

## **SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP**

**Meeting of Friday, 29 January 2021 at 10.30am, Remote Meeting via  
Microsoft Teams**

### **Members of the Board**

<b>Andrew Wood</b> (Chair)	- Dumfries and Galloway Council
<b>John Campbell</b> (Vice Chair)	- Dumfries and Galloway Council
<b>David Bryson</b>	- NHS Dumfries and Galloway
<b>Richard Brodie</b>	- Dumfries and Galloway Council
<b>Adam Wilson</b>	- Dumfries and Galloway Council
<b>Ronnie Tait</b>	- Dumfries and Galloway Council
<b>Karen Jackson</b>	- South of Scotland Enterprise

### **Future Meetings**

**26 March 2021**

**25 June 2021**

**24 September 2021**

**26 November 2021**

**Douglas Kirkpatrick**

Lead Officer, South West of Scotland Transport Partnership

# SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

Meeting of Friday, 29 January 2021 at 10.30am, Remote Meeting via  
Microsoft Teams

1. **SEDERUNT AND APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF MEETING ON 20 NOVEMBER 2020 – FOR APPROVAL**
4. **SCOTRAIL PRESENTATION** – Recommendations – (i) note the update on rail timetable reductions relating to the COVID-19 pandemic; and (ii) receive the presentation from Ewan Tait, Business Development Executive at ScotRail.
5. **REVENUE BUDGET MONITORING REPORT 2020/2021 FOR THE PERIOD ENDING 31 DECEMBER 2020** – Recommendation - note the forecast outturn for the revenue budget as at 31 December 2020.
6. **CAPITAL EXPENDITURE PROGRAMME 2020/21 TO 2022/23 - UPDATE** - Recommendations – (i) note the update provided on progress with the Capital Expenditure Programme 2020/21; (ii) review the options presented for Phase 2 parking improvements at Lockerbie Railway Station; (iii) agree that two Options (Option B and Option E) are developed for public engagement; and (iv) agree the priority list for bus shelter renewal/replacement 2018/19 as shown in Appendix 7.
7. **STRATEGIC TRANSPORT UPDATE** - Recommendations - (i) note the publication of the first National Transport Strategy 2 Delivery Plan; (ii) note the publication of the National Planning Framework 4 Position Statement; (iii) note the publication of the Update to the Climate Change Plan 2018 to 2032; and (iv) note the publication of the Hydrogen Policy Statement.
8. **PUBLIC SOCIAL PARTNERSHIP UPDATE** - Recommendation - note the progress on the pilot projects within the three Public Social Partnership work streams as highlighted in section 3 of the report.
9. **RISK MANAGEMENT** – Recommendation – consider and agree the Risk Register for 2020/21 to 2021/22 included as the appendix.
10. **MODEL CODE OF CONDUCT CONSULTATION** - Recommendations – (i) consider and amend as required the draft response on behalf of SWestrans to the Scottish Government consultation on the Model Code of Conduct for members of devolved public bodies; and (ii) agree that the response is submitted online on behalf of the SWestrans board by the Secretary following this meeting.
11. **ANY OTHER BUSINESS WHICH THE CHAIRMAN MAY DECIDE IS URGENT DUE TO THE NEED FOR A DECISION**

**It is recommended that Members of the South West of Scotland Transport Partnership Board agree to consider the following item of business in private and exclude the Press, members of the public and Observers from the meeting given the report contains confidential or exempt information in respect of paragraphs 6, 8, 9 and 10 of Schedule 7A of the Local Government (Scotland) Act 1973.**

**12. LOCAL BUS SUSTAINABILITY** – Recommendation – Members of the Board are asked to consider the recommendations as set out in the report (to be circulated separately to members of the Board only).

Douglas Kirkpatrick  
Lead Officer  
South West of Scotland Transport Partnership

Claire Rogerson  
Secretary to the Board  
South West of Scotland Transport Partnership

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## SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

Meeting of Friday 20 November 2020  
at 10.30am at Remote Meeting via Microsoft Teams

### Present

#### Members

<b>John Campbell</b> (Vice-Chair)	-	Dumfries and Galloway Council
<b>Richard Brodie</b>	-	Dumfries and Galloway Council
<b>David Bryson</b>	-	NHS Dumfries and Galloway
<b>Karen Jackson</b>	-	South of Scotland Enterprise
<b>Ian Carruthers</b> (substitute)	-	Dumfries and Galloway Council
<b>Adam Wilson</b>	-	Dumfries and Galloway Council

#### Officials

<b>Douglas Kirkpatrick</b>	-	Lead Officer
<b>Claire Rogerson</b>	-	Secretary to the Board
<b>Josef Coombey</b>	-	Policy and Projects Officer
<b>Kirsty Dunsmore</b>	-	Policy and Projects Officer
<b>Janet Sutton</b>	-	Finance Officer

#### Apologies

<b>Andrew Wood</b> (Chair)	-	Dumfries and Galloway Council
<b>Ronnie Tait</b>	-	Dumfries and Galloway Council

#### Observers

<b>June Hay</b>	-	Outdoor Access Forum
<b>Fraser Smith</b>	-	Stagecoach Scotland
<b>Graham Whiteley</b>		

## 1. SEDERUNT AND APOLOGIES

**PROCEDURE** – In the absence of the Chair, the Vice-Chair assumed the role of Chair for the meeting.

6 Board Members present and 2 apologies, noting that Ian Carruthers was attending as substitute on behalf of Ronnie Tait.

## 2. DECLARATIONS OF INTEREST

### Decision

**NONE** declared

## 3. MINUTES OF MEETING ON 18 SEPTEMBER 2020

### Decision

**APPROVED** subject to an amendment to indicate that John Campbell is Vice-Chair of SWestrans.

## 4. BOARD MEMBERSHIP UPDATE

### Decision

The Board **NOTED** that Ministerial approval was received on 23 October 2020 for the appointment of Karen Jackson to the SWestrans Board on behalf of South of Scotland Enterprise for four years.

## 5. CALENDAR OF MEETINGS

### Decision

The Board **NOTED** the options as detailed in Table 1 of the report and **AGREED** the calendar of meetings for 2021 as set out as option 2 (the 4<sup>th</sup> Friday of the month) being:-

•	29 January 2021
•	26 March 2021
•	25 June 2021
•	24 September 2021
•	26 November 2021

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**6. REVENUE BUDGET MONITORING REPORT 2020/2021 FOR THE PERIOD ENDING 31 OCTOBER 2020**

**Decision**

The Board **NOTED** the forecast outturn for the revenue budget as at 31 October 2020.

**7. CAPITAL EXPENDITURE PROGRAMME 2020/21 TO 2022/23 - UPDATE RAIL STATION PARKING**

**Decision**

The Board:-

7.1 **NOTED** the update provided on progress with the Capital Expenditure Programme 2020/21; and

7.2 **NOTED** the progress of the development of Phase 3 beyond the initial 45 space car park at Sydney Place, Lockerbie and **AGREED** to receive a further reports through 2021.

**8. CAPITAL EXPENDITURE PROGRAMME 2020/21 TO 2022/23 – UPDATE**

**BOARD MEMBER** – David Bryson left the meeting during consideration of this item.

**Decision**

The Board **NOTED** the update on the current level of rail services to and from the region.

**9. CLIMATE CHANGE DUTIES – REPORTING 2019/20**

**Decision**

The Board :-

9.1 **NOTED** the summary provided of the information for inclusion in the 2019/20 Climate Change Duties Report for SWestrans; and

9.2 **AGREED** to submit the 2019/20 Climate Change Duties Report for SWestrans by the deadline 30 November 2020.

## 10. CONSULTATIONS

**BOARD MEMBER** – David Bryson re-joined the meeting during this item.

### Decision

The Board :-

10.1 **NOTED** the consultations on the Draft Infrastructure and Investment Plan for Scotland 2021-22 to 2025-26; Free bus travel for people resident in Scotland aged under 19 and HS2 Phase 2b Western Leg Design Refinement – Annandale Depot; and

10.2 **AGREED** the responses to each of these consultations to enable officers to submit responses by the closing dates.

## 11. ANY OTHER BUSINESS WHICH THE CHAIRMAN MAY DECIDE IS URGENT DUE TO THE NEED FOR A DECISION

### Decision

The Board **NOTED** that there was no item of business deemed urgent by the Chairman due to the need for a decision.

**PROCEDURE** – The Board **AGREED** to consider the following item of business in private and exclude the Press, members of the public and Observers from the meeting given the report contains confidential or exempt information in respect of paragraphs 6, 8 and 9 of Schedule 7A of the Local Government (Scotland) Act 1973.

## 12. LOCAL BUS SUSTAINABILITY

### Summary of Report

This report updated Members of the Board of concerns on the future sustainability of local bus services and the actions being taken to minimise implications for the bus network.

### Decision

The Board:-

### **NOTED**

12.1 the update on concerns on the future sustainability of local bus services;

12.2 the actions being undertaken to minimise implications for the bus network; and

12.3 the possibility of a Demand Responsive Transport Trial.

## SCOTRAIL PRESENTATION

### 1. Reason for Report

To provide an update on rail matters relating to ScotRail.

### 2. Background

2.1 Abellio Ltd was appointed as the franchisee for the ScotRail franchise from 2015 to potentially 2025, commencing 1 April 2015. At its meeting on 20 January 2020, the Board were updated on the Scottish Government decision to end the current ScotRail franchise in March 2022.

2.2 At its meeting on 18 January 2019, the Board received a presentation from Ewan Tait, Business Development Executive at ScotRail, providing an update on progress relating to their franchise commitments.

2.3 Rail patronage, and in turn, the level of rail services, has been significantly impacted by the COVID-19 pandemic response. At its meeting on 20 November 2020, the Board noted the current level of rail services to and from the region in relation to the COVID-19 pandemic.

2.4 Since the Board were last updated on rail matters, there has been a sharp rise in COVID cases, both regionally and nationally, and subsequently a national lockdown has been put in place.

### 3. Discussion

3.1 In light of the ongoing COVID-19 pandemic and latest Government restrictions/guidance, two of the three train operating companies that serve our region – ScotRail and Avanti West Coast – have confirmed that they will be introducing reduced timetables. The reductions have considered the significantly reduced demand for rail services and impact of staff absence on service delivery.

3.2 The Avanti West Coast reduced timetable has been in effect from Monday 18 January 2021 and is currently due to last until Friday 26 March 2021, although this is subject to ongoing review.

3.3 Current patronage on ScotRail services has fallen to around 10% of the same period last year. This equates to about 30,000 daily single passenger journeys being currently made across the network, which is down from the 60,000-70,000 experienced in December 2020 and 50,000 in November 2020. ScotRail will introduce a reduced timetable on 1 February 2021. The timetable will provide capacity for the number of passengers forecast to travel through to the May 2021 timetable change; however, ScotRail will respond to any unexpected uplift in demand by changing the timetable if necessary.

3.4 Network Rail are currently struggling to resource sufficient signallers for the Stranraer line due to the number of staff isolating and the COVID situation in the south west. To assist them with this, ScotRail have reduced their Stranraer timetable

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which allows for the signal box opening hours to be reduced to 12 hours so that only six members of staff will be needed instead of twelve. This change has been in place since 11 January 2021.

3.5 As discussed at previous Board meetings, there will be a long-term impact on future rail timetables due to COVID-19. The restrictions on workplace processes have meant that sufficient driver training has not been able to take place. It is also envisaged that public perception around using public transport and the change in working practices will have an effect on rail usage.

3.6 Ewan Tait, Business Development Executive with ScotRail will be in attendance to deliver a presentation to the Board. Board Members will have an opportunity to comment on pertinent issues.

#### 4. Recommendations

Members of the Board are asked to:

- 4.1 note the update on rail timetable reductions relating to the COVID-19 pandemic; and
- 4.2 receive the presentation from Ewan Tait, Business Development Executive at ScotRail.

Josef Coombey - Report Author  
Tel: 01387 260372

Date of Report: 14 January 2021  
File Ref: SW2/Meetings/2021

Douglas Kirkpatrick  
Lead Officer  
South West of Scotland Transport Partnership  
Cargen Tower, Garroch Business Park,  
Dumfries, DG2 8PN

## REVENUE BUDGET MONITORING REPORT 2020/2021 FOR THE PERIOD ENDING 31 December 2020

### 1. Reason for Report

To provide the Board with an update on the Partnership's 2020/21 monitoring and forecast outturn position based on the period ending 31 December 2020.

### 2. Background

The Scottish Government provide revenue funding to SWestrans, with Dumfries and Galloway Council also providing funding. SWestrans requisitions funding from Dumfries and Galloway Council in respect of payments required for public bus service contracts.

### 3. Key Points

3.1 The **Appendix** shows the revenue budget summary for SWestrans. The published expenditure budget for 2020/21 of £4,308,789 was agreed by the Board on 19 June 2020. It is vital to the economic wellbeing of the Partnership and its stakeholders that the financial resources are managed effectively, and expenditure and income is delivered in line with the approved budget.

