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Standards, Procedures and Public Appointments Committee Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Model Code of Conduct for Members of Devolved Public Bodies



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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



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Committee Membership



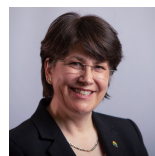
Martin Whitfield
Scottish Labour



Bob Doris
Scottish National Party



Edward Mountain
Scottish Conservative
and Unionist Party



Tess White
Scottish Conservative
and Unionist Party



Paul McLennan
Scottish National Party

Model Code of Conduct for Members of Devolved Public Bodies

1. The Model Code of Conduct for Members of Devolved Public Bodies was laid before the Scottish Parliament on 2 September 2021 and referred to the Standards, Procedures and Public Appointments Committee (SPPA Committee).
2. The Ethical Standards in Public Life etc. (Scotland) Act 2000 requires Scottish Ministers to issue a Model Code of Conduct for members of devolved public bodies for those organisations listed in the Act. The current version of the Model Code was originally issued in 2010 and amended in 2014. The Scottish Government considered that it was important to take account of new developments, such as social media, since the current Model Code was issued and consulted on the revision of the Model Code of Conduct in late 2020. The purpose of the Model Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland.

Delegated Powers and Law Reform Committee Consideration

3. At its meeting on 21 September 2021, the Delegated Powers and Law Reform Committee considered the draft Model Code and had no comments to make. ¹

SPPA Committee Consideration

4. Motion S6M-01125 was lodged by Tom Arthur, Minister for Public Finance, Planning and Community Wealth, and supported by Kate Forbes MSP.
5. At the SPPA Committee's meeting on 7 October 2021, it took evidence on the Model Code of Conduct for Members of Devolved Public Bodies from—

Tom Arthur, Minister for Public Finance, Planning and Community Wealth

John St Clair, Senior Principle Legal Officer and Ian Thomson, Team Leader - Public Bodies Unit, Scottish Government
6. Following the evidence session ², Tom Arthur moved Motion S6M-01125 that the Standards, Procedures and Public Appointments Committee recommends that the Model Code of Conduct for Members of Devolved Public Bodies be approved.
7. The motion was agreed to by division.
8. The evidence taken and the debate can be found in the Official Report for the SPPA Committee meeting of 7 October 2021.
9. The Committee raised some points of clarification during evidence from the Minister and his officials. The Minister's response is attached at Annexe B.

10. **The Standards, Procedures and Public Appointments Committee recommends that the Model Code of Conduct for Members of Devolved Public Bodies be approved.**

Annexe A: Extract from minutes

4th Meeting 2021 (Session 6), Thursday 7 October 2021

Subordinate legislation: The Committee took evidence on the Model Code of Conduct for Members of Devolved Public Bodies from—

Tom Arthur, Minister for Public Finance, Planning and Community Wealth

John St Clair, Senior Principle Legal Officer and Ian Thomson, Team Leader - Public Bodies Unit, Scottish Government .

Subordinate legislation: Tom Arthur (Minister for Public Finance, Planning and Community Wealth) moved—S6M-01125—That the Standards, Procedures and Public Appointments Committee recommends that the Model Code of Conduct for Members of Devolved Public Bodies be approved.

After debate, the motion was agreed to (by division: For 3, Against 0, Abstentions 2).

Annexe B: Correspondence from the Minister for Public Finance, Planning and Community Wealth

12 October 2021

Dear Martin,

I am writing following on from my evidence session to the Standards Procedures and Public Appointments Committee's consideration of the Model Code of Conduct for Members of Devolved Public Bodies on 7 October 2021.

During my evidence session there were two questions raised by Mr Edward Mountain MSP which I explained I would seek clarity and write to you on.

Firstly, in relation to Category Five: Houses, Land and Buildings, Mr Mountain queried the registration of a members dwellinghouse. While the Code of Conduct for Councillors requires the disclosure of home addresses to prevent conflict of interests regarding planning applications there may not be the same relevance for members of devolved public bodies to declare their home address.

As stated in Section 4 of the Standards Commission Guidance, "The Register is intended to be a public record of those interests which you know you have that might, by their nature, be likely to cause conflicts with your role as a member." The revised Model Code places responsibility on individual board members to determine if they 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 or operation of their public body. If a board member requires to register an interest under category five (in terms of paragraph 4.18 of the Code), they are required to provide their public body's Standards Officer with the full address of the house, land or buildings. However, what will be published on the public body's website or made publicly available does not need to be as detailed.

A board member may also have to declare an interest in a property at a meeting of the public body, if the objective test is met and the interest could be considered as being likely to influence their discussion or decision-making on a particular item under consideration. They would not, however, be required to provide the address of the property when making any such a declaration. It would be sufficient for a member to say, for example, that they were declaring an interest in the next item to be considered as they owned a property in the vicinity.

The Standards Commission will provide supporting guidance and training to Standards Officers within devolved public bodies to clarify these requirements on board members. Therefore, I am satisfied that the risk of confusion is minimal.

The second point Mr Mountain sought an explanation for was over the use of the £25,000 figure in Category Six: Interest in Shares and Securities. This £25,000 figure provides a market value trigger point for registration of interest.

I can confirm the figure of £25,000 is a historic figure which has been included in previous Model Codes and Councillors Codes. The continued use of £25,000 as the trigger point in

the Model Code maintains consistency with the Councillor's Code and with the members codes of the devolved administrations in Northern Ireland and Wales. The use of this figure was not raised as an issue during the working group discussion, the consultation process, or the drafting process of both Codes. Therefore, on this basis the decision to maintain this figure was kept.

I can assure the Committee that if during the course of the revised code issues are raised as to the validity of this figure then steps will be taken to review and amend the Model Code.

Finally, I would like to take this opportunity to correct the record. During the SPPA Committee meeting I claimed that the £25,000 trigger point was consistent with the MSP's Code. However, my comparison was confused with the Councillor's Code. The MSP's Code does not include the £25,000 figure, rather their trigger point is calculated using a percentage of MSP's earnings. Please accept my apologies for any confusion caused.

I hope this response provides the Committee with the assurance sought.

Should members of the Committee wish to read the findings of the consultation in more detail I have provided a link to the Analytical Report - Ethical standards in public life: consultation on Model Code of Conduct for board members of devolved public bodies here: <https://www.gov.scot/isbn/9781802010237>

Yours sincerely,

TOM ARTHUR

Standards, Procedures and Public Appointments Committee

Model Code of Conduct for Members of Devolved Public Bodies, 1st Report 2021 (Session 6)

- 1 [Delegated Powers and Law Reform Committee, Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 21 September 2021](#)
- 2 [Standards, Procedures and Public Appointments Committee, Official Report, 7 October 2021](#)

