

Report to **Appointments, Management and Standards Committee**
Date **25 May 2023**
By **Monitoring Officer**
Title of Report **Review of Member Code of Conduct**
Decision

Recommendation: That the Committee:

- 1. Note the content of the Local Government Association Model Councillor Code of Conduct 2020 as summarised in the report and contained in Appendix 1.**
 - 2. Note the outcome of the review of the Authority’s Member Code of Conduct taking account of the Local Government Association Model Councillor Code of Conduct 2020 as detailed in the report.**
 - 3. Recommend to the Authority that the revised Member Code of Conduct contained in Appendix 2 be approved.**
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1. Introduction

- 1.1 Pursuant to section 27(1) and (2) of the Localism Act 2011, the Authority must promote and maintain high standards of conduct by its Members and must, in particular, adopt a code dealing with the conduct that is expected of Members when they are acting in that capacity. Although not strictly required by law, the Authority has always applied the Member Code of Conduct to its Co-opted Members.
- 1.2 In January 2019, the Committee on Standards in Public Life (“CoSPL”) issued a report entitled *Local Government Ethical Standards – A review by the Committee on Standards in Public Life*. The report contained extensive recommendations and best practice for local authorities, including national park authorities. One of its recommendations was that the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.3 On 15 October 2020, the Authority agreed its position and proposed actions in response to the CoSPL report and adopted the Authority’s current Member Code of Conduct (“the NPA Code”). In agreeing the revised terms of the NPA Code, the Authority also had regard to the Code of Conduct for Board Members of Public Bodies (November 2019) published by the Cabinet Office (“the Cabinet Office Code”) which applies directly to those SDNPA Members who are appointed by the Secretary of State, including Parish nominated Members. The NPA Code incorporates, where appropriate, the provisions of the Cabinet Office Code to ensure consistency in the standards of conduct expected from all Members.
- 1.4 When it approved the NPA Code, the Authority was advised that the Local Government Association was then developing a new model member code of conduct and that, in due course, a further focussed review of the NPA Code would take place to take into account the provisions of the LGA model code. Although the Authority is not obliged to adopt a model code issued by the LGA, it is appropriate for the Authority to have regard to it.

1.5 On 17 May 2021, the LGA issued a final version of its Model Councillor Code of Conduct 2020 (“the Model Code”). A focussed review of the NPA Code taking account of the Model Code has now taken place. The Committee’s Terms of Reference include advising the Authority on the revision or replacement of its Member Code of Conduct and on the review of protocols relevant to ethical standards. This report sets out a number of recommended changes to the NPA Code for the Committee to consider and determine whether to recommend to the Authority.

2. Policy Context

2.1 The NPA Code is a key part of the Authority’s ethical governance framework, and sets the standards expected from Members in their undertaking of National Park Authority duties. It includes provision for the registration and disclosure of pecuniary and other interests, both where this is prescribed by law and where it is considered appropriate for the good governance of the Authority.

3. Issues for consideration

3.1 A focussed review of the NPA Code taking account of the Model Code has been undertaken by Officers and, in summary, it is considered that the Model Code contains very similar provisions to the NPA Code but there are some differences. In some areas, for example in relation to a Member’s own financial interests and gifts and hospitality, it is considered that the NPA Code needs to contain slightly different provisions than the Model Code in order to be consistent with the Cabinet Office Code which is obligatory for the Authority’s Secretary of State appointed Members. With regard to other differences, it is proposed in some cases that changes be made to the NPA Code to reflect the Model Code and, in others, it is not proposed to make any changes, all of which are detailed below.

3.2 Setting aside the issue of the advantages or otherwise of such an approach, some consideration has been given to the likelihood of achieving consensus between the NPA and the local authorities which appoint Members to the Authority to adopting a common member code of conduct. Some research has been undertaken regarding whether these local authorities have adopted the Model Code. Slightly fewer than half of them have adopted the Model Code with a couple of them varying the content in respect of registering and declaring personal interests. Slightly more than half of the local authorities have not adopted the Model Code. Due to the need to be consistent with the Cabinet Office Code, it is not recommended that the NPA adopt the Model Code in its entirety and, taking into account the differences of approach of the local authorities which appoint Members to the Authority, it is considered unlikely that a common code of conduct could be agreed between the NPA and those local authorities.

