart of community planning locally, and Inverclyde Alliance is constantly striving to improve community involvement in the planning and co-ordination of action to get it right for every child, citizen and community. Partners have been identifying how they can better co-ordinate engagement, as well as provide support for those communities that require additional help to be able to come to the table to influence service
development and service delivery. This is particularly important in areas of persistent
disadvantage such as Woodhall in Port Glasgow and Larkfield, Broomhill and Greenock East
and Central in Greenock. Joint working is taking place in Port Glasgow between Police
Scotland, Inverclyde Council and Inverclyde CHCP to better share information about
vulnerable families to ensure better co-ordinated support, as well as particular work by the
Community Engagement and Capacity Building Network in regard to involving communities.

The Community Engagement and Capacity Building Network (CECBN) is bringing together
organisations to better co-ordinate how communities can clearly influence public sector
agencies in the area and how those agencies can engage with groups/communities in a
more effective way. There are a large number of representative organisations in Inverclyde
and it can be difficult to identify the best groups to engage with. The work taking place
should make this an easier task on all sides, and ensure that communities’ voices are heard
clearly.

It is the Chief Executive’s view from the activities of Inverclyde Alliance, that the agencies
strive at every level from the operational to the strategic to provide joined up services and
that the local community is closely involved in shaping this delivery. Inverclyde Alliance is an
effective forum for community engagement and review of SOA outcomes. We are constantly
focussed on improvement and community empowerment.

Governance and Monitoring

Governance and monitoring is primarily achieved through our SOA. Each partner ensures
that the SOA is the focal point for planning and deployment of resources. As far as is
possible through joint planning and strategic alignment, the Board matches activities to
delivery plans and match budget processes to agreed priorities. The Council and public
body partners are focused on Following the Public Pound and making joint contributions
count for the benefit of our communities. Despite the challenges, Inverclyde Council and
Inverclyde Alliance, as mentioned earlier, have already delivered significant successes in a
whole range of areas.

Mainstream regeneration activities, involving partners, follow national, regional and local
programmes to address our clients’ needs. The Council delivers programmes in business
development, employability, tourism and physical improvements.

Together with our near neighbours of Renfrewshire and East Renfrewshire Councils, the
Council manages the Business Gateway contract. Our partners recognise the need to focus
on supporting the development and encouraging healthy growth of Small Medium
Enterprises as part of the strategy. Our business development initiatives are designed in
consultation with the local Chamber of Commerce and Federation of Small Businesses.
Riverside Inverclyde, our Urban Regeneration Company, supported by the Scottish
Government, Scottish Enterprise and the Council concentrates on physical regeneration.
Scottish Enterprise also account manages a number of Inverclyde Companies. DWP and
Job Centre Plus deliver national employability programmes as do Skills Development
Scotland. We rely on the Voluntary and Third Sector to influence and deliver a number of our
employability initiatives.

Appropriate levels of reporting takes place to Council Committees, partner management and
Boards, the Programme Board and in turn the Alliance Board.

4. What is the absolute size and spend on ‘regeneration’ by local authorities and
Scottish Enterprise including capital and revenue funding?

Appendix 5 provides a summary of regeneration spend both in terms of capital and revenue
and incorporates an overview of the sources and extent of funding relative to the Scottish
Government, Scottish Enterprise and Inverclyde Council. The spreadsheets show
expenditure over the period from the financial years 2006/07 to 2012/13 with budget
projections from 2013/14 through to 2017/18. The overall estimate of the ‘absolute’ size and
spend of all regeneration activities in Inverclyde from 2006/07 to 2017/18 is £520million.

The summary reflects the various elements of funding allocated to regeneration including
employability initiatives, supported employment, Scottish Government Regeneration Fund,
Future Jobs Fund, employer engagement (ERDF), business development, and business
property improvement grants and major physical regeneration investment.

5. What is the linkage and governance between the bodies, policies and activities for
‘regeneration projects’ across local authority boundaries (such as URC or other
infrastructure/economic development)?

The geographic location of Inverclyde does not lend itself to cross boundary “physical”
regeneration projects however Inverclyde’s policy in spatial planning terms, as part of the
Glasgow Metropolitan City Region, is established through our membership of the Glasgow
and Clyde Valley Strategic Development Planning Authority.

Our position in the Glasgow and Clyde Valley Community Planning Partnership ensures we
participate in wider regional economic development strategies, policies and initiatives e.g.
City Deal, a proposed £2.4bn Infrastructure Investment Fund involving the preparation of a
bid fund to the Treasury. Governance of these regional groups involves Members’ meetings
established to provide scrutiny and review and financial progress and appraisal or through
meetings involving both Members and Officers.

Our Urban Regeneration Company’s activities are only carried out within the boundary the
Inverclyde however ongoing dialogue is undertaken with other URC’s to share best practice.

For transportation policies, Strathclyde Partnership for Transport is the Regional Transport
Authority by statute, the Council is a member of the Board, and cross boundary working
takes place in respect of city region transport corridors. The Board meets regularly and has
appropriate governance arrangements in place.

Pride in Inverclyde

Finally, it is also acknowledged that building confidence in the area, all sectors of business
and the local population is a vital ingredient for successful regeneration. This is especially
ture following an extended period of decline.

A great deal has been done to help build confidence through pride in the physical
environment.

Inverclyde is a much improved area and the urban environment now looks significantly better
that it did a few years ago. There is still much to achieve but there is no doubt that the
partners in Inverclyde are now helping to build skills, confidence and resilience in local
people and businesses and are planning and working effectively to that essential
requirement.