3.2 This report forms part of the financial governance and stewardship framework, which ensures that the financial position of the Partnership is acknowledged, understood and quantified on a regular basis. It provides assurance to the members of the Board that resources are being managed effectively and allows corrective action to be taken where necessary.

3.3 Expenditure variances are expected to occur due to the consequences arising from the COVID-19 pandemic, however, at this time it is considered that increases in expenditure for some budget headings will be offset by savings in others. Board Members will note that, at this stage in the financial year, it is forecast that a balanced budget will be delivered.

### 4. Consultations

The Proper Officer has been consulted and is in agreement with its terms.

5. Implications	
<b>Financial</b>	As laid out in the report
<b>Policy</b>	No policy implications from this report
<b>Equalities</b>	No equalities implications from this report
<b>Climate Change</b>	No climate change implications from this report
<b>Risk Management</b>	The monitoring relates to the known risks R04 – Capital funding R06 – Overspending R07 – Revenue funding R12 – Third Party liabilities R14 – Withdrawal of DGC Governance support R15 – Cyber crime

**6. Recommendation**

Members of the Board are asked to note the forecast outturn for the revenue budget as at 31 December 2020.

Janet Sutton - Report Author  
Finance Officer  
Tel: 01387 260105  
Date of Report: 7 January 2021  
File Ref:

Douglas Kirkpatrick  
Lead Officer  
South West of Scotland Transport Partnership  
Cargen Tower  
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**APPENDIX** - Monitoring Report 2020/21 for the period ending 31 December 2020.

**SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP**  
**REVENUE BUDGET MONITORING AS AT 31 December 2020**

	<b>FINAL OUTTURN 2019/20 £</b>	<b>PUBLISHED BUDGET 2020/21 £</b>	<b>BUDGET ADJUSTMENTS 2020/21 £</b>	<b>ADJUSTED BUDGET 2020/21 £</b>	<b>ACTUAL EXPENDITURE TO 31/12/20 £</b>	<b>PROJECTED OUTTURN 2020/21 £</b>	<b>VARIANCE 2020/21 £</b>
<b>EXPENDITURE</b>							
Staff Costs	95,797	110,848		110,848	51,488	110,848	0
Supplies & Services	872	960		960	0	960	0
Transport Costs	0	2,104	-2,104	0	0	0	0
Administration Costs	18,604	20,193		20,193	11,535	20,193	0
Payments	4,123,997	4,125,934	2,104	4,128,038	3,232,779	4,128,038	0
Central Support	44,945	48,750		48,750	0	48,750	0
Capital Charges	323,681			0	200,269	0	0
<b>Total Expenditure</b>	<b>4,607,896</b>	<b>4,308,789</b>	<b>0</b>	<b>4,308,789</b>	<b>3,496,071</b>	<b>4,308,789</b>	<b>0</b>
<b>INCOME</b>							
Scottish Government Funding	259,250	259,250		259,250	194,650	259,250	0
D&G Council Funding	117,818	100,000		100,000	0	100,000	0
Other Contributions	4,230,828	3,949,539		3,949,539	58,806	3,949,539	0
<b>Total Income</b>	<b>4,607,896</b>	<b>4,308,789</b>	<b>0</b>	<b>4,308,789</b>	<b>253,456</b>	<b>4,308,789</b>	<b>0</b>
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,242,615</b>	<b>0</b>	<b>0</b>

## CAPITAL EXPENDITURE PROGRAMME 2020/21 TO 2022/23 – UPDATE

### 1. Reason for Report

- 1.1 To provide the Board with an update on the Capital Programme.
- 1.2 To seek agreement on options for public engagement for Phase 2 of the capital project which seeks to improve car parking issues at Lockerbie Station.
- 1.3 To agree the Bus Shelter Programme.

### 2. Background

2.1 At its meeting on 19 June 2020, the Board agreed the capital programme as shown in Table 1 below:

<b><u>SWestrans Capital Programme 2020/21 – 2022/23</u></b>	<b>Total Budget Allocated 2020/21</b>	<b>Total Budget Allocated 2021/22</b>	<b>Total Budget Allocated 2022/23</b>	<b>Total</b>
	£	£	£	£
Purchase of Accessible Buses	293,875	240,000	300,000	833,875
Bus Infrastructure	48,163	50,000	100,000	198,163
Rail Station Parking	805,856	300,000	0	1,105,856
Active Travel Projects	292,938	210,000	400,000	902,938
<b>TOTAL</b>	<b>1,440,832</b>	<b>800,000</b>	<b>800,000</b>	<b>3,040,832</b>

Table 1 – SWestrans amended Capital Programme 2020/21 – 2022/23

2.2 At the meeting of 18 September 2020, the Board agreed to vire £150k from Active Travel Projects to Dumfries and Galloway Council as SWestrans contribution to DGRI mitigation works. This resulted in a revised budget of £1.291 Million.

2.3 **Appendix 1** shows monitoring of the 2020/21 spend to 31 December 2020 and it is currently forecast that there will be spend of £1.041 Million this financial year with £250K in respect of Rail Station Parking being carried forward to next financial year.

2.4 At its meeting on 8 May 2018, the Board considered a report on parking options at/around Lockerbie Station and agreed to acknowledge all the options provided within the report for Phase 2, to engage with the community before determining progress on any option for further development.

2.5 At its meeting on 20 November 2020, the Board were informed that officers would review the options for Phase 2 and report the outcome to this meeting.

2.6 At its meeting on 16 January 2015, the Board agreed the scoring criteria below for prioritising new and replacement bus shelter requests for future programmes:

	Factor	Possible
1.	Demand volume, bus departures/day: 1 to 5 6 to 10 11 to 20 20+	5 10 15 20
2.	Existing provision: Exposed location – no shelter <300m No shelter within 300m Shelter within 300m Shelter at location-poor condition	20 15 10 5
3.	User segments: Used for travel to school Significant use by vulnerable users*	10 10
4.	Feasibility Very low Low Medium High Very High	2 4 6 8 10
5.	Strategic fit Very low – not on a bus route/drop-off only Low – on bus route served less than 5 days /week Medium – regular bus route** other shelter(s) in settlement High – regular bus route adjacent to employment/education Very high – regular bus route, only shelter within settlement	2 4 6 8 10
	Total	80

\*- Significant use by vulnerable users, relates to locations adjacent to sites such as Hospitals, Health Centre, ARCs and Care Facilities

\*\*- Regular bus route = served 5 or more days per week

### 3. Key Points – Rail Station Parking, Lockerbie Phase 2

3.1 Phase 2 will involve the reconfiguration of the existing car park. The existing 57 spaces (53 general spaces + 4 disabled bays) will be re-worked to not only provide extra spaces but the design will achieve a more user-friendly car park facility with improved access/egress/circulation and the removal of any opportunity to park on the footway and the subsequent issues this creates.

3.2 This site has been the preferred option for further car parking development in Lockerbie Town Centre. It follows on from the car parking provision made at the former station house and Well Road. It lies close to the main station building and would appear to be the relatively straightforward to develop from a technical standpoint. However, there are a number of matters which have still to be overcome before any progress can be made.

3.3 As part of the development, Dumfries and Galloway Council has offered to take ownership of the small Network Rail (NR) owned car park, immediately to the north of the station building and in return, the Council would take on the maintenance burden. NR has agreed to this in principle. NR has also intimated that they currently

own the land upon which Dumfries and Galloway Council built a public toilet and they would wish to transfer the ownership of this land as part of the same transaction. There would likely be a nominal cost for the land plus the legal expenses of Network Rail to cover.

3.4 A long-standing option for this phase was the possible delivery of 25 additional spaces through taking down, setting back and rebuilding the boundary wall which is a Listed Structure. This option was developed prior to Phase 3 (Sydney Place) which will see the provision of an initial 45 additional spaces rising to a possible 125 additional spaces. The estimated cost, provided in 2018, for this option was some £505K which equated to a cost per space gained of £20.2K.

3.5 Given the additional spaces now being progressed in Phase 3 (Sydney Place) and the historical significance of the boundary wall it is no longer considered appropriate to take forward this option.

3.6 Five further parking layout options were considered by the Board in May 2018. These are described below, shown in Appendices 2 to 6 and summarised in Table 2:

- Option A - This option, shown at **Appendix 2** involves the removal of the existing footway build-outs within the current car park and simplifying the parking layout. A new footway along the frontage of Well Road will cater for pedestrians but no other pedestrian facilities are included. Inappropriate parking on footways would be deterred through the use of demountable bollards.
- Option B - This option, shown at **Appendix 3** involves the removal of existing footway build-outs and includes a 2-metre wide pedestrian footway through the middle of the car park with a pedestrian link to the platform lifts included. Angled parking on either side of this footway is necessary to allow vehicles to manoeuvre safely. However, given the available space, it is also necessary to have the car park operate one-way. Because of this, footway build outs in 'dead' spaces, have been provided to ensure unhindered movement of vehicles through the car park.
- Option C - This option, shown at **Appendix 4** includes a narrower 1.8-metre wide pedestrian footway through the middle of the car park, a pedestrian link to the platform lifts and perpendicular parking to the inside of the footway (to increase spaces). Angled parking on Well Road is retained. This layout shows 'dead' spaces within the car park, which appears to offer ideal parking space but is essential for the manoeuvring of cars utilising recognised spaces. This may encourage inappropriate parking in those areas.
- Option D – This option, shown at **Appendix 5** has the pedestrian facility narrowed down to 1.8 metres, and moved towards the railway boundary, this allows perpendicular parking on Well Road. However, by moving the footway closer to the railway line, the perpendicular parking evident in Option C has to be altered to angled parking. Again, this layout shows 'dead' spaces within the car park, which appears to offer ideal parking space but is essential for the manoeuvring of cars utilising recognised spaces.

- Option E - This option, shown at **Appendix 6** includes a 2.15-metre wide pedestrian footway through the middle of the car park (regarded as a recognised minimum), a pedestrian link to the platform lifts and perpendicular parking to Well Road. Angled parking within the car park was necessary but the direction of flow changed, to make maximum use of available space. This layout shows footway build outs on all 'dead' spaces within the car park, to safeguard it from inappropriate parking.

Phase 2	New Spaces	Est. Cost	Cost/Space
Station Car Parks – Option A	3	£70,929	£23,643
Station Car Parks – Option B	4	£124,370	£31,093
Station Car Parks – Option C	7	£104,914	£14,988
Station Car Parks – Option D	7	£104,914	£14,988
Station Car Parks – Option E	7	£131,598	£18,800

**Table 2 – Summary of Phase 2 parking options (estimated costs from 2018)**

3.7 For all the Phase 2 Options both SEPA and Scottish Water were consulted in 2018. It was considered that as the overall increase in impermeable area was not significant, then all run-off could be accommodated via existing sewers. No SUDS required. It is also worth noting that NR requirements in terms of coach services used when train services are disrupted have been accommodated within these proposals.

3.8 As indicated in paragraph 2.4, officers have reviewed these Options and would suggest that Options C and D are not taken forward to public engagement as they allow for the continuation of inappropriate parking in 'dead' space. Option A should also be considered for removal as it has limited pedestrian facilities.

3.9 The Board is asked to review the options presented and agree that two Options (Option B and Option E) are developed for public engagement.

#### **4. Key Points – Bus Shelter Programme**

4.1 As the Board are aware, new/replacement bus shelters are provided by SWestrans through its Capital Programme. On completion of works the shelters become Dumfries and Galloway Council assets and thereafter any maintenance of the shelters is the responsibility of the Council.

4.2 All bus shelter requests are scored using the agreed criteria and a draft prioritised list of proposed locations for the bus shelter provision/ replacement programme is attached as **Appendix 7**. The Board is asked to agree the priority list for bus shelter renewal/replacement.



<b>5. Implications</b>	
<b>Financial</b>	Regular reports will be brought to the Board on the progress with the capital programme during 2020/21.
<b>Policy</b>	None, this work fulfils SWestrans policy objectives.
<b>Equalities</b>	Good quality infrastructure enhances travel choice and experience for those with protected characteristics.
<b>Climate Change</b>	Provision of good quality infrastructure that enhances opportunity for increased uptake of active and sustainable travel has a positive impact on climate change objectives.
<b>Risk Management</b>	Progression of the Capital Programme relates to two known risks: R02 – Public image; R04 – Capital Funding.

<b>6. Recommendations</b>
Members of the Board are asked to:
6.1 note the update provided on progress with the Capital Expenditure Programme 2020/21;
6.2 review the options presented for Phase 2 parking improvements at Lockerbie Railway Station;
6.3 agree that two Options (Option B and Option E) are developed for public engagement; and
6.4 agree the priority list for bus shelter renewal/replacement 2018/19 as shown in Appendix 7.