3.3 The table below sets out the Officers’ considerations in relation to the various (summarised) provisions of the Model Code and contains the Officers’ reasoning where changes are not proposed. In addition, a comparative table of the actual wording of the principles and general conduct obligations (but not the Appendices) contained in the Model Code and the actual wording of the general conduct obligations contained in the NPA Code is attached as **Appendix I**.

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
Initial paras	Statement/Introduction/Definitions/Purpose of Code/The Nolan Principles/General Principles of Councillor Conduct (summarising later general conduct requirements)/Application of Code	Statutory duty/Application of Code/Purpose of Code/The Nolan Principles (same principles with slightly different descriptions)	No change proposed. There is a noteworthy difference relating to the application of the Code to a situation when a

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			Member's actions would give the impression that they are acting as a councillor. It is arguable whether this goes beyond the scope of the legislation.
1	General conduct obligations and guidance relating to treating others with respect	Various provisions requiring Members to treat others with respect	No change proposed. No noteworthy difference between provisions but Model Code contains guidance for this and the following obligations to help explain the reasons for the obligations and how they should be followed.
2	General conduct obligations and guidance relating to not bullying or harassing others, promoting equalities and not discriminating against others	Various provisions requiring Members not to bully or intimidate others, to uphold the law including by not breaching equalities legislation and to promote an inclusive and diverse culture	Change proposed. It is proposed to include specific reference to "harassment" and "acting inappropriately" in Part 1, paragraph 7 of the NPA's Code as this also reflects the Cabinet Office Code.
3	General conduct obligations and guidance relating to not compromising, or attempting to compromise, the impartiality of anyone working for, or on behalf of, the authority	A specific provision prohibiting Members from doing anything which compromises the impartiality of Officers or encouraging Officers to act in a way that would conflict with the Officer Code of Conduct	Change proposed. Although these are comparable provisions, it is proposed to widen provision in the NPA Code to include people working on behalf of the NPA and to include 'attempting to compromise' impartiality.
4	General conduct obligations and guidance relating to treating confidential information confidentially (save in specified circumstances), not improperly	Various provisions prohibiting Members from disclosing confidential information (save in limited circumstances), misusing information gained as a Member	Change proposed. The Model Code extends provision to misuse of information for the

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	using knowledge gained for the advancement of self, friends, family, employer or business interests and not preventing anyone from getting information they are entitled to by law	for personal gain or political purposes and preventing anyone from getting information they are entitled to by law	<p>advancement of others and it is proposed to do the same in the NPA Code.</p> <p>Although the Model Code details the circumstances where confidential information may be disclosed, it is not proposed to make this amendment as the NPA Code requires that, prior to disclosure, consultation should take place with the Monitoring Officer during which these circumstances would be explored.</p>
5	General conduct obligation and guidance relating to not bringing one's role or the authority into disrepute	Provision prohibiting conduct which could reasonably be regarded as bringing the Member's office or the NPA into disrepute	No change proposed as comparable provisions.
6	General conduct obligations and guidance relating to not using one's position improperly to the advantage or disadvantage of self or anyone else	Provision prohibiting using position to confer for self or others an advantage or disadvantage	No change proposed as comparable provisions.
7	General conduct obligations and guidance relating to not misusing authority resources and complying with authority requirements when using/authorising the use of authority resources in particular ensuring they are not used for political purposes unless "use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office"	Provision requiring Members to act in accordance with reasonable requirements when using or authorising use of NPA resources and ensure resources and public funds are safeguarded and not misused including for personal gain or political purposes	No change proposed as comparable provisions. Where the NPA Code prohibits 'misuse' of NPA resources for political purposes, the Model Code begins to explore where resources can be properly used for political purposes but is fairly self-evident and less relevant to the NPA.
8	General conduct obligations and guidance relating to undertaking code of conduct training, co-operating with any code of conduct investigation and/or determination,	Provision requiring Members to behave in accordance with the NPA's policies, schemes, protocols and procedures including complaints procedures	Change proposed. It is proposed to include a requirement for Members to comply