John W Mundell, Chief Executive, 21 November 2013
Inverclyde Alliance

Strategic Planning and Performance Management Framework

1. National Outcomes
2. Inverclyde Alliance Partner Plans
3. Inverclyde Alliance Community Plan/SOA
4. Inverclyde Council Corporate Statement
5. SOA Outcome Delivery Plans
6. Corporate Directorate Improvement Plans
7. Service Statements and Standards
The Inverclyde Alliance (Community Planning Partnership) Vision for Inverclyde is:

‘Getting it right for every Child, Citizen and Community’

This means that the Alliance will work in partnership to create a confident, inclusive Inverclyde with safe and sustainable, healthy, nurtured communities, and a thriving, prosperous economy with active citizens who are achieving, resilient, respected, responsible and included, able to make a positive contribution to the area.

To deliver this vision, the Inverclyde Alliance, has agreed, with its communities, a number of strategic local outcomes:

1. Inverclyde’s population is stable with a good balance of socio-economic groups.

2. Communities are stronger, responsible and more able to identify, articulate and take action on their needs and aspirations to bring about an improvement in the quality of community life.
3. The area’s economic regeneration is secured, economic activity in Inverclyde is increased, and skills development enables both those in work and those furthest from the labour market to realise their full potential.

4. The health of local people is improved, combating health inequality and promoting healthy lifestyles.

5. A positive culture change will have taken place in Inverclyde in attitudes to alcohol, resulting in fewer associated health problems, social problems and reduced crime rates.

6. A nurturing Inverclyde gives all our children and young people the best possible start in life.

7. All children, citizens and communities in Inverclyde play an active role in nurturing the environment to make the area a sustainable and desirable place to live and visit.

8. Our public services are high quality, continually improving, efficient and responsive to local people’s needs.
INVERCLYDE ALLIANCE BOARD PARTNERS

1. Inverclyde Council (Lead)
2. Scottish Enterprise
3. The Scottish Government
4. Greater Glasgow and Clyde NHS
5. Police Scotland
6. Scottish Fire and Rescue
7. James Watt College
8. Community Councils Forum
9. Skills Development Scotland
10. Greenock Chamber of Commerce
11. Greenock & District Trades Council
12. Strathclyde Partnership for Transport
13. CVS Inverclyde
14. Job Centre Plus
Inverclyde Alliance Programme Board

Outcome Delivery Groups

1. Repopulation Outcome Delivery Group
2. Successful Communities Outcome Delivery Group
3. Economic Regeneration / Employability Outcome Delivery Group
4. Health Inequalities Outcome Delivery Group
5. Alcohol Misuse Outcome Delivery Group
6. Best Start in Life Outcome Delivery Group
7. Environment Outcome Delivery Group
8. This outcome is a theme which permeates through the work of all the Outcome Delivery Groups
## Summary of Regeneration Spend

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<td>Capital</td>
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<td>Riverside Inverclyde</td>
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<td>PPP Schools</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>383.9</strong></td>
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The Total spend includes the following major project areas:

- **School Estate** £241m
- **Core Economic Spend/Regeneration Fund** £44.2m (includes Voi Orgs and ESF/ERDF funding)
- **Asset Management Plan** £28.7m
- **Riverside Inverclyde** £24m
- **Roads Asset Management Plan** £23m
- **Leisure Strategy** £14.1m
### Summary of Regeneration Spend

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## Summary of Regeneration Spend

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* Does not include investment in 4 new build PPP schools, total capital value £79m
# Excludes core roads expenditure prior to formalisation of RAMP

General Capital Grant 15/16 has still to be announced by Scottish Government. This figure is estimated.
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Local Government and Regeneration Committee

30th Meeting, 2013 (Session 4), Wednesday, 27 November 2013

SG Cover Note

SG title and number: The Model Code of Conduct for Members of Devolved Public Bodies (SG/2013/229)


Type of Instrument: Guidance Document subject to Affirmative Instrument

40 day date: 5 December 2013

Local Government and Regeneration Committee deadline to consider SG Document: 5 December 2013

SG Document drawn to Parliament’s attention by Delegated Powers Committee: Delegated powers to consider this on 26 November 2013

Purpose of the Document:

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000, (“the Act”), provides for Codes of Conduct for local authority councillors and members of relevant public bodies; imposes on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland, “The Standards Commission” to oversee the new framework and deal with alleged breaches of the codes.

2. The Act requires the Scottish Ministers to lay before Parliament a Code of Conduct for Councillors and a Model Code for Members of Devolved Public Bodies. This Model Code for members was first introduced in 2002 and has now been revised following consultation and the approval of the Scottish Parliament. These revisions will make it consistent with the relevant parts of the Code of Conduct for Councillors, which was revised in 2010 following the approval of the Scottish Parliament.

Consideration by Delegated Powers and Law Reform Committee

3. The Delegated Powers and Law Reform Committee is due to consider the Model Code of Conduct for Members of Devolved Public Bodies at its meeting on 26 November 2013. Should it have any comments on the code these will be provided to the Committee at the meeting on 27 November 2013.
Local Government and Regeneration Committee consideration:

4. The Committee will take oral evidence on the Model Code of Conduct from the Cabinet Secretary for Finance, Employment and Sustainable Growth, John Swinney MSP, as well as consider a motion seeking the Committee to recommend approval of the Code of Conduct to the Parliament. A copy of the Code is attached to the paper at Appendix A.

5. Affirmative instruments are instruments that are “subject to approval” by resolution of the Parliament. Depending on the terms of the parent Act under which the instrument is laid, an affirmative instrument cannot be made, come into force, or remain in force beyond a stated period, without it first being laid in draft before, and then approved by resolution of, the Parliament. All affirmative instruments are considered by the Subordinate Legislation Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).

6. Under Rule 10.6.2 of the Standing Orders, any member of the Scottish Ministers may, by motion, propose to the lead committee that it recommends that the instrument (or draft instrument) be approved. The motion may be moved in committee only by the minister in whose name it is lodged or by any other member who has indicated support for it. The minister in whose name the motion is lodged is entitled to attend the committee and participate in the debate on the motion, but may not vote. To inform the debate on the motion for approval it has become normal practice to have a separate agenda item on the instrument in order to take evidence from the Minister and officials prior to the debate. This is because officials cannot speak in the debate and because the debate itself is limited to a maximum of 90 minutes.