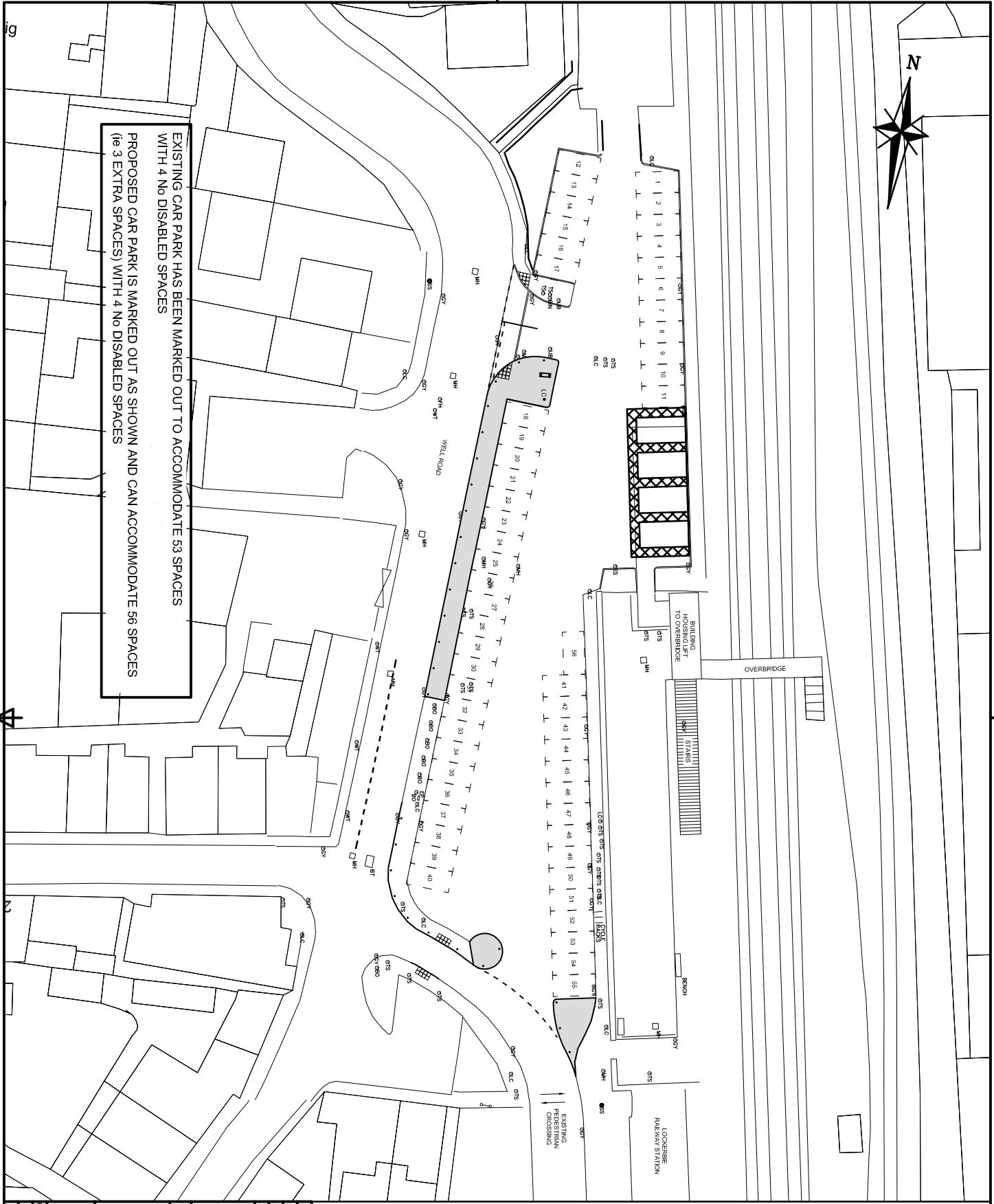
Douglas Kirkpatrick - Report Author Tel: 01387 260136	Approved by: Douglas Kirkpatrick Lead Officer South West of Scotland Transport Partnership Cargen Tower Garroch Business Park, Dumfries, DG2 8PN
Date of Report: 1 January 2021 File Ref: SW2/meetings/2021	

- Appendix 1 – Capital Programme spend to 31 December 2020
- Appendix 2 – Draft parking layout Phase 2 – Option A
- Appendix 3 – Draft parking layout Phase 2 – Option B
- Appendix 4 – Draft parking layout Phase 2 – Option C
- Appendix 5 – Draft parking layout Phase 2 – Option D
- Appendix 6 – Draft parking layout Phase 2 – Option E
- Appendix 7 - Draft Bus Shelter Renewal/Replacement Programme

Swestrans - Current Year Monitoring Position									Future Budgets		Full Project Costs		
Programme/Project	Prev Yrs Spend	Total Budget Allocated 2020/21	Budget Virement or Adjust 2020/21	Revised Total Budget Alloc 2020/21	Reported Net Spend @ 31/12/20	Forecast as at 31/03/21	Variance 2020/21	Acceleration from/ (Slippage to) 2021/22	Indicative Budget 2021/22	Indicative Budget 2022/23	Budget	Forecast	Variance
Purchase of Accessible Buses		293,875		293,875	0	293,875	0	0	240,000	300,000			
Bus Infrastructure (including shelters, PUDOs and RTI)		48,163		48,163	14,905	48,163	0	0	50,000	100,000			
Rail Station Parking	94,518	805,856		805,856	350,692	555,856	-250,000	-250,000	550,000	0	1,200,374	1,200,374	0
Active Travel Projects		292,938	-150,000	142,938	62,578	142,938	0	0	210,000	400,000			
<b>Total</b>		<b>1,440,832</b>	<b>-150,000</b>	<b>1,290,832</b>	<b>428,175</b>	<b>1,040,832</b>	<b>-250,000</b>	<b>-250,000</b>	<b>1,050,000</b>	<b>800,000</b>			

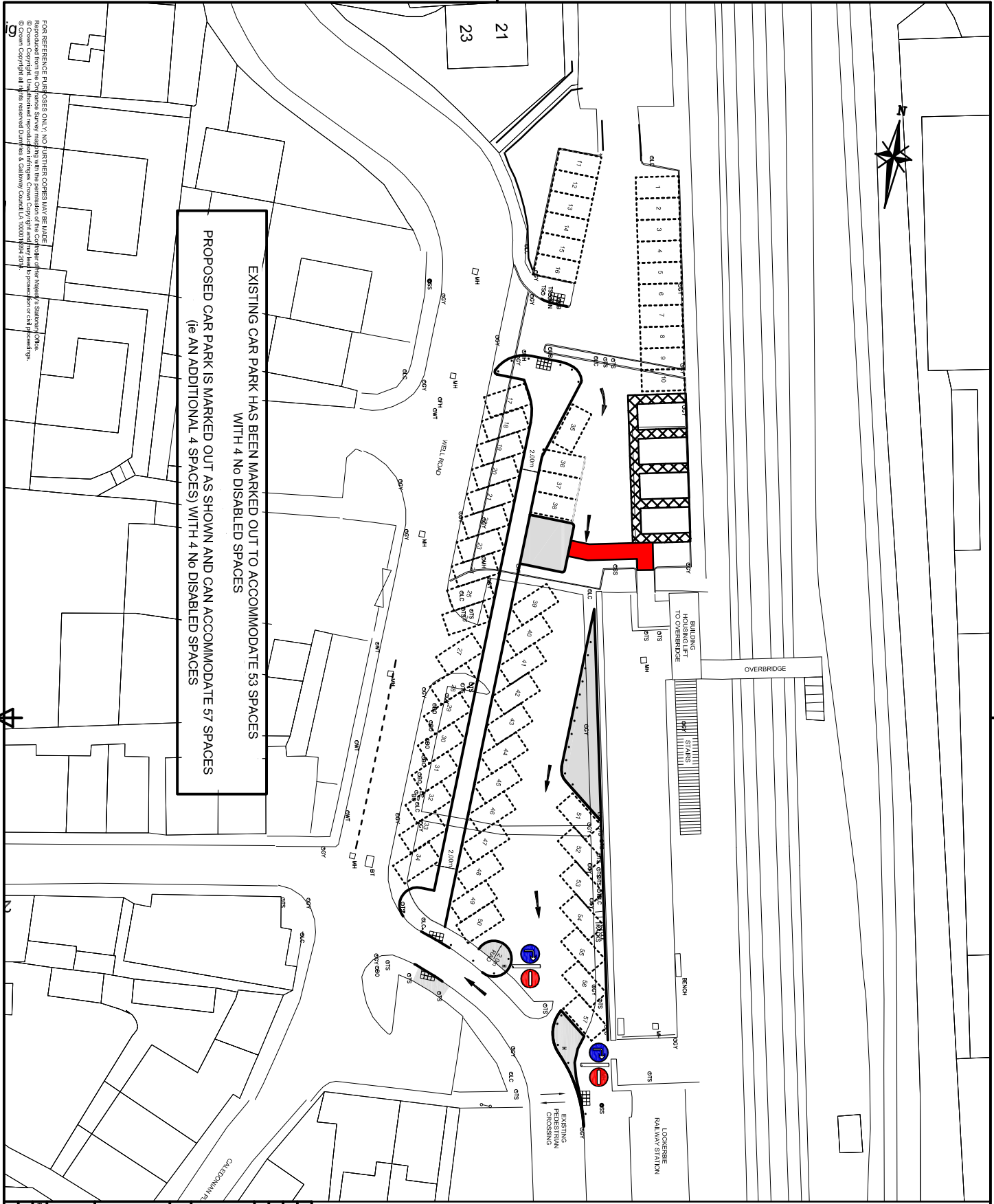


EXISTING CAR PARK HAS BEEN MARKED OUT TO ACCOMMODATE 53 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK IS MARKED OUT AS SHOWN AND CAN ACCOMMODATE 56 SPACES (ie 3 EXTRA SPACES) WITH 4 NO DISABLED SPACES



NOTES  
 EXISTING CAR PARK CAN ACCOMMODATE 53 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK CAN ACCOMMODATE 56 SPACES WITH 4 NO DISABLED SPACES

PRELIMINARY	<input checked="" type="checkbox"/>	TENDER	<input type="checkbox"/>	CONTRACT	<input type="checkbox"/>	RECORD	<input type="checkbox"/>
Drawn By	AM	Checked By	AM	Approved By	AM	Date	Feb 2018
SCALE: 1:200 @A1 DRG. No. Option A - April 2018							
<b>Engineering Design</b>							
<b>LOCKERBIE STATION CAR PARK PHASE 2 OPTION A - 2018</b>							
<b>ALTERNATIVE LAYOUT</b>							
Andrew Hunt, C.Eng., MICE Engineering Manager Garron Business Park Glasgow G2 9JN	<b>Dumfries &amp; Galloway</b>						
Ref.	Date	Revisions	Initials				



EXISTING CAR PARK HAS BEEN MARKED OUT TO ACCOMMODATE 63 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK IS MARKED OUT AS SHOWN AND CAN ACCOMMODATE 57 SPACES (ie AN ADDITIONAL 4 SPACES) WITH 4 NO DISABLED SPACES

NOTES  
 EXISTING CAR PARK CAN ACCOMMODATE 63 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK CAN ACCOMMODATE 57 SPACES (ie AN ADDITIONAL 4 SPACES) WITH 4 NO DISABLED SPACES

REGULATIONS	<input checked="" type="checkbox"/> TENDERS	<input type="checkbox"/> CONTRACT	<input type="checkbox"/> RECORD
Drawn By	AM	Checked By	AM
Approved By	AM	Date	Feb 2018
Scale	1:200 @ A1	DRG. No.	Option B - April 2018

Rev	Date	Revisions	Initials

Authorised By: Andrew Hunt, C.Eng., MICE  
 Engineering Manager  
 Engineering Services  
 Gartnosh Business Park  
 Gartnosh  
 G78 5NN