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	not intimidating or attempting to intimidate others involved with the administration of any investigation or proceedings and complying with any sanction imposed	and any processes arising from any complaints and provision. Separate provision prohibiting intimidation of anyone involved with a complaint about the Member	with any sanction imposed following a finding of breach of the NPA Code. It is not proposed to include a requirement to attend code of conduct training as this is provided as part of wider induction training delivered to all Members joining the Authority.
9	General conduct obligations and guidance relating to registering and disclosing interests	Provisions requiring Members to comply with statutory or administrative requirements relating to office and behave in accordance with policies, protocols etc	No change proposed as sufficient provision for this is already made including the express requirements to register and declare interests in Part 2 of the NPA Code.
10	General conduct obligations and guidance relating to accepting and registering gifts (including not accepting any which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour) and hospitality with an estimated value of at least £50 and registering offer of any significant gift or hospitality that is refused	Provision prohibiting seeking or canvassing gifts or hospitality. Requirement to notify Chief Executive within 28 days of any offer and/or receipt of any gifts or hospitality (no value threshold included). Guidance given that Members are responsible for ensuring gifts or hospitality accepted can stand up to public scrutiny and do not bring office or NPA into disrepute for example, where it might reasonably appear to compromise personal judgement or integrity or place Member under an improper obligation	No change proposed as comparable provisions. NPA Code has been drafted to be consistent with Cabinet Office Code.
Appx A	The Seven Principles of Public Life	The Seven Principles of Public Life	No change proposed. Slight difference in descriptions but comparable.
Appx B	Registering Interests – contains statutory requirements to register disclosable pecuniary interests (DPIs).	Registering Interests – contains statutory requirements to register DPIs. Not prescriptive about registering other categories of	Proposed changes and proposed retentions are detailed in

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	<p>Prescriptive about registering other specified personal interests referred to as “Other Registrable Interests”:</p> <ul style="list-style-type: none"> • any unpaid directorships, • membership (or general control or management) of body nominated or appointed to by NPA, • membership (or general control or management) of any body exercising functions of a public nature or charitable body or body whose principal purposes include influencing public opinion or policy (incl political party or trade union). <p>No provision for registering other types of personal interests.</p> <p>Includes a requirement to keep register of interests up-to-date and to notify the MO within 28 days of becoming aware of any new interest, or of any change to a registered interest.</p> <p>Declaring interests – describes legal requirements relating to DPLs. Discretionary provision requiring Member with DPI to leave the room but not allowing Member to speak on matter even if public allowed to speak.</p> <p>A Member has a Non-Registrable Interest where a matter directly relates to or affects the Member’s financial interest or well-being or a financial interest or well-being of a relative or close associate.</p> <p>Distinction drawn between matter ‘directly relating’ to Member’s Registrable Interest or Non-Registrable Interest and matter that simply ‘affects’ the interest. Where matter directly relates to interest, Member must not take part in debate or vote and must withdraw from meeting. Where matter affects Interest, Member must disclose it and consider whether matter affects the financial interest or well-being (of the Member, their relative, close</p>	<p>personal interests but Members must register <u>any</u> personal interests that they consider it appropriate to register.</p> <p>Includes statutory requirement to notify MO of any DPLs within 28 days of becoming a Member (which would include re-appointment as a Member in respect of any new DPLs).</p> <p>Declaring interests – describes legal requirements relating to DPLs. Discretionary provision requiring Member with DPI to leave the room but allowing Member to speak on matter if public allowed to speak.</p> <p>A Member has a personal interest where a decision might reasonably be regarded as affecting the well-being or financial position of the Member, a member of their family or person with whom they have a close association, to a greater extent than the majority of inhabitants of the South Downs National Park.</p> <p>Use of term ‘public service interest’ to describe certain categories of personal interest, those being membership of: a public or charitable body; a body to which Member is appointed by NPA; any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.</p> <p>Where personal interest is financial in nature, Member should not participate in the business being considered and should leave the room (after exercising any right to speak).</p> <p>In cases of all other personal interests including public service interests (other than DPLs), Member required to consider whether the nature of the interest is such that it may, or may be perceived to, conflict with their public duties i.e. whether a member of the public, acting</p>	<p>paragraphs 3.5 – 3.21 below.</p>

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	associate or body included under Other Registrable Interest) to a greater extent that it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect the Member's view of the wider public interest. Where it does, the Member must not take part in discussion or vote and must withdraw from room	reasonably, would consider that the interest might influence their judgement of the public interest and whether they should not participate in the business being considered	
Appx C	Copy of the CoSPL's list of best practice	CoSPL's list of best practice is not included in NPA Code	No change proposed. Listed actions are already undertaken or revised provisions detailed above or are not applicable or (in one case) has been previously rejected by the Authority for the reasons given at the meeting of 15 October 2020.