7. Where the lead committee has considered a motion recommending approval of the instrument, it must report to the Parliament. If the committee recommends approval of the instrument, the Parliamentary Bureau must lodge a motion inviting the Parliament to approve the instrument, which is then moved in the Chamber. If the committee disagrees to the motion recommending approval, it is up to the Scottish Government to either withdraw the instrument or invite the Bureau to schedule time in the Chamber for a debate on a motion to approve the instrument.

Ben Morton
Committee Assistant

Appendix

1. Model Code of Conduct For Members of Devolved Public Bodies
MODEL CODE OF CONDUCT FOR MEMBERS OF DEVOLVED PUBLIC BODIES

CONTENTS

Section 1: Introduction to the Model Code of Conduct
Appointments to the Boards of Public Bodies
Guidance on the Model Code of Conduct
Enforcement

Section 2: Key Principles of the Model Code of Conduct

Section 3: General Conduct
Conduct at Meetings
Relationship with Employees of Public Bodies
Remuneration, Allowances and Expenses
Gifts and Hospitality
Confidentiality Requirements
Use of Public Body Facilities
Appointment to Partner Organisations

Section 4: Registration of Interests
Category One: Remuneration
Category Two: Related Undertakings
Category Three: Contracts
Category Four: Houses, Land and Buildings
Category Five: Interest in Shares and Securities
Agenda Item 3
27 November 2013

Category Six: Gifts and Hospitality
Category Seven: Non-Financial Interests

**Section 5: Declaration of Interests**

General

Interests which Require Declaration

Your Financial Interests

Your Non-Financial Interests

The Financial Interests of Other Persons

The Non-Financial Interests of Other Persons

Making a Declaration

Frequent Declaration of Interests

Dispensations

**Section 6: Lobbying and Access to Members of Public Bodies**

Introduction

Rules and Guidance

**Annexes**

**Annex A:** Sanctions Available to the Standards Commission for Breach of Code

**Annex B:** Definitions
SECTION 1: INTRODUCTION TO THE MODEL CODE OF CONDUCT

1.1 The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. You must meet those expectations by ensuring that your conduct is above reproach.

1.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000, “the Act”, provides for Codes of Conduct for local authority councillors and members of relevant public bodies; imposes on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland, “The Standards Commission” to oversee the new framework and deal with alleged breaches of the codes.

1.3 The Act requires the Scottish Ministers to lay before Parliament a Code of Conduct for Councillors and a Model Code for Members of Devolved Public Bodies. This Model Code for members was first introduced in 2002 and has now been revised following consultation and the approval of the Scottish Parliament. These revisions will make it consistent with the relevant parts of the Code of Conduct for Councillors, which was revised in 2010 following the approval of the Scottish Parliament.

1.4 As a member of a public body, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Model Code of Conduct.

Appointments to the Boards of Public Bodies

1.5 Public bodies in Scotland are required to deliver effective services to meet the needs of an increasingly diverse population. In addition, the Scottish Government’s equality outcome on public appointments is to ensure that Ministerial appointments are more diverse than at present. In order to meet both of these aims, a board should ideally be drawn from varied backgrounds with a wide spectrum of characteristics, knowledge and experience. It is crucial to the success of public bodies that they attract the best people for the job and therefore it is essential that a board’s appointments process should encourage as many suitable people to apply for positions and be free from unnecessary barriers. You should therefore be aware of the varied roles and functions of the public body on which you serve and of wider diversity and equality issues. You should also take steps to familiarise yourself with the appointment process that your board (if appropriate) will have agreed with the Scottish Government’s Public Appointment Centre of Expertise.

1.6 You should also familiarise yourself with how the public bodies policy operates in relation to succession planning, which should ensure public bodies have a strategy to make sure they have the staff in place with the skills, knowledge and experience necessary to fulfil their role economically, efficiently and effectively.

Guidance on the Model Code of Conduct

1.7 You must observe the rules of conduct contained in this Model Code. It is your personal responsibility to comply with these and review regularly, and at least annually,
your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Model Code of Conduct.

1.8 The Model Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. The Standards Commission may also issue guidance. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from the public body. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

1.9 You should familiarise yourself with the Scottish Government publication “On Board – a guide for board members of public bodies in Scotland”. This publication will provide you with information to help you in your role as a member of a public body in Scotland and can be viewed on the Scottish Government website.

**Enforcement**

1.10 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 sets out the provisions for dealing with alleged breaches of this Code of Conduct and where appropriate the sanctions that shall be applied if the Standards Commission finds that there has been a breach of the Code. Those sanctions are outlined in Annex A.

**SECTION 2: KEY PRINCIPLES OF THE MODEL CODE OF CONDUCT**

2.1 The general principles upon which this Model Code is based should be used for guidance and interpretation only. These general principles are:

**Duty**
You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core functions and duties of that body.

**Selflessness**
You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material 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.

**Objectivity**
You must make decisions solely on merit and in a way that is consistent with the functions of the public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

**Accountability and Stewardship**
You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

**Openness**
You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

**Honesty**
You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**
You 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 public body and its members in conducting public business.

**Respect**
You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body.

2.2 You should apply the principles of this Model Code to your dealings with fellow members of the public body, its employees and other stakeholders. Similarly you should also observe the principles of this Model Code in dealings with the public when performing duties as a member of a public body.

**SECTION 3: GENERAL CONDUCT**

3.1 The rules of good conduct in this section must be observed in all situations where you act as a member of a public body.

**Conduct at Meetings**

3.2 You must respect the chair, your colleagues and employees of the public body in meetings. You must comply with rulings from the chair in the conduct of the business of these meetings.