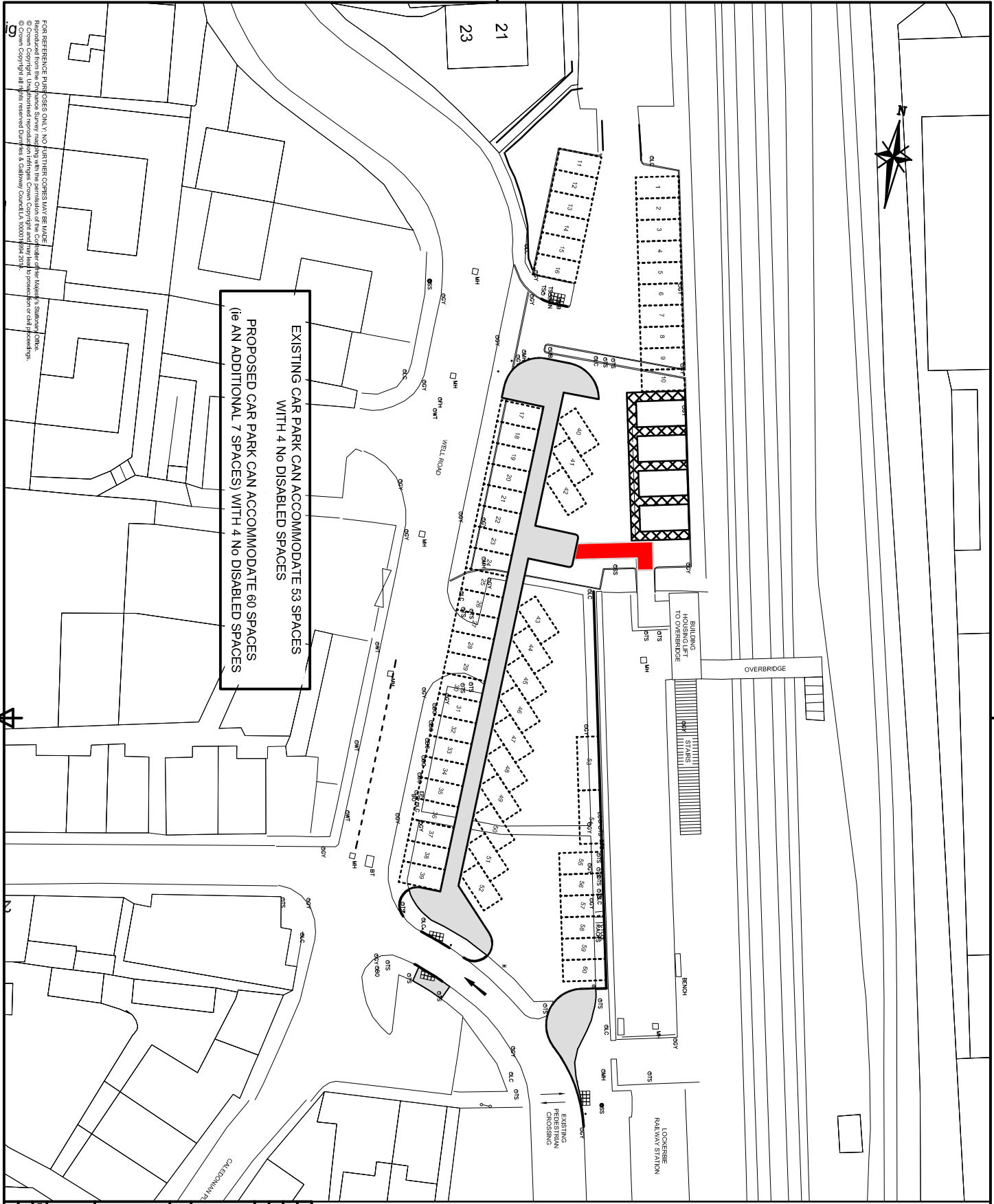
**Dumfries & Galloway**  
 Engineering Design

LOCKERBIE STATION  
 CAR PARK PHASE 2  
 OPTION B - 2018

ALTERNATIVE LAYOUT

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EXISTING CAR PARK CAN ACCOMMODATE 53 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK CAN ACCOMMODATE 60 SPACES (ie AN ADDITIONAL 7 SPACES) WITH 4 NO DISABLED SPACES

**NOTES**  
 EXISTING CAR PARK CAN ACCOMMODATE 53 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK CAN ACCOMMODATE 60 SPACES (ie AN ADDITIONAL 7 SPACES) WITH 4 NO DISABLED SPACES

**Engineering Design**  
**Dumfries & Galloway**  
 Andrew Hunt, C.Eng., MICE  
 Engineering Manager  
 Garroon Business Park  
 Galloway  
 G5 9NN

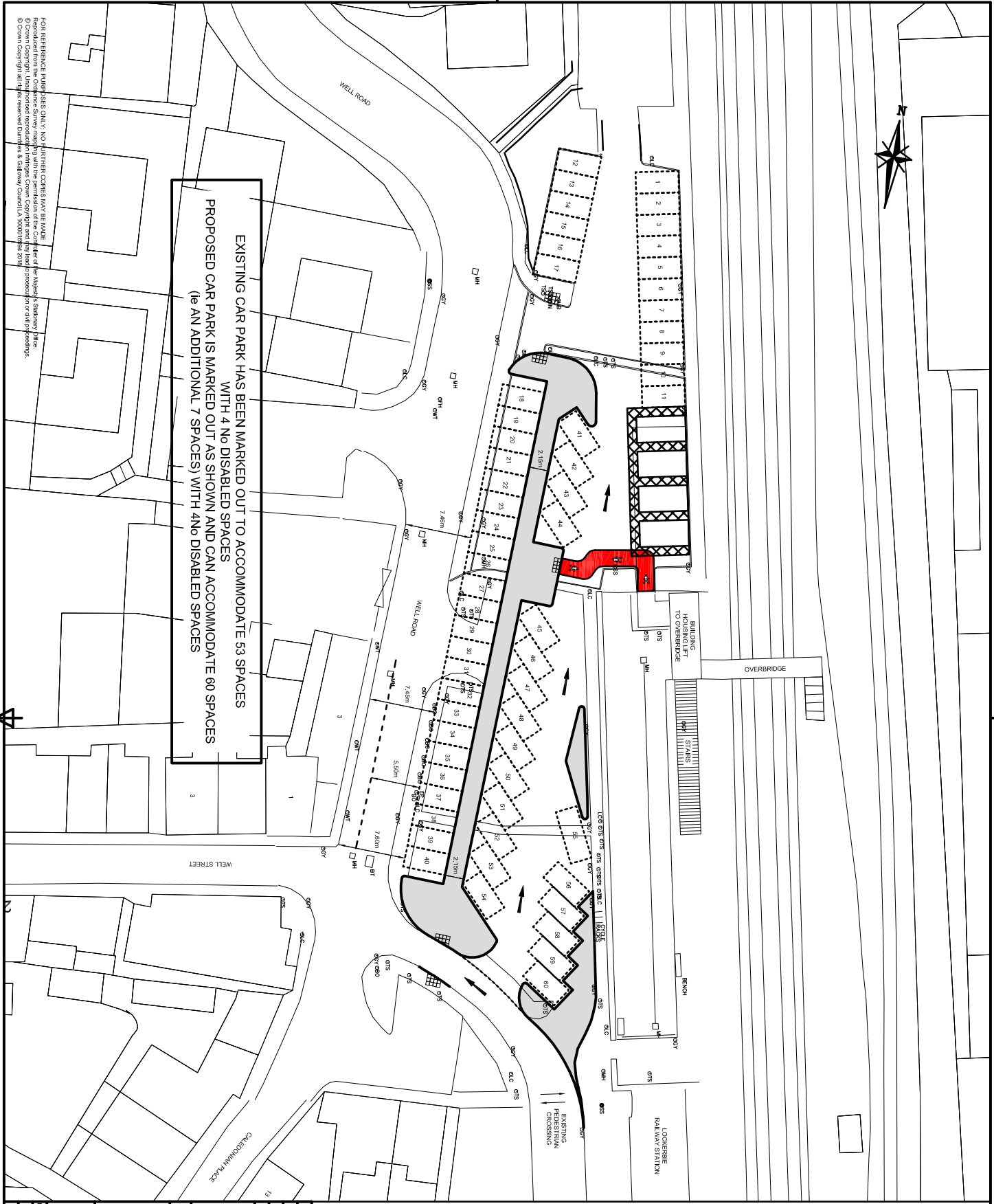
**Lockerbie Station Car Park Phase 2**  
 Option D - 2018

**ALTERNATIVE LAYOUT**

PRELIMINARY  TENDERS  CONTRACT  RECORD

Drawn By: AHJ Checked By: JAC Approved By: JAC Date: Feb 2018

SCALE: 1:200 @A1 DRG. No. Option D - April 2018



EXISTING CAR PARK HAS BEEN MARKED OUT TO ACCOMMODATE 63 SPACES WITH 4 NO DISABLED SPACES  
 PROPOSED CAR PARK IS MARKED OUT AS SHOWN AND CAN ACCOMMODATE 60 SPACES (ie AN ADDITIONAL 7 SPACES) WITH 4NO DISABLED SPACES

**NOTES**  
 EXISTING CAR PARK CAN ACCOMMODATE 63 SPACES WITH 4 NO DISABLED SPACES

THIS LAYOUT REFERRED TO IN THE ROLLER AS OPTION E IS THE PROPOSED LAYOUT FOR THE CAR PARK PHASE 2. THE DESIGN FROM 2015/2016 BUT WITH THE RAILWAY BOUNDARY WALL STILL IN POSITION. BY RUNNING THROUGH THE CAR PARKING SPACES ON WELL ROAD, THE FOOTWAY BUILD OUTS ARE DESIGNED TO DISCOURAGE PARKING ON THE THROUGH ROUTE.  
 LAYOUT SHOWN CAN ACCOMMODATE 60 SPACES (7 EXTRA SPACES) WITH 4 NO DISABLED SPACES

<b>Engineering Design</b> <b>Dumfries &amp; Galloway</b>													
<b>Lockerbie Station Car Park Phase 2</b> <b>Option E - 2018</b>													
<b>ALTERNATIVE LAYOUT</b>													
PRELIMINARY <input checked="" type="checkbox"/> TENDERS <input type="checkbox"/> CONTRACT <input type="checkbox"/> RECORD <input type="checkbox"/> Drawn by: AML Prepared by: JAC Approved by: JAC Date: MARCH 2018 SCALE: 1:200@A1 DRG. No. Option E - April 2018	Revision <table border="1"> <tr> <th>Ref.</th> <th>Date</th> <th>Revisions</th> <th>Initials</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	Ref.	Date	Revisions	Initials								
Ref.	Date	Revisions	Initials										
Duncan Macdonald, C.Eng., MICE Engineering Design Manager Cameron Business Park Dumfries DG6 5SN													



## Draft Bus Shelter Programme

Location	Road	Address	Score	Position	Provision
Lochanhead	Cairnyard Cottages		53	1	New
Kelton	B725		52	2	New
Rockcliffe	C23s	to be identified	52	2	New
Beeswing	Locharthur House		52	2	New
Dumfries	Stewartry Road	at Abbey Gardens	52	2	New
Nethermill	Serrick Road		51	6	New
Dumfries	Lochfield Road	at Health Centre	51	6	New
Ae Road End	A76	Ettrick/Ae junction	50	8	New
Carronbridge	A76	(nb)	50	8	New
Penpont	Main Street	at Moorhouse	50	8	Replace
Port William	Main Street		50	8	Replace
Lochmaben	A709	Sailing Club	49	12	New
Sanquhar	Station Road	at Health Centre	49	12	New
Stranraer	Ochtrellure Way	near Thorneycroft	49	12	New
Springholm	Main Street	(wb)	48	15	New
Lockerbie	A709	Cemetery	48	15	New
Dumfries	Lincluden Road	outside No 162	47	17	Replace
Rigg	B721 Annan Road	opposite existing shelter	47	17	New
Dumfries	Georgetown	Mossspark	46	19	New
Springfield	opp Westgill Road		46	19	Replace
Clarencefield	B724	McFarlan's Hall	46	19	Replace
Kirkton			45	22	New
Kirkconnel	A76 Main Street	at toilets and opposite	45	22	New
Ardwell	A716	(nb)	44	24	New
Dalbeattie	B794	Haugh Road/Balliol View	44	24	New
Stranraer	Whitehouse Road	at Larg House	44	24	New
Shawhead	A75	Opposite Deanside	43	27	New
Glencaple	Shore Road	opp Nith hotel	43	27	Replace
Stranraer	Leswalt High Road	at Millbank Road junction	42	29	New
Shawhead	Village	to be identified	42	29	New
Nethermill	C20n	opp Serrick Road	42	29	New
Stranraer	A77	Ryan Bay Caravan Park (nb)	42	29	New
Stranraer	Bayview Road		42	29	New
Dumfries	Stewartry Road	at No 9	42	29	New
Sandhead	Main Street	opp Piggeries Lane	42	29	New
Annan	Back o the Hill		41	36	New
Dalbeattie	High St/ Port St		41	36	Replace
Lockerbie	Alexandria Drive	Broomhouse Indust Estate	41	36	Replace
Newton Stewart	Cumloden Road	Cumloden Manor	40	39	New
Haugh of Urr		crossroads	40	39	New
Greenlea	B724	eastbound to Annan	40	39	New
Stranraer	Edinburgh Road	Station Road	40	39	New
Kirkpatrick Fleming	B7076	opp Newton Farm	40	39	Replace
Annan	Silverlaw		39	44	New
Stranraer	McDowall Drive		39	44	New
Bankend Road			39	44	Replace
Southwick			39	44	Replace
Dumfries	Aldermanhill Road	at St Joseph's College	38	48	New
Dumfries	A709 Lockerbie Road	opp Tesco	38	48	New
Palnure	A75	eastbound to Dumfries	37	50	New
Kirkcudbright	Tongland Road	opp Burnside Loaning	37	50	New
Stranraer	Eastwood Avenue		37	50	New
Wanlockhead			36	53	Replace
Kirkcudbright	Victoria Park		36	53	Replace
Ardwell	A716	Kirkmadrine Church	36	53	Replace
Dumfries	Kingholm Loaning		34	56	New
Terregles	Terregles Road	opp Manse Road	34	56	Replace
Newton Stewart	Ghyll Crescent	(nb)	31	58	Replace



## STRATEGIC TRANSPORT UPDATE

### 1. Reason for Report

To update Members of the Board on the National Transport Strategy 2 Delivery Plan; the Climate Change Plan; the National Planning Framework Position Statement and the Hydrogen Policy Statement.