3.4 There are some notable differences between the Model Code and the NPA Code in relation to registering personal interests in the Authority's Register of Interests and declaring personal interests at meetings. These differences are explored in the following paragraphs.

Registering personal interests

Requirement to register specified personal interests

3.5 Other than the statutorily required disclosable pecuniary interests (DPIs), it is for the authority to determine what is to be entered in its register (s29(2) Localism Act 2011). The Model Code is prescriptive about registering certain categories of other personal interests (unpaid directorships, membership of certain other bodies etc) whereas the NPA Code requires Members to register any personal interests that they consider it appropriate to register.

3.6 It is not proposed to adopt the more prescriptive approach of the Model Code to registering other personal interests as experience to-date has not demonstrated a need for this. Also, the scope of the NPA Code is technically wider as it requires Members to register *any* personal interests that a Member considers it appropriate to register as opposed to the Model Code's exhaustive list of 'other registerable interests'. This is consistent with the Monitoring Officer's legal duty to enter in the Register any interests notified to them by a Member taking office, whether or not they are DPIs (s30(4) of the 2011 Act).

When a Member must update the Register of Interests

- 3.7 In terms of when Members must register interests, the law requires Members to notify the Monitoring Officer of any DPIs within 28 days of becoming a member of the Authority (where a person is re-appointed as a Member, they need only register any DPIs not already entered in the authority's register) and to notify the MO of a previously unregistered DPI within 28 days of the Member disclosing the DPI at a meeting. The Model Code requires a member to keep their register of interests up-to-date and to notify the MO within 28 days of becoming aware of any new interest, or of any change to a registered interest. The NPA Code contains the statutory requirement in relation to registering DPIs.
- 3.8 The Model Code's 28-day notification requirement is manageable because the exhaustive list of other registerable interests is quite short compared with the NPA Code's requirement to register *any* personal interests that the Member considers it appropriate to register. It is sometimes difficult to foresee when some personal interests are relevant to NPA business and it may reasonably not be until a meeting agenda is published or during the course of discussion at a meeting that a Member recognises that they have a personal interest in a matter being considered. They are then required to declare that interest at the meeting.
- 3.9 It is noted that the Cabinet Office Code contains provision for Secretary of State appointed Members that is relevant to this issue, as follows:
- "4.4 It is your responsibility to ensure that you are familiar with the body's rules on handling conflicts of interests, that you comply with these rules and that your entry in the body's public register of members' interests is accurate and up-to-date."*

- 3.10 It is proposed that the NPA Code is amended to include the following wording:

"Without prejudice to the requirements set out above, you should keep your entry in the Register of Interests accurate and up-to-date."

It is considered that this strikes a proportionate balance between ensuring transparency of Members' personal interests, complying with the law, ensuring consistency in the responsibilities of Secretary of State appointed Members and Local Authority appointed Members and not placing an administrative burden upon Members

- 3.11 Finally, it is proposed that the NPA Code be amended to include specific reference in paragraph 22 to the legal requirement for a Member, within 28 calendar days of their re-election or re-appointment to office, to register any DPIs not already entered in the Authority's Register of Interests. The Model Code references this duty (in part) and it is considered that the additional clarification would be helpful for Members.

Declaring personal interests at meetings

Speaking on an issue in which the Member has a DPI

- 3.12 There is a difference between the Model Code and the NPA Code in relation to whether, before leaving the room, a Member with a DPI in a matter may speak on the matter if a member of the public may speak on the issue. The NPA Code allows this whereas the Model Code does not. The law does not prohibit a Member with a DPI from speaking on the matter if a member of the public may speak. It is considered that the Member with the DPI may have particular knowledge on the matter that is relevant to take into account and that, as the NPA Code requires the Member to leave the room after speaking, any dampening effect on free and frank debate is minimised. It is therefore not proposed to adopt the Model Code's position on this matter.