**Relationship with Board Members and Employees of the Public Body (including those employed by contractors providing services)**

3.3 You will treat your fellow board members and any staff employed by the body with courtesy and respect. It is expected that fellow board members and employees will show you the same consideration in return. It is good practice for employers to provide examples of what is unacceptable behaviour in their organisation. Public bodies should promote a safe, healthy and fair working environment for all. As a board member you should be
familiar with the policies of the public body in relation to bullying and harassment in the workplace and also lead by exemplar behaviour.

Remuneration, Allowances and Expenses

3.4 You must comply with any rules of the public body regarding remuneration, allowances and expenses.

Gifts and Hospitality

3.5 You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term “gift” includes benefits such as relief from indebtedness, loan concessions or provision of services at a cost below that generally charged to members of the public.

3.6 You must never ask for gifts or hospitality.

3.7 You are personally responsible for all decisions connected with the offer or acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your public body. As a general guide, it is usually appropriate to refuse offers except:

   (a) isolated gifts of a trivial character, the value of which must not exceed £50;

   (b) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or

   (c) gifts received on behalf of the public body.

3.8 You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision your body may be involved in determining, or who is seeking to do business with your organisation, and which a person might reasonably consider could have a bearing on your judgement. If you are making a visit in your capacity as a member of your public body then, as a general rule, you should ensure that your body pays for the cost of the visit.

3.9 You must not accept repeated hospitality or repeated gifts from the same source.

3.10 Members of devolved public bodies should familiarise themselves with the terms of the Bribery Act 2010 which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality Requirements
3.11 There may be times when you will be required to treat discussions, documents or other information relating to the work of the body in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. You must always respect the confidential nature of such information and comply with the requirement to keep such information private.

3.12 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purposes of personal or financial gain, or for political purposes or used in such a way as to bring the public body into disrepute.

Use of Public Body Facilities

3.13 Members of public bodies must not misuse facilities, equipment, stationery, telephony, computer, information technology equipment and services, or use them for party political or campaigning activities. Use of such equipment and services etc. must be in accordance with the public body’s policy and rules on their usage. Care must also be exercised when using social media networks not to compromise your position as a member of the public body.

Appointment to Partner Organisations

3.14 You may be appointed, or nominated by your public body, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.

3.15 Members who become directors of companies as nominees of their public body will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the public body. It is your responsibility to take advice on your responsibilities to the public body and to the company. This will include questions of declarations of interest.

SECTION 4: REGISTRATION OF INTERESTS

4.1 The following paragraphs set out the kinds of interests, financial and otherwise which you have to register. These are called “Registerable Interests”. You must, at all times, ensure that these interests are registered, when you are appointed and whenever your circumstances change in such a way as to require change or an addition to your entry in the body’s Register. It is your duty to ensure any changes in circumstances are reported within one month of them changing.

4.2 The Regulations¹ as amended describe the detail and timescale for registering interests. It is your personal responsibility to comply with these regulations and you should review regularly and at least once a year your personal circumstances. Annex B contains

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¹ SSI - The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 Number 135, as amended by SSI 2003 Number 203 and SSI 2010 Number 392.
key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse or cohabitee.

**Category One: Remuneration**

4.3 You have a Registerable Interest where you receive remuneration by virtue of being:

- employed;
- self-employed;
- the holder of an office;
- a director of an undertaking;
- a partner in a firm; or
- undertaking a trade, profession or vocation or any other work.

4.4 In relation to 4.3 above, the amount of remuneration does not require to be registered and remuneration received as a member does not have to be registered.

4.5 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two, “Related Undertakings”.

4.6 If you receive any allowances in relation to membership of any organisation, the fact that you receive such an allowance must be registered.

4.7 When registering employment, you must give the name of the employer, the nature of its business, and the nature of the post held in the organisation.

4.8 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

4.9 Where you undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication, and the frequency of articles for which you are paid.

4.10 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and the nature of its business.

4.11 Registration of a pension is not required as this falls outside the scope of the category.

**Category Two: Related Undertakings**
4.12 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.

4.13 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

4.14 The situations to which the above paragraphs apply are as follows:

- you are a director of a board of an undertaking and receive remuneration declared under category one – and
- you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

**Category Three: Contracts**

4.15 You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph 4.19 below) have made a contract with the public body of which you are a member:

(i) under which goods or services are to be provided, or works are to be executed; and

(ii) which has not been fully discharged.

4.16 You must register a description of the contract, including its duration, but excluding the consideration.

**Category Four: Houses, Land and Buildings**

4.17 You have a registerable interest where you own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed.

4.18 The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision making.

**Category Five: Interest in Shares and Securities**

4.19 You have a registerable interest where you have an interest in shares comprised in the share capital of a company or other body and which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed and the **nominal value** of the shares is:
Agenda Item 3  
27 November 2013

(i) greater than 1% of the issued share capital of the company or other body; or

(ii) greater than £25,000.

Where you are required to register the interest, you should provide the registered name of the company in which you hold shares; the amount or value of the shares does not have to be registered.

**Category Six: Gifts and Hospitality**

4.20 You must register the details of any gifts or hospitality received within your current term of office. This record will be available for public inspection. It is not however necessary to record any gifts or hospitality as described in paragraph 3.7 (a) to (c) of this Model Code.

**Category Seven: Non-Financial Interests**

4.21 You may also have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed. It is important that relevant interests such as membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described.

4.22 In the context of non-financial interests, the test to be applied when considering appropriateness of registration is to ask whether a member of the public might reasonably think that any non-financial interest could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making.

**SECTION 5: DECLARATION OF INTERESTS**

**General**

5.1 The key principles of the Model Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement for you to declare certain interests in proceedings of the public body. Together with the rules on registration of interests, this ensures transparency of your interests which might influence, or be thought to influence, your actions.

5.2 Public bodies inevitably have dealings with a wide variety of organisations and individuals and this Model Code indicates the circumstances in which a business or personal interest must be declared. Public confidence in the public body and its members depends on it being clearly understood that decisions are taken in the public interest and not for any other reason.