### 2. Background

2.1 At the Board meeting on 20 September 2019, the Board agreed a response to the National Transport Strategy (NTS2) a Draft for Consultation.

2.2 At the Board meeting on 18 September 2020, the Board noted the publication of National Transport Strategy (NTS2) and the update on the delay to the associated NTS2 Delivery Plan. The NTS2 was published on 5 February 2020 and is available through the following link <https://www.transport.gov.scot/publication/national-transport-strategy-2/>

2.3 On 27 June 2019, Dumfries and Galloway Council passed a Climate Emergency Declaration, agreeing to a 12-point plan to reduce carbon emissions in the region to net zero by 2025: <https://dumgal.gov.uk/media/22339/Climate-Change-Emergency-Declaration/pdf/Climate-Emergency-Declaration-appendix-1.pdf?m=637145103431170000>

### 3. National Transport Strategy 2 Delivery Plan

3.1 The National Transport Strategy 2 (NTS2) sets out a “vision for a sustainable, inclusive, safe and accessible transport system helping to deliver a healthier, more prosperous and fairer Scotland for communities, business and visitors”. The Strategy outlines four priorities for our transport system: that it reduces inequalities; takes climate action; helps deliver inclusive economic growth; and improves our health and wellbeing.

3.2 To achieve the Priorities, the NTS2 sets out to embed a Sustainable Travel Hierarchy for decision making which overarches all the Policies. This will promote walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. Promotion of efficient and sustainable freight transport for the movement of goods, particularly the shift from road to rail will be prioritised.

3.3 All future investment decisions will be assessed against their contributions to supporting the NTS2 and, in particular, how they impact against the climate action outcomes within it as well as wider climate change targets. A Sustainable Investment Hierarchy will be used to inform future investment decisions and ensure transport options that focus on reducing both inequalities and the need to travel unsustainably are prioritised.

3.4 The first NTS2 Delivery Plan was published on 17 December 2020. The Plan sets out the broad actions the Scottish Government is taking to deliver on its NTS vision and priorities to end-March 2022. It has a specific focus to support a green recovery from the global pandemic; including a new action to encourage people back on to public transport post-COVID 19 when it is safe and appropriate to do so. The Plan can be accessed at: <https://www.transport.gov.scot/publication/national-transport-strategy-nts2-delivery-plan-2020-to-2022/>

3.5 Transport Scotland have established an NTS2 Delivery Board, chaired by the Cabinet Secretary for Transport, Infrastructure and Connectivity, to bring together senior representatives across the transport sector to be accountable for the successful delivery of NTS2. This includes actions to extend free bus travel to young people aged under 19; support active travel and other sustainable options including support for people working from home; and support interventions to reduce car kilometres by 20% by 2030, as set out in the update to the Climate Change Plan as discussed under section 5 of this report.

3.6 The Delivery Plan sets out a commitment to engage with Local Authorities, Regional Transport Partnerships, operators, businesses and individuals on the best way to share information, examples of collaborative working, and to agree initial evidence base actions.

3.7 The Transport Governance and Collaboration Review Group will continue the work outlined by the NTS2 Roles and Responsibilities review. Initial work will expand and update the evidence base on transport governance and delivery across the country. This will be used to highlight and share good practice in the context of delivering the vision and priorities set out within the NTS2 and related Regional and Local Transport Strategies. The work will also inform longer term thinking on potentially strengthening the regional approach with a view to helping deliver better outcomes for citizens and businesses. Changes to Transport Governance is included within the updated SWestrans Risk Register in a parallel report to this meeting.

3.8 The Scottish Government has committed to publishing annual Delivery Plans from 2022 onward. To ensure accountability on progress, they have also committed to publishing a monitoring and evaluation report covering the period out to end-March 2022, followed by annual monitoring and evaluation reports from March 2022, as well as reporting three-yearly, to Parliament, as required by the Transport (Scotland) Act 2019.

3.9 The Board are asked to note the publication of the first National Transport Strategy 2 Delivery Plan.

#### **4. National Planning Framework**

4.1 The National Planning Framework is a long-term plan for development and investment across Scotland.

4.2 The current National Planning Framework (NPF3) was published in 2014. The Scottish Government are reviewing NPF3 and also Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics. The

updated document which integrates SPP and the national spatial plan will be known as National Planning Framework 4 (NPF4).

4.3 NPF4 will consider what Scotland should look like in 2050, set out national planning policies and guide where future development should take place. On 26 November 2020, a Position Statement was published which sets out the Scottish Government's current thinking on the issues that will need to be addressed when preparing Scotland's NPF4: <https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/>

4.4 The Position Statement aims to inform further discussions and is not itself a document setting out policy. It has been developed through information received through a 'Call for Ideas' process that took place over late 2019/early 2020, which SWestrans officers contributed.

4.5 Over the year ahead the Scottish Government will continue to work collaboratively with a wide range of stakeholders to further develop these proposals. It is expected that the draft NPF4 will be laid in the Scottish Parliament in autumn 2021, and a public consultation on the fuller proposals will be undertaken at that stage.

4.6 The final content of NPF4 will only be established following consultation and consideration, and approval, of the draft revised framework by the Scottish Parliament.

4.7 The Position Statement highlights that the 'Outcomes for 2050' will be driven by the overarching goal of addressing climate change. Scotland must play a full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with their legal targets. The Government currently expect that NPF4 will focus on achieving four key outcomes:

- Net-Zero Emissions
- Resilient Communities
- A Wellbeing Economy
- Better, Greener Places

4.8 Detailed information on each of these four key outcomes is contained within the Position Statement.

4.9 The Statement also includes with a section on Delivery which highlights that an infrastructure-first approach to development. There are clear synergies to transport policy with a focus on the Place Principle to deliver change that leads to better outcomes for places whilst strengthening links between development planning and future infrastructure investment including the Draft Infrastructure Investment Plan and the second Strategic Transport Projects Review. There will also be work ongoing to ensure NPF4 aligns with the sustainable travel and investment hierarchies set out in the National Transport Strategy.

4.10 As work progresses towards a draft NPF4, the SWestrans Board will have further opportunities to be involved and there will be an extensive consultation on the detail of a future draft NPF4 in Autumn 2021. SWestrans officers are currently

involved in ongoing communication with Dumfries and Galloway Council's Roads and Planning Teams on NPF4 matters.

4.11 The Board are asked to note the publication of the National Planning Framework 4 Position Statement.

## 5. Update to the Climate Change Plan

5.1 The Scottish Government 2018-2032 Climate Change Plan sets out how Scotland will continue to drive down emissions over that period. The aim within this Plan was that by 2032, Scotland will have reduced its emissions by 66%, relative to the baseline, while growing the economy, increasing the wellbeing of the people of Scotland and protecting and enhancing our natural environment.

5.2 The Plan provides for a reduction in annual emissions of just over 10 megatonnes by 2032, but new targets mean that a reduction of 25 megatonnes will now be needed by the same date. To reflect this, the Scottish Government published an update to the Plan on 16 December 2020, 'Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update', which is available at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

5.3 The updated Plan sets out the Scottish Government's pathway to the new and ambitious targets set by the Climate Change Act 2019. It is a key strategic document which sets out a green recovery from COVID-19 and will inform the future Regional Transport Strategy.

5.4 The Plan includes a chapter on Transport and its important role in delivering required climate change (Chapter 3; p.112-134). It sets out a number of transport related aims and the current challenges to achieve these; a route map of delivery (p.120) and the actions which are to be taken. These include:

- By 2024: the majority of new buses are zero emissions.
- By 2025: the need for any new petrol and diesel light commercial vehicles in public bodies phased out; and the delivery of the first Active Freeways; segregated active travel routes on main travel corridors.
- By 2030: the need for new petrol and diesel cars and vans phased out; conditions created to phase out the need for all new petrol and diesel vehicles in Scotland's public sector fleet; and car kilometres reduced by 20%.
- By 2032: Scotland's passenger rail services considerably decarbonised, with just a few years to go until they are fully decarbonised.

5.5 There is also a call to other Scottish Public Sector organisations which is relevant for SWestrans as a Regional Transport Strategies (p.129-130), as follows: 'Public Sector bodies recognise the level of ambition required to see the scale of change needed on transport, as Scotland's largest emitting sector. Community engagement and participation, for example through local authorities and Regional Transport Partnerships, will be increasingly important to garner support for this shift, delivering local measures that encourage use of active and sustainable transport and reduce car use. Transport Scotland will also work with these key local and regional partners to continue to ensure that local and regional transport strategies that are developed or updated, e.g. parking

strategies, support transport's contribution to Scotland's climate change targets. For example, we have recently seen the Spaces for People fund used by local authorities to support temporary road space re-allocation for active travel, and we will work with local authorities on permanent schemes where appropriate. We will also work closely with local authorities on the further measures that will be necessary to dissuade car use; for example, bus prioritisation in town centres and parking restrictions.'

5.6 The Board are asked to note the publication of the update to the Climate Change Plan 2018 to 2032.

## 6. Hydrogen Policy

6.1 On 21 December 2020, the Scottish Government published a Hydrogen Policy Statement which is available at: <https://www.gov.scot/publications/scottish-government-hydrogen-policy-statement/>

6.2 The Statement sets out the high level Scottish Government policy positions that are supportive of hydrogen development and deployment in Scotland. It commits to making hydrogen a key element of Scotland's decarbonisation plans, setting out the potential roles for hydrogen in our energy transition and the ambitions and strategic priorities of Scottish Ministers regarding the various applications of hydrogen in our energy system in light of the net zero commitments.

6.3 Chapter 8 (p.39-45) of the Statement relates specifically for the role of hydrogen in the transport sector. It argues that Scotland is well positioned to be a global destination for development and deployment of hydrogen technologies in the transport system.

6.4 The Hydrogen Policy Statement will provide the framework for the development of a Hydrogen Action Plan in 2021 which will provide further details on the planned approach and necessary actions to implement the policy positions outlined in the Policy Statement.

6.5 The Board are asked to note the publication of the Hydrogen Policy Statement.

## 7. Discussion

7.1 The above strategic documents will inform the future work of SWestrans and the nature of how transport is delivered both regionally and nationally.

7.2 Board Members are asked to note the recently published documents included and officers would welcome any discussion or questions on the content.

<b>8. Implications</b>	
Financial	There are no direct financial implications.
Policy	These documents will inform the refresh of the SWestrans RTS which will be required to align our regional delivery to the national vision, policies and outcomes.

Equalities	There are no direct equalities implications. Any future policy change may have equalities implications which will be monitored as the NTS2 Delivery Plan develops.
Climate Change	A key priority of all the documents is to take climate action and develop adaptations to deliver net-zero targets.
Risk Management	The Risk Register will be updated as required to mitigate any risk to SWestrans as these policies progress.

### 9. Recommendations

Members of the Board are asked to note the publication of:

- 9.1 the first National Transport Strategy 2 Delivery Plan;
- 9.2 the National Planning Framework 4 Position Statement;
- 9.3 the Update to the Climate Change Plan 2018 to 2032; and
- 9.4 the Hydrogen Policy Statement.

Joe Coombey - Report Author  Date of Report: 19 January 2021 File Ref: SW2/meetings/2021	Approved by: Douglas Kirkpatrick Lead Officer South West of Scotland Transport Partnership Cargen Tower Garroch Business Park Dumfries, DG2 8PN
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## PUBLIC SOCIAL PARTNERSHIP UPDATE

### 1. Reason for Report

To update Members of the Board on the ongoing progress of the Social and Community Transport Public Social Partnership.

### 2. Background

2.1 At the Board meeting on 20 March 2020, the Board received an update on the Public Social Partnership (PSP) for social and community transport.

2.2 The pilot projects developed within the PSP are around three work streams:

- Work Stream 1 – Transport Service Developments.
- Work Stream 2 – Health and Social Care Transport Solutions.
- Work Stream 3 – Capability/Capacity Building of Community Transport operators.

### 3. Key Points

3.1 The specific aims of the PSP are to develop a genuine and lasting partnership to support the remodeling of the Commissioner(s) services and to build the capacity of the sector to be able to deliver these services in the future. The Commissioners under the PSP are Dumfries and Galloway Council, NHS Dumfries and Galloway and SWestrans who engage with third sector organisations to work around three work streams highlighted in paragraph 2.2.

3.2 Engagement with a wide range of third sector organisations ensures the voices of third sector organisations are central to planning and delivery of the PSP and that Third Sector organisations can meaningfully participate in the remodelling and development of innovative, integrated and flexible transport solutions.

3.3 PSP delivery, through the piloting of identified solutions, requires a co-production model involving stakeholders, providers and commissioners in the design of the service. Partners have sufficient trust between them to be able to review the service critically and make changes if necessary. Forming the partnership is an ongoing process, which should ideally continue beyond the delivery of a service and become embedded in the strategy of partner organisations.