What constitutes a personal interest

- 3.13 There is a difference between the two Codes in relation to what constitutes a personal interest for the purposes of declaration at meetings. The NPA Code includes an additional threshold that must be met i.e. where a decision might reasonably be regarded as affecting the well-being or financial position of the Member, family member or close associate "to a greater extent than the majority of inhabitants of the South Downs National Park". Although the Model Code does not have a similar threshold in respect of declaring personal interests (it does in determining whether, for certain personal interests, a Member should take part in

the discussion and the vote), it is considered appropriate to include it as it is intended to avoid the need for Members to have to declare interests which the majority of inhabitants of the Park similarly have. This would not be relevant to most personal interests (due to the size of the National Park and the number of inhabitants that would comprise the 'majority') but, where it is, it is considered unnecessary for a Member to declare it.

Duty to disclose a personal interest at a meeting

- 3.14 The effect of the various provisions contained in the Model Code is that where a Member has a personal interest in a matter being considered at a meeting, they must declare the interest. Under the NPA Code (paragraph 27), a Member has a personal interest in any business of the Authority where a decision in relation to it:

“...might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or person with whom you have a close association, to a greater extent than the majority of inhabitants of the South Downs National Park. You must disclose a personal interest at a meeting of the Authority, committee or sub-committee, where you consider that interest to be relevant to an item of business being considered at the meeting...”

Having closely considered this wording, it is proposed to remove the subjective assessment of relevance i.e. “where you consider that interest to be relevant” and impose a clear obligation to disclose the personal interest. This removes wording that otherwise might imply that a Member who has a personal interest in an item of business (which itself involves an objective assessment of relevance) may then make the decision that the interest is not relevant to the item of business which would run the risk of being perverse. It is therefore proposed that the following wording replace the second sentence of the extract above:

“...Where you have a **personal interest** in an item of business being considered at a meeting of the Authority, committee or sub-committee, you must disclose the personal interest...”

A Member's own financial Interest that does not amount to a DPI

- 3.15 Paragraph 28 of the NPA Code currently makes provision for personal interests that are 'financial in nature', requiring that Members with such personal interests not to participate in the business being considered and to leave the room. This provision was added to the NPA Code in October 2020 in order to reflect provision in the Cabinet Office Code. Experience since this provision was introduced has indicated that the current description of this type of interest could be interpreted more widely than the provision contained in the Cabinet Office Code which the NPA intended to reflect. Consequently, it is proposed to amend this wording to use the actual wording in the Cabinet Office Code i.e. matters in which “you have a financial interest” which will clarify that the provision relates to the Member's own financial interests.

The Model Code's more prescriptive approach to when a Member may not participate in an item of business

- 3.16 The distinction drawn in the Model Code between a matter 'directly relating' to a Member's personal interest and a matter that simply 'affects' the interest is a way of being more prescriptive in determining when a Member may not participate in business in which they have a personal interest. In the NPA Code, as explained above, it is proposed that where a Member has a financial interest, they should not participate in the business being considered and should leave the room. This is prescriptive and mirrors the Cabinet Office Code. Otherwise, in respect of personal interests that are not DPIs and are not the Member's own financial interests, it is proposed to maintain the status quo whereby it is for the Member to consider whether the nature of their interest is such that it may, or may be perceived to, conflict with their public duties and whether they should not participate in the business being considered. Experience to-date has not indicated a need to change the current practice.