5.3 In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must, however, always comply with the
objective test ("the objective test") which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a member of a public body.

5.4 If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. If a board member is unsure as to whether a conflict of interest exits, they should seek advice from the board chair.

5.5 As a member of a public body you might serve on other bodies. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare an interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between your public body and another body. Keep particularly in mind the advice in paragraph 3.15 of this Model Code about your legal responsibilities to any limited company of which you are a director.

Interests which Require Declaration

5.6 Interests which require to be declared, if known to you may be financial or non-financial. They may or may not cover interests which are registerable under the terms of this Model Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with (a) your financial interests (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

5.7 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a member of a public body. In the context of any particular matter you will need to decide whether to declare an interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a member of a public body as opposed to the interest of an ordinary member of the public.

Your Financial Interests
5.8 You must declare, if it is known to you, any financial interest (including any financial interest which is registerable under any of the categories prescribed in Section 4 of this Model Code).

There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

**Your Non-Financial Interests**

5.9 You must declare, if it is known to you, any non-financial interest if:

(i) that interest has been registered under category seven (Non Financial Interests) of Section 4 of the Model Code; or

(ii) that interest would fall within the terms of the objective test.

There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

**The Financial Interests of Other Persons**

5.10 The Model Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you any financial interest of:-

(i) a spouse, a civil partner or a co-habitee;

(ii) a close relative, close friend or close associate;

(iii) an employer or a partner in a firm;

(iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;

(v) a person from whom you have received a registerable gift or registerable hospitality;
(vi) a person from whom you have received registerable expenses.

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.11 This Model Code does not attempt the task of defining “relative” or “friend” or “associate”. Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Model Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a member of a public body and, as such, would be covered by the objective test.

The Non-Financial Interests of Other Persons

5.12 You must declare if it is known to you any non-financial interest of:-

(i) a spouse, a civil partner or a co-habitee;
(ii) a close relative, close friend or close associate;
(iii) an employer or a partner in a firm;
(iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
(v) a person from whom you have received a registerable gift or registerable hospitality;
(vi) a person from whom you have received registerable election expenses.

There is no need to declare the interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

Making a Declaration

5.13 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do
identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

5.14 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words “I declare an interest”. The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Frequent Declarations of Interest

5.15 Public confidence in a public body is damaged by perception that decisions taken by that body are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings in respect of your role as a board member you should not accept a role or appointment with that attendant consequence. If members are frequently declaring interests at meetings then they should consider whether they can carry out their role effectively and discuss with their chair. Similarly, if any appointment or nomination to another body would give rise to objective concern because of your existing personal involvement or affiliations, you should not accept the appointment or nomination.

Dispensations

5.16 In some very limited circumstances dispensations can be granted by the Standards Commission in relation to the existence of financial and non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before your public body and its committees.

5.17 Applications for dispensations will be considered by the Standards Commission and should be made as soon as possible in order to allow proper consideration of the application in advance of meetings where dispensation is sought. You should not take part in the consideration of the matter in question until the application has been granted.

SECTION 6: LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

Introduction

6.1 In order for the public body to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the public body conducts its business.

6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Model Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage
proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

6.3 You must not, in relation to contact with any person or organisation that lobbies do anything which contravenes this Model Code or any other relevant rule of the public body or any statutory provision.

6.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the public body.

6.5 The public must be assured that no person or organisation will gain better access to or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the public body.

6.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation that is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Model Code.

6.7 You should not accept any paid work:-

(a) which would involve you lobbying on behalf of any person or organisation or any clients of a person or organisation.

(b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence the public body and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

6.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the public body.
ANNEX A

SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE

(a) Censure – the Commission may reprimand the member but otherwise take no action against them;

(b) Suspension – of the member for a maximum period of one year from attending one or more, but not all, of the following:

i) all meetings of the public body;

ii) all meetings of one or more committees or sub-committees of the public body;

(iii) all meetings of any other public body on which that member is a representative or nominee of the public body of which they are a member.

(c) Suspension – for a period not exceeding one year, of the member's entitlement to attend all of the meetings referred to in (b) above;

(d) Disqualification – removing the member from membership of that public body for a period of no more than five years.

Where a member has been suspended, the Standards Commission may direct that any remuneration or allowance received from membership of that public body be reduced, or not paid.

Where the Standards Commission disqualifies a member of a public body, it may go on to impose the following further sanctions:

(a) Where the member of a public body is also a councillor, the Standards Commission may disqualify that member (for a period of no more than five years) from being nominated for election as, or from being elected, a councillor. Disqualification of a councillor has the effect of disqualifying that member from their public body and terminating membership of any committee, sub-committee, joint committee, joint board or any other body on which that member sits as a representative of their local authority.

(b) Direct that the member be removed from membership, and disqualified in respect of membership, of any other devolved public body (provided the members’ code applicable to that body is then in force) and may disqualify that person from office as the Water Industry Commissioner.

In some cases the Standards Commission do not have the legislative powers to deal with sanctions, for example if the respondent is an executive member of the board or appointed by the Queen. Sections 23 and 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 refer.
Full details of the sanctions are set out in Section 19 of the Act.
ANNEX B

DEFINITIONS

“Chair” includes Board Convener or any person discharging similar functions under alternative decision making structures.

“Code” code of conduct for members of devolved public bodies

“Cohabitee” includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.

“Group of companies” has the same meaning as “group” in section 262(1) of the Companies Act 1985. A “group”, within s262 (1) of the Companies Act 1985, means a parent undertaking and its subsidiary undertakings.

“Parent Undertaking” is an undertaking in relation to another undertaking, a subsidiary undertaking, if a) it holds a majority of the rights in the undertaking; or b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking’s memorandum or articles or (ii) by virtue of a control contract; or d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the rights in the undertaking.

“A person” means a single individual or legal person and includes a group of companies.