3.4 The pilot projects under Work Streams 1 and 2 are listed below:

- Out of region health appointments in Annandale and Eskdale.
- Demand Responsive Transport (DRT) for hospital appointments by postcode.
- Community Transport involvement in low-use local bus routes in the Stewartry.
- Low-use bus routes transition to DRT.
- After-school activities access.
- Develop a Health and Social Care Transport Hub. Implementation of a Quality Framework for Community Transport (CT) in Dumfries and Galloway similar to the West of Scotland CT Network.

- 3.5 The progress to date in 2020/21 in delivering on the PSP has resulted in:
- Ongoing delivery of the 517 Borgue to Kirkcudbright local bus service.
  - A report was prepared on the Health Transport Pilot Project progress. It highlighted that from March 2018 to March 2020 a total of 1,110 patients used the volunteer car schemes operated by Annandale Community Transport Service (ACTS) and Galloway Community Transport (GCT) with 75% of patients over the age of 65. Volunteer drivers provided a total of 4,442 volunteer hours driving over 107,000 miles which is the equivalent to a cost of £44,220 of paid work. The report recommended that it was vital to continue with the project, that it was important that it is expanded to other areas and highlighted that it will be a key delivery partner for the transport hub.
  - The continuation of the two Health Transport volunteer car schemes operated ACTS and GCT. Although it is operating at reduced capacity due to COVID-19 both services are still meeting a vital need at this time.
  - A Short-Life Working Group (SLWG) has been established to take forward the NHS Dumfries and Galloway transport hub. The SLWG comprises of staff from NHS Dumfries and Galloway, Dumfries and Galloway Council and SWestrans and oversees the development and implementation of the hub. The pilot phase of the hub will see NHS Dumfries and Galloway working in partnership with NHS Lanarkshire, who have been operating a transport hub since April 2019. This partnership is the most cost-effective solution and provides sufficient flexibility to prove the concept locally and to develop and expand it should the evaluation demonstrate the need. It is anticipated that the hub will be operational by March 2021.
  - The establishment of the Community Transport Network. The Network will provide an opportunity for the Community Transport Sector in Dumfries and Galloway to work in partnership to assist in bringing co-ordination, enhanced quality and better use of resources within the sector. 12 Community Transport Operators have been invited to become part of the Network. The first meeting of the Network took place in December 2020 and will meet quarterly and will feed into the PSP Steering Group.
  - The development of a Dumfries and Galloway Community Transport Umbrella Organisation. This new Organisation will be developed as a social enterprise. Its overall vision will be for increased and enhanced social, health and community transport services across Dumfries and Galloway, which are more frequently used by people isolated through location or circumstance, in order to improve their quality of life; and to widen the social and economic impact of community transport in these same communities. One of the key objectives will be to integrate the community transport sector to deliver transport solutions across the South West of Scotland and in partnership with Network Members, deliver transport solutions to local communities throughout Dumfries and Galloway. A business plan and operational model is currently being developed.

3.6 As well as the on-going work of the PSP, the model will be a critical building block of the new model of sustainable public transport delivery that is being



developed from Dumfries and Galloway Council's Transformation Programme (Public Transport and Travel). This new model will not succeed without a sustainable and engaged Community Transport sector as a key delivery partner for all services.

3.7 It is vital that funding for the continuation of the Dumfries and Galloway Community Transport Public Social Partnership beyond March 2021 is secured. If no additional funding is secured then the PSP Steering Group will have to agree an exit strategy.

<b>4. Implications</b>	
<b>Financial</b>	The development of new and innovative transport solutions based on identified needs of local communities and provided by them will allow reducing or strained finances to be appropriately targeted.
<b>Policy</b>	SWestrans has a statutory duty to determine the policy and provision of socially necessary bus services within the budget it has available. Bus service provision is a key priority within the RTS. Community based solutions to identified need will be a part of developing policy for socially necessary services.
<b>Equalities</b>	Local bus service reduction(s) disproportionately disadvantages bus users with protected characteristics. The development of solutions through the PSP, although available to all of the community, seek to ensure those with protected characteristics are prioritised.
<b>Climate Change</b>	Shared transport service provision can have a positive impact on climate change objectives
<b>Risk Management</b>	Local transport provision relates to a number of known risks: R02 – Public Image R05 – RTS Delivery R07 – Revenue Funding R08 – Bus Contracts Prices R13 – Lack of Bus Operators and Drivers

#### **5. Recommendation**

Members of the Board are asked to note the progress on the pilot projects within the three Public Social Partnership work streams as highlighted in section 3 of the report.

Kirsty Dunsmore/Graham Dunn - Report Authors  Date of Report: 12 January 2021 File Ref: SW2/meetings/2021	Approved by: Douglas Kirkpatrick Lead Officer South West of Scotland Transport Partnership Cargen Tower Garroch Business Park Dumfries DG2 8PN
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## RISK MANAGEMENT

### 1. Reason for Report

Members of the Board are asked to consider the update to the Risk Register for 2020/21 to 2021/22.

### 2. Background

At its meeting on 24 January 2020, the Board agreed an updated Risk Register.

### 3. Key Points

3.1 Risk identification is an ongoing task. Effective risk identification requires arrangements for gathering evidence about new issues, existing issues and important changes that may pose future risks.

3.2 Risk assessment involves considering the likelihood of an event occurring and its potential impact. As this involves predicting future events, it naturally carries some degree of uncertainty and is based on judgement (preferably based on available evidence).

3.3 The 'Risk Matrix' shown below is used to establish a risk rating. The matrix is colour coded; green to indicate an acceptable risk rating, and red to indicate an unacceptable risk rating. The boundary between the two areas is referred to as the "risk appetite line". All risks placed above the "risk appetite" line, i.e. coloured red in the diagram, must be planned and managed in some way.

		Risk Matrix				
Likelihood	5 Almost Certain					
	4 Likely					
	3 Possible					
	2 Unlikely					
	1 Almost Impossible					
		1 Negligible	2 Minor	3 Moderate	4 Major	5 Severe
		Impact				

3.4 Risk Treatment means taking action to reduce, as far as possible, the risk or its likely impact. Four general strategies are available: transfer, tolerate, treat or terminate the risk. Risks above the "risk appetite" line may require "treatment". The purpose is not necessarily to eliminate the risk, it may be, e.g. to reduce the likelihood and/or impact

should it occur. Risks above the tolerability threshold will need to be regularly monitored and reported on, as appropriate.

3.5 Officers have reviewed the existing Risk Register and have provided an updated draft for the period 2020/21 to 2021/22 for consideration and agreement. This update is included as the **Appendix** and the proposed changes/amendments are highlighted.

<b>4. Implications</b>	
<b>Financial</b>	There are no direct financial implications from this report.
<b>Policy</b>	Policy implications are included within the Risk Register
<b>Equalities</b>	No equalities implications from this report
<b>Climate Change</b>	No climate change implications from this report
<b>Risk Management</b>	A current Risk Register is critical for managing risk

#### **5. Recommendation**

Members of the Board are asked to consider and agree the Risk Register for 2020/21 to 2021/22 included as the appendix.

Report Author: Douglas Kirkpatrick Tel: 01387 260136	Approved by: Douglas Kirkpatrick Lead Officer South West of Scotland Transport Partnership Cargen Tower Garroch Business Park Dumfries DG2 8PN
Date of Report: 14 January 2021 File Ref: SW2/Meetings/2021	

#### **APPENDIX – SWestrans Risk Register 2020/21 to 2021/22**

## SWestrans Risk Register 2020/21 to 2021/22

Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R01	Restructure	Restructure or dissolution of RTPs by Scottish Ministers	Compromises continuity of delivery of transport functions and Regional Transport Strategy (RTS)	Use of performance management to demonstrate the effectiveness of the existing structure	Unlikely/ Major (Medium)	Tolerate		Unlikely/ Major (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick
R02	Public Image	Poor public perception of SWestrans	The credibility and authority of the organisation is undermined	Use of Council Communications Unit to manage press relations and to present a positive message  Use of appropriate media channels to proactively deliver information on SWestrans activities	Possible/ Moderate (Medium)	Tolerate		Possible/ Minor (Medium)	Douglas Kirkpatrick	Policy Officers

Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R03	Strategic Direction	Change in Dumfries and Galloway Council (DGC) and/or Scottish Government strategic priorities	RTS is out of alignment with National and Local strategic priorities  SWestrans resources are redirected to non RTS activity	Strategies Mapping and Alignment Exercise  Annual monitoring and review of RTS  RTS is realigned with revised DGC and Government strategic objectives if appropriate	Possible/ Moderate (Medium)	Tolerate		Possible/ Minor (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick
R04	Capital Funding	Loss, reduction or inability to spend capital funding	Projects within the Capital Programme are compromised  The Capital Programme includes purchase of buses, bus infrastructure, Rail Station parking and Active Travel projects	Use of Business Plan to project future years requirements  Close working with DGC  Adjustment of Business Plan to revised funding profiles	Possible/ Major (High)	Tolerate		Possible/ Minor (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick

Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R05	RTS Delivery	Failure to progress the RTS Delivery Plan	Delivery of the RTS is not progressed as anticipated	Performance Management Framework	Unlikely/ Minor (Low)	Tolerate		Unlikely/ Minor (Low)	Douglas Kirkpatrick	Douglas Kirkpatrick
R06	Overspend	Expenditure commitment exceeds available budget	Funding is not available to meet obligations  Third party action could sue	Financial management processes are provided by DGC	Unlikely/ Major (Medium)	Tolerate		Almost Impossible/ Minor (Low)	Douglas Kirkpatrick	Douglas Kirkpatrick
R07	Revenue Funding	Loss of revenue funding due to public sector funding pressures	Procurement of socially necessary local bus services is compromised	Policy and Root and Branch Review	Likely/ Severe (High)	Treat	Spend to Save initiative  Regular reports on sustainability	Likely/ Moderate (High)	Douglas Kirkpatrick	Douglas Kirkpatrick
R08	Bus Contracts Prices	Contract prices increase	Existing bus network is unsustainable within current budgets  Multiplier effect of reducing network	Policy and Root and Branch Review	Likely/ Major (High)	Treat	Regular liaison meetings with local bus operators  Review industry costs to determine future trends  Tenders based on known need	Likely/ Moderate (High)	Douglas Kirkpatrick	Douglas Kirkpatrick

Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R09	Loss of Staff	Loss of Lead Officer	Operational management of SWestrans is compromised	Interim arrangements would be put in place pending appointment of replacement	Possible/ Major (High)	Treat	Identify where interim responsibility lies in partnership with DGC  Succession planning	Possible/ Moderate (Medium)	SWestrans Board	Claire Rogerson
		Loss of Policy and Projects Officers	Lack of resource to fulfil SWestrans functions	Initiate recruitment to replace	Possible/ Moderate (Medium)	Tolerate	Lead Officer will assume interim responsibility	Possible/ Moderate (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick
R10	Procurement	Failure to comply with procurement regulations	SWestrans is exposed to potentially costly litigation	Procurement advice and support is provided by DGC	Almost Impossible/ Severe (Medium)	Tolerate		Almost Impossible/ Severe (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick
R11	Contract Disputes	Contracts are poorly drafted	Disputes with contractors and potentially costly litigation	Contract law advice and support is provided by DGC	Almost Impossible/ Major (Medium)	Tolerate		Almost Impossible/ Minor (Low)	Douglas Kirkpatrick	Douglas Kirkpatrick
R12	Third Party Liabilities	Legal action is brought against SWestrans by third parties for any reason	Potentially costly litigation	Potential liabilities are transferred to other bodies wherever possible  Legal advice and support is provided by DGC	Unlikely/ Major (Medium)	Treat	Ensure insurance cover is adequate	Unlikely/ Minor (Low)	Douglas Kirkpatrick	Douglas Kirkpatrick

Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R13	Lack of bus operators and drivers	Can lead to monopoly of the market and operators prices high due to lack of competition and bus drivers	Contract not sustainable as too costly	Ensure good relations with all local bus companies	Likely/ Major (High)	Treat	Regular liaison meetings with local bus operators to Identify areas of concern  Annual review of local market conditions	Likely/ Minor (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick
R14	Withdrawal of DGC governance and financial support	DGC no longer supports the work of SWestrans so have to procure services from other sources	Risk in interim period from withdrawal to appointment of staff or new providers  Potential high cost of this	Ensure continued good relations with DGC by informing of the work of SWestrans	Unlikely/ Minor (Low)	Tolerate		Unlikely/ Minor (Low)	Douglas Kirkpatrick	Douglas Kirkpatrick
R15	Cyber Crime	Cyber-attack on digital systems which results in compromised security, reduced business resilience and increased opportunity for fraud	Risk of system failure and impaired organisational function  Potential data breach	SWestrans digital systems are owned and managed by DGC  SWestrans receive regular communication/ advice from the Scottish Government's Cyber Resilience Unit	Possible/ Major (High)	Treat	Regular liaison with DGC's Business and Technology Solutions team operators to identify areas of concern, risk and raise staff awareness of possible threats	Possible / Moderate (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick



Code	Risk Title	Risk Description	Potential Effect	Internal Controls	Current Risk Rating	Approach	Related Actions	Target Risk Rating	Managed By	Assigned To
R16	Data Protection	Failure to comply with data protection regulations	SWestrans is exposed to potentially costly litigation  Reputational risk	Data protection advice and support is provided by DGC	Possible/ Moderate (Medium)	Treat	Staff training and awareness  Full review of business procedures  Full regulation compliance including a review of GDPR requirements	Unlikely/ Moderate (Medium)	Douglas Kirkpatrick	Policy Officers
R17	The United Kingdom's exit from the European Union (Brexit)	Impact on local, regional and national transport networks	Disruption to transport networks  Additional costs through reduced access to necessary operational elements (fuel, parts etc)	Ensure continued participation with DGC and other CPP to understand and mitigate any Brexit impacts	Likely/ Moderate (High)	Treat	Regular liaison meetings with DGC and partners to identify of areas of concern	Likely / Minor (Medium)	Douglas Kirkpatrick	Douglas Kirkpatrick

## MODEL CODE OF CONDUCT CONSULTATION

### 1. Reason for Report

This report advises the Board of the consultation by the Scottish Government on the Model Code of Conduct.

