

A. Consultation on Proposed Changes to Councillors' Code of Conduct

1 Introduction

- 1.1** The Scottish Government is currently undertaking a consultation on proposed changes to the Councillors' Code of Conduct. The consultation can be accessed at <http://www.gov.scot/Publications/2016/12/5065>
- 1.2** The background to the proposed change is concerns raised by NESTrans about perceived conflicts of interest which could arise where councillor members of Regional Transport Partnerships were also, as members of planning authorities determining applications the RTP had an interest in. In that situation, councillors would have to declare an interest and withdraw from the planning committee or council meeting – whether or not they had been directly involved in the RTP's consideration of the application.

2 Issues

- 2.1** The proposed change would certainly seem to be beneficial to councillor members of RTPs like SEStran. It would, in the normal course, allow such members to take part in both the RTP's consideration of, for example, a major strategic development proposal; and the planning authority's consideration of the technical approval of such a proposal.
- 2.2** Councillor members will be aware that the normal provisions of the Code would continue to apply and that the change is unlikely to give them carte blanche to comment on applications in such a way that, prior to the consideration of a planning application, they have indicated that they have closed their mind on the issue of whether such a development should go ahead or not.
- 2.3** However, the proposed change is in principle advantageous to RTPs as it will allow councillor members from the relevant local authority area to contribute to debates on such proposals and still take part in the subsequent planning application determination. There is a slight concern that the wording of the proposal goes beyond what is strictly necessary, as it refers to 'external organisations' generally, rather than RTPs. That seems to go wider than is necessary to fix the perceived problem.
- 2.4** At its meeting on 17th February, the Performance and Audit Committee agreed to recommend to the Board that SEStran be supportive of the proposed change as regards RTPs, but offer no comment on whether it should be extended to other external bodies.

B. Changes to Constitution of Performance and Audit Committee

3 Introduction

3.1 At its meeting on 2nd December, the Board approved:-

- (i) that the committee's membership be expanded to include a further two non-councillor members;
- (ii) that the committee's quorum be four, with a minimum of two Councillor members;
- (iii) all policy matters should continue to be decided by the Board; and
- (iv) that Councillor members should be allowed one nominated substitute per authority for the Committee.

3.2 As Standing Orders indicate that they can only be changed at the next meeting, the Board is now asked to delegate authority to the Secretary and Legal Adviser to make appropriate changes to Standing Orders to implement that decision.

Recommendations

4 It is recommended that the Board:

4.1 Agree a response to the consultation, on the lines set out at 2.4; and

4.2 Delegate authority to the Secretary and Legal Adviser, in consultation with the Partnership Director and the Chair of the Performance and Audit Committee, to implement changes to Standing Orders to reflect the decision of the Board on 2nd December 2016.

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Policy Implications	None
Financial Implications	None
Equalities Implications	None.
Climate Change Implications	None