“Any person” includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

“Related Undertaking” is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.

“Remuneration” includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.

“Spouse” does not include a former spouse or a spouse who is living separately and apart from you.

“Undertaking” means:
  a) a body corporate or partnership; or
  b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
1.0 Background

1.1 Historically there have been few complaints against members of devolved public bodies. From the inception of the Code on 1 May 2003, a total of 53 complaints have been received against members of devolved public bodies equating to less than 3% of all complaints received by the Commissioner.

1.2 The following table gives details of the complaints received about councillors, members of public bodies and MSPs.

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<td>Councillors</td>
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<td>170</td>
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<td>240</td>
<td>224</td>
<td>276</td>
<td>247</td>
<td>201</td>
<td>138</td>
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<td>Members of devolved public bodies</td>
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<td>20</td>
<td>6</td>
<td>3</td>
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<td>2</td>
<td>6</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Complaints against MSPs</td>
<td>20</td>
<td>16</td>
<td>30</td>
<td>37</td>
<td>11</td>
<td>23</td>
<td>34</td>
<td>14</td>
<td>31</td>
<td>29</td>
</tr>
</tbody>
</table>

1.3 The relatively low number of complaints, particularly against members of devolved public bodies, is, in my view, indicative of high standards of conduct in public life. There have been no findings of a breach of the Code in any of the complaints relating to members of devolved public bodies. It is important to see the review of the Code within this context.

2.0 General Observations

2.1 In my consultation response to the Government’s consultation on proposals to amend the Model Code of Conduct for Members of Devolved Public Bodies, submitted on 24 April 2013, I said: - "I note that the draft is clear in its language and its terms are readily understandable. I welcome and
support the revised Code and am of the view that the revisions proposed to the current Code are proportionate and wholly reasonable and will ensure that the new Code will be robust and fit-for-purpose for the future.”

2.2 Having considered the draft Code as laid before Parliament, I stand by and re-affirm these comments.

2.3 Specific comments on individual sections of the Code are noted below, particularly in relation to matters where the draft Code differs from the consultation draft Code.

3.0 Appointments to the Boards of Public Bodies

3.1 I do not think paragraphs 1.5 and 1.6 are relevant to a Code of Conduct. If it is considered essential to include some form of text regarding appointments, then it would be more appropriate to make an abbreviated reference in or after paragraph 1.9 which deals with the On Board publication which is a guide for board members in Scotland.

3.2 I would observe that, as the Commissioner regulating public appointments, having recently published a revised Code of Practice for Ministerial Appointments to Public Bodies in Scotland which has placed diversity and equality of opportunity at the heart of the public appointments process, I appreciate the importance of the issue. Nevertheless, the Model Code does not seem the right venue to reference this matter and I feel it would be more appropriate to refer to the matter in paragraph 1.9 (as indicated in paragraph 3.1 above) and also, more fully, in the On Board publication itself.

4.0 Section 3: General Conduct

4.1 I support the general changes proposed to section 3.

4.2 In relation to paragraph 3.3 public bodies range in size from the biggest to the smallest, therefore, having regard to proportionality I suggest removing the sentence “It is good practice for employers to provide examples of what is unacceptable behaviour in their organisation” which places a further obligation on public bodies. I would suggest this would be better articulated and would achieve the same result by deleting “bullying and harassment” in the last sentence and substituting therefor “bullying, harassment and unacceptable behaviour”.

5.0 Section 4: Registration of Interests Regulations

5.1 I support the changes proposed to section 4 which will make the Model Code consistent with the Councillors’ Code, subject to the following.
5.2 I have previously made comments relating to paragraph 4.2 of the Code and the footnote referring to the 2003 Regulations\(^1\). I understand it is not intended to amend Table B of the 2003 Regulations and would suggest this be given further consideration for the following reasons:-

(i) The categories in the Regulations should mirror the categories in the Model Code. I do not think it is desirable that there should be basic inconsistencies between the two particularly when, in the case of a breach, the position may be challenged in the courts.

(ii) There are qualifications to registration in various categories of the Code which do not appear in the Regulations; this is an inherent defect.

(iii) The category of “election expenses” in the Regulations is not required.

5.3 I also note that Table A was replaced by the Amendment Regulations 2010 (SSI no. 392) when the new Councillors’ Code was introduced. That same process should be followed in respect of Table B.

5.4 For the purposes of the Model Code, I recommend that paragraph 4.2 should simply say “Regulations describe the detail...” with no footnote setting out what these regulations are. The current approach in the Code is unduly prescriptive, will create difficulties for public bodies in endeavouring to reconcile the differing provisions of the Code and the current Regulations and would be inappropriate in any event if it is decided to introduce new amending Regulations in the future.

5.5 I would also recommend that the Scottish Government give further consideration to amending the regulations to ensure that the categories of the registration of interest in Table B mirror what is in the new Code.

**Category Five: Interest in Shares and Securities**

5.6 I commend the approach in effectively setting out a double test for registers on interest in shares. In the new Code, the main test will be whether the shareholdings of the member are of significance or relevance in respect of the work of the public body. If that test is met, there is then a de minimus of shareholdings (above 1 per cent or £25,000) which would have to be reached before registration was required.

5.7 I suggest that, to make the fact there is a double test clear, it would be useful to delete the word “and” in the second line and substitute therefor the letter “(a)” and insert the letter “(b)” between “and” and “the” in the fourth line.

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\(^1\) The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 no. 135, as amended by SSI 2003 no. 203 and SSI 2010 no. 392
6.0 Section 5: Declaration of Interests

6.1 I support the changes to section 5 which are clearly drafted and will aid members when they are required to consider declaring an interest and, in the event of a declaration, any further action. I think this section is balanced and proportionate.