### 2. Background

2.1 The SWestrans Code of Conduct, which is based on the Model Code of Conduct was last amended in 2014.

2.2 The Scottish Government is now undertaking a consultation on a new Model Code of Conduct. The consultation closes on 8 February 2021. There is the opportunity for both organisations and individuals to respond. All board members and substitutes have been provided with the necessary information to be able to respond on their own behalf.

### 3. Key Points

3.1 The consultation document is available online at <https://consult.gov.scot/public-bodies-unit/ethical-standards-in-public-life/> and in the **Appendix**.

3.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 requires Scottish Ministers to issue a Model Code of Conduct for public bodies including regional transport partnerships. The aim of the Model Code is to set out clearly and openly the standards that Board Members must comply with when carrying out their duties.

3.3 The consultation sets out the proposals for a revised Model Code of Conduct and sets out the Key Principles, strengthens the obligations on individual board members and clarifies the actions that can be taken by the Standards Commission and the Commissioner for Ethical Standards in considering breaches of the Code.

3.4 The Scottish Government recognises that a number of new developments have occurred since the Model Code was last reviewed in 2014, and that it is important to take account of such changes and provide users with an opportunity to contribute to the revised Model Code. They want to make the Model Code easier to understand and to take account of developments in our society, such as the role of social media. They also want to strengthen the Model Code to reinforce the importance of behaving in a respectful manner and to make it clear that bullying and harassment is completely unacceptable and should not be tolerated. They want to produce a Model Code that is fit for purpose and to ensure the highest standards of conduct are maintained.

3.5 In summary the key changes are:

- A general rewrite in first person to encourage Board Members to take ownership of their behaviour.
- Raising awareness of the need for careful consideration when a Board Member uses social media.
- Removing unnecessary information.
- Rewriting in plain English to make the Model Code easier to understand.
- Increased emphasis on addressing discrimination and unacceptable behaviour.

- Strengthening obligations regarding bullying and harassment.
- Strengthening rules around accepting gifts, both to protect Board Members and to build confidence in their impartiality.
- Section 5 has been redrafted to make it easier to follow and to apply the “objective” test.
- Section 6 has been amended to make the rules around access and lobbying clearer.
- Annex A has been amended to outline how complaints about potential breaches of the Code are investigated and adjudicated upon. It contains information about the sanctions available to the Standards Commission following a breach of the Code.

3.6 It is advised that due to the COVID-19 pandemic, Brexit negotiations and the fact that the Scottish Parliament will close down to allow for the election of new MSPs, it is unlikely that Parliamentary time for scrutiny and approval of the Model Code will be secured. If this is the case, then the Scottish Government will take the required actions to ensure the Model Code and related Regulations are laid before a new Parliament at the earliest possible time.

3.7 For the board’s consideration a draft response to the consultation questions is included in the Appendix and it is proposed that the response on behalf of SWestrans is submitted online by the Secretary to the Board following this meeting.

<b>4. Implications</b>	
<b>Financial</b>	None.
<b>Policy</b>	None.
<b>Equalities</b>	None
<b>Climate Change</b>	None
<b>Risk Management</b>	None.

#### **5. Recommendations**

Members of the Board are asked to:

5.1 consider and amend as required the draft response on behalf of SWestrans to the Scottish Government consultation on the Model Code of Conduct for members of devolved public bodies; and

5.2 agree that the response is submitted online on behalf of the SWestrans board by the Secretary following this meeting.

Report Author: Claire Rogerson Secretary to the board	Approved by: Douglas Kirkpatrick Lead Officer South West of Scotland Transport Partnership Cargen Tower Garroch Business Park Dumfries DG2 8PN
Date of Report: 14 January 2021 File Ref:	

# **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**

**October 2020**

# **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**

**OCTOBER 2020**

## **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**

### **Background**

This consultation presents proposals which will bring about amendments to the Model Code of Conduct for Members of devolved public bodies.

Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act) requires Scottish Ministers to issue a Code of Conduct for Councillors (Councillors' Code) and a Model Code of Conduct for members of devolved public bodies (Members' Code) for those organisations listed in Schedule 3 to the Act, as amended. The current version of the Model Code was originally issued in 2010 and amended in 2014. It can be found on the Scottish Government website at: <https://www.gov.scot/publications/model-code-conduct-members-devolved-public-bodies/>

The Act states that Ministers shall issue a Model Code only after it has been laid before and approved by a resolution of the Scottish Parliament. The same applies to any revision or re-issue of the Model Code.

The aim of the Model Code is to set out clearly and openly the standards that Board Members of listed organisations in Schedule 3 of the Act must comply with when carrying out their duties. The Model Code is supported by independent guidance which is published separately by the Standards Commission for Scotland. The Commission's current guidance can be found at: <https://www.standardscommissionscotland.org.uk/guidance/guidance-notes>

The Standards Commission intends to revise its guidance to reflect any changes made to the Model Code. The revised guidance will be published on the Standards Commission's website in due course.

### **Purpose of this consultation**

The Scottish Government recognises that a number of new developments have occurred since the Model Code was last reviewed in 2014, and that it is important to take account of such changes and provide users with an opportunity to contribute. We want to make the Model Code easier to understand and to take account of developments in our society, such as the role of social media. We also want to strengthen the Model Code to reinforce the importance of behaving in a respectful manner and to make it clear that bullying and harassment is completely unacceptable and should not be tolerated. We want to produce a Model Code that is fit for purpose and to ensure the highest standards of conduct are maintained.

## **The proposal**

We propose to amend the Model Code to bring it up to date and make it more user friendly. The Councillors' Code of Conduct is similarly going through a public consultation and, where appropriate, both the Model Code and the Councillors' Code will be aligned. The Councillors' Code consultation can be viewed on the Scottish Government consultation hub at <https://consult.gov.scot/>

**A copy of the proposed Model Code is attached.** The key changes are:

- A general rewrite in first person to encourage Board Members to take ownership of their behaviour.
- Raising awareness of the need for careful consideration when a Board Member uses social media.
- Removing unnecessary information.
- Rewriting in plain English to make the Model Code easier to understand.
- Increased emphasis on addressing discrimination and unacceptable behaviour.
- Strengthening obligations regarding bullying and harassment.
- Strengthening rules around accepting gifts, both to protect Board Members and to build confidence in their impartiality.
- Section 5 has been redrafted to make it easier to follow and to apply the "objective" test.
- Section 6 has been amended to make the rules around access and lobbying clearer.
- Annex A has been amended to outline how complaints about potential breaches of the Code are investigated and adjudicated upon. It contains information about the sanctions available to the Standards Commission following a breach of the Code.

On approval of the Scottish Parliament, the revised Model Code will be re-issued by the Scottish Government and published on the Scottish Government website. All listed organisations will need to produce their own Code of Conduct based on the Model Code.

## **Responding to this consultation**

We are inviting responses to this consultation by 8 February 2021.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot> ). Access and respond to this consultation online at <https://consult.gov.scot/public-bodies-unit/ethical-standards-in-public-life>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 8 February 2021.

If you are unable to respond using our consultation hub, please complete and send the Respondent Information Form to:

Members Model Code of Conduct Consultation  
Public Bodies Unit  
The Scottish Government  
Area 3F North  
Victoria Quay  
Edinburgh. EH6 6QQ

### **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

### **Next steps**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at (<http://consult.gov.scot> ). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. A report analysing responses will also be made available.



## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or to: [mmccreview@gov.scot](mailto:mmccreview@gov.scot)

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: (<http://consult.gov.scot> ). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments. These should be directed to the relevant public body.

## **For Information**

Due to the pandemic, Brexit negotiations and the fact that the Scottish Parliament will close down next year to allow for the election of new MSPs, it is unlikely that we will be able to secure Parliamentary time for scrutiny and approval of the Model Code. If this is the case, then the Scottish Government will take the required actions to ensure the Model Code and related Regulations are laid before a new Parliament at the earliest possible time.



## Proposed amendments to the Model Code of Conduct for Members of Devolved Public Bodies

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

South West of Scotland Transport Partnership (SWestrans)

Phone number

Address

Cargen Tower, Garroch Business Park, Dumfries

Postcode

DG2 8PN

Email

claire.rogerson@dumgal.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

## CONSULTATION QUESTIONS

The consultation questions set out below focus on changes that have been made to the Model Code.

We are specifically seeking your views on the amendments that have been made to the Model Code. However, your views on any aspect of the revised Model Code are welcome. When making general comments please specify which sections of the Model Code you are commenting on. If your response refers to a particular paragraph, rather than the section as a whole, please provide a reference to that paragraph(s) following your response i.e. (paragraph 3.10).

### General questions

1. Have you used the Code before?

Yes  No

### Comments

2. If Yes, in what capacity have you/do you use the Code? If you used the Code as a Board Member could you please name the public body?

Please provide your comment

Completed on behalf of SWestrans by the Secretary to the Board (standards officer)

3. Do you agree that there is a need to review and update the current Model Code?

Yes  No

Could you provide information to support your response?

Code last amended in 2014 so a review would seem appropriate given the number of changes in recent years - particularly with the recent changes accelerated by a need to work differently due to the pandemic.

4. In Section 1, and throughout the Model Code, we have removed unnecessary information to make it easier to understand. Do you have any comments on the changes proposed for Section 1: Introduction to the Code?

Yes  No

Please provide your comment

Style is more directed to the reader - "I will comply" rather than "you must observe" as in is in the current version.

5. In Section 2, the Model Code has a new heading "My Responsibilities" which aims to ensure that members accept and endorse that it is their personal responsibility to be aware and comply with the provisions in their Board's Code of Conduct. Do you have any comments on this change in Section 2: Key Principles?

Yes  No

Please provide your comment

Style more directed to the reader - "I have a duty to" now written in the first person

6. In Section 3, General Conduct, the respect provision has been extended to everyone that a member could come into contact or engage with when acting as such, e.g. employees of other public bodies as well as other board members and the general public. We have also included information relating to the use of social media and highlighted that bullying and harassment is totally unacceptable.

This section also cover Gifts and Hospitality. These provisions have been amended to make it clear that they should not be sought or accepted with the exception of minor gifts or hospitality that a member would normally be expected to be offered in their everyday role.

Do you have any comments on the proposed changes in Section 3?

Yes  No

Please provide your comment

States that gifts and hospitality will not be required to be registered as they wont be sought but at 3.18 states that they will be registered when accepted if felt unable to decline for cause of offence.

7. Section 4 has been amended to reflect the changes made throughout the Model Code and to make clearer what kind of information needs to be registered. Do you have any comments on the changes proposed for Section 4: Registration of Interests?

Yes  No

Please provide your comment

8. Do you have any comments on the changes proposed for Section 5: Declaration of Interests? The changes have been made to make it clearer that members need to take responsibility for declaring matters of interest.

Yes  No

Please provide your comment

Code proposes a new process - interests only declared when connections meet the terms of the objective test and the board member leaves. Other connections where the board member would stay in the meeting and declare matters for transparency but are not now interests. Currently all referred to as interests even if remote and insignificant but can be declared.

9. Public bodies aim to be open and accessible to the views and opinions of others, and to make their decisions based on the widest possible evidence and arguments. As a Member you will probably be approached by those wishing to make their views known. This is perfectly legitimate but care is needed. We have looked to simplify the Model Code in Section 6 covering Lobbying and Access. Do you think the proposed changes achieve this aim?

Yes  No

Please provide your comment

10. The information in Annex A has been extended to include information about the role of the Ethical Standards Commissioner and the sanctions available to the Standards Commission following a finding of a breach of the Code and what these mean. Do you have any comments on the changes proposed to Annex A?

Yes  No

Please provide your comment

11. Overall, how clear and easy to understand do you find the revised Model Code?

- Very clear
- Mostly clear
- Sometimes unclear
- Very unclear

Please tell us where you think the clarity of the code could be improved, and how?

12. Do you have any other comments on the proposed revisions to the Model Code?

Yes  No

Please provide your comment

# Model Code of Conduct for Members of Devolved Public Bodies

October 2020



# MODEL CODE OF CONDUCT FOR MEMBERS OF DEVOLVED PUBLIC BODIES

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## **SECTION 1: INTRODUCTION TO THE MODEL CODE OF CONDUCT**

1.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000, “the Act”:

- provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies;
- imposed a duty on Councils and relevant public bodies to help their members to comply with the relevant code; and
- established an independent body to oversee the new framework and deal with alleged breaches of the codes.

1.2 The Act requires Scottish Ministers to lay a Code of Conduct for Councillors and a Model Code for Members of Devolved Public Bodies before Parliament. This Model Code 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 also revised in 2020 following the approval of the Scottish Parliament.

1.3 The provisions of this Model Code have been developed in line with the key principles listed in Section 2 and set out how the principles should be interpreted and applied in practice.

### **My Responsibilities**

1.4 The 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. I will meet those expectations by ensuring that my conduct is above reproach.

1.5 I will comply with the provisions of this Code in all situations where I am acting as a board member of my public body, have referred to myself as a board member or could reasonably be perceived as acting as a board member.

1.6 I will comply with the provisions of this Code in all my dealings with the public, employees and fellow board members, whether formal or informal.

1.7 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law and my public body’s rules, standing orders and regulations. I will also ensure that I am familiar with any guidance issued by the Standards Commission.

1.8 I will not, at any time, advocate or encourage any action contrary to this Code. I will meet the public’s expectations by ensuring that my conduct is above reproach.

1.9 I understand that no written information can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from the Chair, Chief Executive or Standards Officer of my public body. I note that I can also seek external legal advice or advice from the Standards Commission on how to interpret the provisions of the Code.

1.10 I will familiarise myself with the Standards Commission's guidance and the Scottish Government publication "On Board – a guide for members of statutory boards". I will take advantage of any training and continuing professional development offered, either by my organisation or otherwise, on this area.

## **Enforcement**

1.11 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, including the sanctions, up to and including suspension or disqualification, that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at Annex A.

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

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

### **Duty**

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the public body of which I am a member and in accordance with the core functions and duties of that body.

### **Selflessness**

I have a duty to take decisions solely in terms of public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

### **Integrity**

I must not place myself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

### **Objectivity**

I 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**

I am accountable for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that the public body uses its resources prudently and in accordance with the law.

### **Openness**

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

### **Honesty**

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

### **Leadership**

I 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**

I must respect all other board members and all employees of my public body and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a board member.

## **SECTION 3: GENERAL CONDUCT**

### **Respect and Courtesy**

3.1 I will treat everyone with courtesy and respect. This can include in person, in writing, when at meetings, when I am representing my public body and when I am online using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; I will advance equality of opportunity; and will seek to foster good relations between different people.

3.3 I accept that disrespect, bullying and harassment can be a one-off incident, part of a cumulative course of conduct, or a pattern of behaviour. I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.4 I accept that it is my responsibility to understand what constitutes bullying and harassment (including sexual harassment) and I will utilise resources, including the Standards Commission's guidance and advice notes, my public body's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.5 I will not engage in any conduct that could amount to bullying or harassment (including sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.6 Except where it is written into my role as Board member, I will not become involved in operational management of my public body. I acknowledge and understand that operational management is the responsibility of the Chief Executive and Executive Team.

3.7 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.

3.8 I will not take, or seek to take, unfair advantage of my position in my dealings with employees of my public body or bring any undue influence to bear on employees to take certain action. I will avoid asking or directing employees to do something which could compromise them or prevent them from undertaking their duties properly and appropriately.

3.9 I will respect and comply with rulings from the Chair during meetings of:

(a) my public body, its committees and

- (b) any outside organisations that I have been appointed or nominated to by my public body or on which I represent my public body.

3.10 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

### **Remuneration, Allowances and Expenses**

3.11 I will comply with the rules, and the policies of my public body, on the payment of remuneration, allowances and expenses.

### **Gifts and Hospitality**

3.12 I will never ask for any gifts or hospitality including money raised via crowdfunding or sponsorship, material benefits or services.

3.13 I will never accept any gifts or hospitality which might place me, or which would reasonably be regarded by a member of the public with knowledge of the relevant facts

- (a) as placing me, under an improper obligation or
- (b) which might influence, or might reasonably appear to influence, my judgement.

3.14 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.15 I will not allow the promise of money or other financial advantage to induce me to perform improperly any function while acting as a member of my public body. I accept that the money or advantage (including gifts or hospitality) does not have to be given to me. The offer of monies to others may amount to bribery, if the intention is to induce me to perform a function improperly.

3.16 I will never accept any gifts or hospitality from any individual who is seeking to do business with my public body.

3.17 I will refuse any gifts offered unless it is:

- (a) a minor item or token of modest intrinsic value offered on an infrequent basis; or
- (b) a gift being offered to my public body.

3.18 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to my public body at the earliest possible opportunity and ask for it to be registered.

3.19 I will refuse any hospitality offered other than that which would normally be associated with my duties as a board member.

3.20 I will advise my public body's Standards Officer if I am offered (but refuse) any gifts or hospitality of any significant value and / or if I am offered any gifts or hospitality from the same source on a repeated basis, so that my public body can monitor this.

3.21 I will familiarise myself with the terms of the Bribery Act 2010, which provides for offences of bribing another person and offences relating to being bribed.

### **Confidentiality**

3.22 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain consent, I should assume it is not given.

3.23 I accept that confidential information can include discussions, documents, and information (electronic or otherwise) which is not yet public or never intended to be public.

3.24 I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit my public body (even if my personal view is that the information should be publicly available).

### **Dealings with and Responsibilities to my Public Body**

3.25 I will only use my public body's resources, including employee assistance, facilities, stationery and IT equipment for carrying out duties on behalf of the public body, in accordance with its relevant policies.

3.26 I will not use, or in any way enable others to use, my public body's resources:

- (a) imprudently (without thinking about the implications or consequences);
- (b) unlawfully;
- (c) for any political activities or matters relating to these; or
- (d) improperly for private purposes.

3.27 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

### **Appointments to Outside Organisations**

3.28 If I am appointed, or nominated by my public body, as a member of another public body or organisation, I will abide by their rules of conduct and will act in its best interests while acting as a member of it. I will also continue to observe the rules of my public body's Code of Conduct in carrying out the duties of that body or organisation.

3.29 I accept that if I am a director of a company or registered charity, as a board member of a devolved public body, I will be responsible for identifying, and taking advice on, any conflict of interest that may arise between the company or registered charity and my public body.



## **SECTION 4: REGISTRATION OF INTERESTS**

4.1 The following paragraphs set out what I have to register when I am appointed and whenever my circumstances change. The register covers my current term of appointment.

4.2 I understand that Regulations as amended and made by Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their interests within one month of becoming a board member, and register any changes to those interests within one month of those changes having occurred.

4.3 Annex B contains key definitions and explanatory notes to help me decide what is required when registering my interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to me. I understand it is not necessary to register the interests of my spouse or cohabitee.

### **Category One: Remuneration**

4.4 I will register any work for which I receive, or expect to receive payment. I have a registerable interest where I receive remuneration by virtue of being:

- employed;
- self-employed;
- the holder of an office;
- a director of an undertaking;
- a partner in a firm;
- appointed or nominated by my public body to another body; or
- engaged in a trade, profession or vocation or any other work.

4.5 I understand that in relation to 4.4 above, the amount of remuneration does not require to be registered and remuneration received as a board member does not have to be registered.

4.6 I understand that 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, "Other Roles".

4.7 I must register any allowances I receive in relation to membership of any organisation, the fact that I receive such an allowance must be registered under category one.

4.8 When registering employment, I must give the name of the employer, the nature of its business, and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 above, I must provide the name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. I recognise that

some other employments may be incompatible with my role as board member of my public body in terms of paragraph 6.7 of this Code.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity.

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

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

### **Category Two: Other Roles**

4.13 I will register any unremunerated directorships where the body in question is a subsidiary of an undertaking in which I hold a remunerated directorship.

4.14 I will register the name and number 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 I am a director and from which I receive remuneration.

### **Category Three: Contracts**

4.15 I have a registerable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph 4.19 below) have made a contract with my public body:

- (a) under which goods or services are to be provided, or works are to be executed; and
- (b) which has not been fully discharged.

4.16 I will register a description of the contract, including its duration, but excluding the value.

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

4.17 I have a registerable interest where I 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 my public body.

4.18 I accept that, when deciding whether or not I need register any interest I have in houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts and acting reasonably, might consider the interest could potentially affect my responsibilities to my public body and to the public, or could influence my actions, speeches or decision making.

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

4.19 I have a registerable interest where I:

- (a) own or have an interest in more than 1% of the issued share capital of the company or other body; or
- (b) where the nominal value of any shares and securities I own or have an interest in is greater than £25,000.

### **Category Six: Gifts and Hospitality**

4.20 I understand the requirements of paragraphs 3.12 to 3.21 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

### **Category Seven: Non-Financial Interests**

4.21 I may also have significant non-financial interests and I understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public might reasonably think could influence my actions, speeches or votes in my public body which could include appointments to Committees or memberships of other organisations.

## **SECTION 5: DECLARATION OF INTERESTS**

5.1 For each particular matter I am involved in as a board member, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 I will declare my connection as an interest at the earliest stage possible in meetings where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to prejudice the discussion or decision-making.

5.5 I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.6 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.7 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the dispensation is sought and that I can take no part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

5.8 I note that 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. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a board member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

## SECTION 6: LOBBYING AND ACCESS

6.1 I understand that I may be lobbied by a wide range of people including individuals, organisations and companies and that I must distinguish between:-

- a) any role I have in dealing with enquiries from the public;
- b) any community engagement where I am working with local individuals and organisations to encourage their participation and involvement, and;
- c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with my public body for example contracts/procurement.

6.2 In deciding whether to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to prejudice my, or my public body's decision-making role.

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

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

6.5 The public must be assured that no person or organisation will gain better access to, or treatment by, me as a result of employing a company or individual to lobby on a fee basis on their behalf. I will 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 I accord any other person or organisation who lobbies or approaches me. I will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.

6.6 Before taking any action as a result of being lobbied, I will seek to satisfy myself about the identity of the person or organisation that is lobbying and the motive for lobbying. I understand I 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 I understand the basis on which I am being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the Lobbying (Scotland) Act 2016.

6.7 I will not accept any paid work:-

- (a) which would involve me 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 me 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 I have concerns about the approach or methods used by any person or organisation in their contacts with me, I will seek the guidance of the Chair, Chief Executive or Standards Officer of my public body.

## **ANNEX A: BREACHES OF THE CODE**

### **Introduction**

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) provided for a framework to encourage and, where necessary enforce, high ethical standards in public life. The 2000 Act, as amended, established the Standards Commission for Scotland (Standards Commission) and also gave a Public Standards Commissioner powers to investigate and report to the Commission. The Commissioner for Ethical Standards (ESC) was established by the Scottish Parliamentary Commission and Commissioners Act 2010 and took over the functions of the Public Standards Commissioner.

2. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of a public body's Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.

### **Investigation of Complaints**

3. The ESC is responsible for investigating complaints about members of devolved public bodies. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level. Further guidance on how alleged breaches can be dealt with informally as well as formally can be found here [insert link]

4. Following investigation, the ESC will report the matter to the Standards Commission if it is considered that a breach of a Code of Conduct has occurred.

### **Hearings**

5. On receipt of a report from the ESC, the Standards Commission can choose to:

- Do nothing;
- Direct the ESC to carry out further investigations; or
- Hold a Hearing.

6. Hearings are held (usually in public) to determine whether the member concerned has breached their public body's Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about why it is considered that the member has contravened the Code. The member is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the member. If the Hearing Panel decides that a member has breached their public body's Code of Conduct, it is obliged to impose a sanction.

## **Sanctions**

7. The sanctions that can be imposed following a finding of a breach of a Code of Conduct are as follows:

- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the member concerned.
- **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. Partial suspension means that the member is suspended from attending some of the meetings of the public body. The Commission can direct that any remuneration or allowance the member receives as a result of their membership of the public body be reduced or not paid during a period of suspension.
- **Disqualification:** Disqualification means that the member is removed from membership of the body and disqualified (for a period not exceeding five years), from membership of the body. Where a member is also a member of another devolved public body (as defined in the Ethical Standards in Public Life etc. (Scotland) Act 2000), the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the 2000 Act.

## **Interim Suspensions**

8. Section 21 of the 2000 Act provides the Standards Commission with the power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the member and will consider whether it is satisfied:

- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the member may try to interfere with evidence or witnesses); or
- That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found [here](#).

9. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a member of a devolved public body, nor should it be viewed as a disciplinary measure.



## 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 474 of the Companies Act 2006, namely 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 member of the undertaking and controls alone, pursuant to an agreement with other shareholders, 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.



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