6.2 The new objective test set out in paragraph 5.3 provides clarity and is particularly welcomed.

7.0 Typographical matters

7.1 Paragraph 1.6, third line, “bodies” should be “body’s”.
Paragraph 3.3, fourth sentence, ”body’s” should be “bodies”.
Paragraph 3.14, third line, for consistency add “Model” before “Code”.
Paragraph 5.8, move the second paragraph to the left margin.
Paragraph 5.9, move the paragraph “There is no need…” to the left margin.

D Stuart Allan
Commissioner

14 November 2013
MODEL CODE OF CONDUCT FOR MEMBERS OF DEVOLVED PUBLIC BODIES

This paper was written for the Local Government and Regeneration Committee for its evidence session with the Commissioner for Ethical Standards in Public Life in Scotland. The paper provides background on the Commissioner’s functions with regard to the investigation of alleged breaches in codes of conduct and the revised Model Code of Conduct for members of devolved public bodies. The code was initially laid before the Scottish Parliament, by Scottish Ministers, on 11 October 2013, as an affirmative statutory instrument. This version was later withdrawn and replaced by a new version on 7 November 2013.

COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

The Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) established the post of Chief Investigating Officer whose functions included:

- investigating and reporting to the Standards Commission for Scotland on cases in which a member of a devolved public body has, may have or is alleged to have contravened the members' code.

The functions of this post were subsequently transferred to the Public Standards Commissioner for Scotland (PSC), established by the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (the 2010 Act).

In 2013 the Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (SSI 2013/197) abolished the post of Public Standards Commissioner for Scotland.

The functions of the Public Standards Commissioner, together with those of the Commission for Ethical Standards and the Public Appointments Commissioner, were transferred to the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS). This office was established on 1 July 2013.

MODEL CODES OF CONDUCT

The 2000 Act requires Scottish Ministers to issue a Model Code of Conduct for Councillors (Councillors' Code) and a Model Code of Conduct for members of devolved public bodies (Members' Code). The Members’ Code covers the devolved bodies listed in Schedule 3 to the Act.
According to the CESPLS’ *Annual report for 2012/13* there are 102 public bodies whose members could be the subject of a complaint under the Members’ Code:

### Table 1

<table>
<thead>
<tr>
<th>Organisations</th>
<th>Number of Bodies</th>
<th>Members of Bodies</th>
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</thead>
<tbody>
<tr>
<td>MSPs</td>
<td>1</td>
<td>129</td>
</tr>
<tr>
<td>Local Authorities</td>
<td>32</td>
<td>1,222</td>
</tr>
<tr>
<td>National bodies</td>
<td>34</td>
<td>424</td>
</tr>
<tr>
<td>National park authorities</td>
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<td>36</td>
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<tr>
<td>Further education colleges</td>
<td>37</td>
<td>479</td>
</tr>
<tr>
<td>NHS boards</td>
<td>14</td>
<td>250</td>
</tr>
<tr>
<td>Regional transport partnerships</td>
<td>7</td>
<td>101</td>
</tr>
<tr>
<td>Community justice authorities</td>
<td>8</td>
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</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>135</strong></td>
<td><strong>2,697</strong></td>
</tr>
</tbody>
</table>

The original Councillors’ and Members’ Codes were approved by the Scottish Parliament on 19 December 2001, and brought into effect on 1 May 2003.

The **Councillors’ Code** was subsequently revised in December 2010, following changes to the planning system. The **Members’ Model Code** (2002) was not reviewed at that time and in some respects it is now thought to be out of line with the updated Councillors’ Code.

**Model Code of Conduct for members of devolved public bodies**

The **Members’ Model Code**, published in March 2002, was based in part on the seven principles of public life set out by the Nolan Committee on Standards in Public Life:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The code also affirmed principles of ‘Public service’ and ‘Respect’.

The 2002 code provided details of the six categories of interests which had to be registered:
• Remuneration, including those received from being employed or being partner in a firm
• Related Undertakings, including directorships which do not involve remuneration
• Contracts, including any contracts with the public body they are appointed to
• Houses, Land and Buildings, including any right or interest which may be significant to the work or operation of the body to which they are appointed
• Interest in Shares and Securities, they were not required to register the value but they had to register any right or interest which may be significant to the work or operation of the body to which they are appointed
• Non-Financial Interests, including memberships of clubs and voluntary organisations.

In addition to the Code, in April 2008, the Standards Commission for Scotland issued a revised Guidance note to devolved public bodies in Scotland and their members. As the body responsible for the enforcement of the Code, the Commission published this note in order to assist members in their observation of the Code.

Consultation on changes

In February 2013, the Scottish Government launched its Consultation Paper on Ethical Standards in Public Life: Proposals for amendments to be made to the Model Code of Conduct for Members of devolved public bodies. The consultation presented proposals to amend the 2002 Model Code, to bring it into line with the Councillors' Code.

The main change proposed was the addition of a new category of ‘registrable interest’, namely, Gifts and hospitality. This is similar to a category in the 2010 Councillors' Code.

The other significant changes proposed related to four sections of the Code:

• Section 2: Key Principles – changes emphasise that the key principles should be used for guidance and interpretation only
• Section 3: General Conduct – main change is the introduction of a monetary ceiling of £50 for declaring gifts received, this is in line with the Councillors’ Code
• Section 4: Registration of Interests – additional words inserted to clarify Category Five, shares and securities
• Section 5: Declaration of interests – redrafted to make the section easier to follow and to apply an “objective” test. This test relates to whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the member’s discussion or decision making in their role as a member of a public body.

The Scottish Government sent copies of the consultation papers to about 130 organisations that would be affected by the changes. The consultation closed on 26 April 2013.
**Consultation responses**

In August 2013, the Government published its Analysis Report on the consultation responses. It had received 37 responses to its consultation, from:

- 22 public bodies
- 4 individuals
- 6 NHS bodies
- 1 further education college
- 4 local authorities.

The analysis indicated that the greatest engagement had been generated by the questions relating to:

- registration of interest. There was general support for the proposals, with suggestions that changes had to be realistic, measured and proportionate
- declaration of interests. A number of responses included suggestions seeking to improve the Code, provide clarity for Board members and create the correct balance of regulation.

The Scottish Government took the comments on board and, on 11 October 2013, laid its revised Model Code before the Scottish Parliament as an affirmative statutory instrument (SG/2013/229). This version was subsequently withdrawn and replaced on 7 November by a new version (SG/2013/250).

**COMPARISON WITH COUNCILLORS’ CODE**

There are few substantial differences between the new Members’ code and the Councillors’ Code as updated in 2010. The following table sets out some of the main differences:

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<tbody>
<tr>
<td>“Members of devolved public bodies should familiarise themselves with the terms of the Bribery Act 2010 which provides for offences of bribing another person and offences relating to being bribed.”</td>
<td>No mention of the Bribery Act</td>
</tr>
<tr>
<td>Not applicable</td>
<td>Sections which relate to Councillor’s dealings with the Council, including as member of the public in the council area</td>
</tr>
<tr>
<td>‘Registerable interests’: incorrect spelling</td>
<td>‘Registrable interests’: correct spelling</td>
</tr>
<tr>
<td>Any changes in circumstances relating to the registrations of interests must be</td>
<td>No mention of specific mention of a</td>
</tr>
<tr>
<td>reported within one month of the change</td>
<td>timescale for reporting</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>No mention of registering interests in a period before appointment to the body.</td>
<td>Register includes interests for the period commencing from 12 months prior to the councillor being elected</td>
</tr>
<tr>
<td>Category One Remuneration: amount of remuneration (paragraph 4.3) does not have to be registered</td>
<td>No mention of not including the amount of remuneration.</td>
</tr>
<tr>
<td>Not applicable</td>
<td>Category Four: Election Expenses</td>
</tr>
<tr>
<td>Category Four: Houses, Land and Buildings</td>
<td>Category Five: Houses, Land and Buildings</td>
</tr>
<tr>
<td>Only has to register an interest which may be significant to, of relevance to, or bear upon, the work and operation of the body they are appointed to.</td>
<td>No interest test all properties have to registered, including any Council house tenancies.</td>
</tr>
<tr>
<td>The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect their responsibilities to the organisation to which they are appointed and to the public, or could influence their actions, speeches or decision making.</td>
<td>They are required to give the address of the property, or give a description sufficient to identify it.</td>
</tr>
<tr>
<td>No mention of including the addresses or description of the properties</td>
<td></td>
</tr>
<tr>
<td>Category Five: Interest in Shares and Securities</td>
<td>Category Six: Interest in Shares and Securities</td>
</tr>
<tr>
<td>Only have to register an interest in shares comprised in the share capital of a company or other body and which may be significant to, of relevance to, or bear upon, the work and operation of the body they are appointed to.</td>
<td>Have to register all interests which mean the nominal value.</td>
</tr>
<tr>
<td>The same nominal values of shares as for councillors</td>
<td>No mention of provided the name of the company the share are in and no mention of providing details of the amount or value of the shares.</td>
</tr>
<tr>
<td>They should provide the registered name of the company they hold shares in; the amount or value of the shares does not have to be registered.</td>
<td></td>
</tr>
<tr>
<td>No mention of exclusions</td>
<td>Includes paragraphs which define general and specific exclusions relating to interests, e.g. interests the councillor may have as</td>
</tr>
</tbody>
</table>
Sections on lobbying differ because of the differing nature of the roles of Members and Councillors

BREACHES OF THE CODE OF CONDUCT

The Commissioner for Ethical Standards is empowered to investigate alleged breaches of the Code of Conduct by members of devolved public bodies.

The Commissioner will carry out an initial investigation to decide if the complaint is relevant and admissible.

If the Commissioner finds that the complaint requires further investigation, this can include calling for written or oral evidence from relevant witnesses. The Commissioner will try to complete the investigation within 3 months of the start of the investigation.

There are two possible outcomes from the further investigation, a:

- Finding of No Breach or No Further Action: the Commissioner records findings and conclusions in a decision letter or Note of Decision, informing the complainant, the member and the public body. In the case of a Note of Decision, the Commissioner will also inform the Standards Commission for Scotland.

- Finding of Breach: if the Commissioner finds a member has contravened the Code, the member is given a copy of a draft report and an opportunity to comment. A copy of the draft report is also given to the public body for information. After receiving comments from the member the Commissioner makes a final report and submits it to the Standards Commission. The Commissioner also gives the final report to the member and the public body. The complainant will then be advised that a report has been submitted to the Standards Commissioner.

Once a report from the Commissioner is received, the Standards Commission for Scotland may:

- direct the Commissioner to carry out further investigations
- hold a Hearing, or
- take no action.

The CESPLS’ Annual report for 2012/13 provides statistics on the number of complaints received by the previous Commission in the past 3 years:
The Annual report does not specifically indicate the category of complaints received against Members of public bodies and does not indicate the result of the investigation. However, a search of the decisions database on the Commissioner’s website shows that in the past year the only decision on complaints against two Members of the Scottish Criminal Cases Review Commission (SCCRC) found the matters raised did not amount to a contravention of the Code of Conduct for SCCRC Board Members.

Francesca McGrath
Senior Researcher
21 November 2013

<table>
<thead>
<tr>
<th>Complaints against</th>
<th>2012/13</th>
<th>2011/12</th>
<th>2010/11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors</td>
<td>181</td>
<td>170</td>
<td>176</td>
</tr>
<tr>
<td>Members of devolved public bodies</td>
<td>2</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Other (outwith jurisdiction)</td>
<td>9</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total number of complaints</strong></td>
<td>192</td>
<td>185</td>
<td>210</td>
</tr>
<tr>
<td><strong>Total number dealt with as cases</strong></td>
<td>120</td>
<td>114</td>
<td>135</td>
</tr>
</tbody>
</table>