Public Service Interests

- 3.17 The NPA Code identifies a particular type of personal interest that Members commonly have relating to their membership of public or charitable bodies; bodies to which they have been appointed by the Authority; political parties, trade unions or other bodies one of whose principal purposes is to influence public opinion or policy. The NPA Code calls these “public service interests” and Members are very familiar with this term. There is a presumption in the NPA Code that these types of interest will not normally affect the Member’s ability to participate in discussion and vote on a matter, however it is recognised that this will depend upon individual circumstances and advice should be sought where the nature of the interest could amount to a DPI or a financial interest of the Member or may conflict/be perceived to conflict with the Member’s public duties.
- 3.18 The Model Code also identifies particular categories of personal interest that relate to membership of or being in a position of general control or management of: bodies that the authority has nominated or appointed the Member to; public or charitable bodies; or bodies one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union). The Model Code calls these “Other Registrable Interests”. The wording used by the Model Code is slightly wider in scope than the NPA Code as it includes ‘general control or management’ of such bodies which could apply without actual ‘membership’. There is also an additional category included in the Other Registrable Interests in the Model Code, that being “any unpaid directorships”.
- 3.19 It is not proposed to adopt the slightly wider definition of ‘general control or management’ of the bodies falling within the NPA Code’s definition of ‘public service interest’ nor to include unpaid directorships as it is considered that such changes would not be likely to result in a change of outcome for NPA Members as it is not proposed to require registration of these categories of interests. Under the NPA Code, if such a position was relevant to an item of business being considered at a meeting to the extent that the Member was required to disclose it as a personal interest, they would then have to consider whether the nature of the interest was such that it may, or may be perceived to, conflict with their public duties and whether they should not participate in the business being considered. This would be the same outcome whether or not the interest falls within the definition of a public service interest.
- 3.20 It is however proposed, for clarity, to re-order the paragraph in the NPA Code that refers to public service interests so that it starts with the meaning of a public service interest and a clear statement that it is a type of personal interest. It is also proposed to amend the wording relating to disclosing public service interests at meetings of the Authority or its committees in order to reflect the changes proposed in paragraph 3.14 above. Similarly, it is proposed to amend the reference to a “personal interest that is financial in nature” to be consistent with the change proposed in paragraph 3.15 above.
- 3.21 Again for clarity, it is proposed to re-order some of the other paragraphs in the NPA Code and highlight some additional words in bold.
- 3.22 The NPA Code containing the proposed changes is attached at **Appendix 2**. The proposed new wording has been highlighted in yellow.
- 3.23 Finally, although the guidance issued by the LGA to accompany the Model Code is not directly relevant to the NPA Code, there are sufficient similarities in many of the respective provisions (including with the proposed changes to the NPA Code), as described above, that the LGA guidance may be a helpful source for Members to refer to in their own considerations in respect of matters covered by the NPA Code.
- 4. Options & cost implications**
- 4.1 An alternative option would be to adopt the Model Code in its entirety. However, this is not the recommended approach due to both the need to be consistent with the Cabinet Office Code for the reasons set out in the report and it being considered that some of the provisions of the Model Code are not preferable for the reasons set out in the report.

5. Next steps

- 5.1 If the Committee resolves to recommend that the Authority approves the revised Member Code of Conduct contained in Appendix 2, a report will be taken to the next meeting of the Authority for approval.

6. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes, the Committee's recommendations will be considered by the full Authority at its Annual General Meeting in July 2023.
Does the proposal raise any Resource implications?	None directly arising from this report.
How does the proposal represent Value for Money?	The Member Code of Conduct is a key part of the organisation's governance framework, the effective operation of which contributes to the effective running of the organisation
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Up to date governance procedures and robust arrangements to ensure high standards of conduct in decision making indirectly support the delivery of all PMP and Corporate Plan objectives.
Links to other projects or partner organisations	The Code of Conduct for Board Members of Public Bodies published by the Cabinet Office (June 2019) applies directly to those SDNPA Members who are appointed by the Secretary of State, including Parish nominated Members. Where appropriate, the provisions of the Cabinet Office Code have been incorporated into the Authority's Member Code of Conduct to ensure consistency in the standards of conduct expected from all Members.
How does this decision contribute to the Authority's climate change objectives	Not applicable.
Are there any Social Value implications arising from the proposal?	Not applicable.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes. There are no equalities implications arising from the review of the Member Code of Conduct. The Code applies equally to all Members (including Co-opted Members) and the associated processes connected to the Code are accessible to all.
Are there any Human Rights implications arising from the proposal?	The NPA Code applies to all Members (including Co-opted Members) when acting in their role as a member of the Authority. The Code does not apply to a Member in their private life and it is not considered that the Code interferes with any person's human rights.
Are there any Crime & Disorder implications arising from the proposal?	The NPA Code requires Members to uphold the law when acting in their role as a member of the Authority.

Implication	Yes*/No
Are there any Health & Safety implications arising from the proposal?	The NPA Code requires Members to promote an open, transparent and safe working environment within the Authority where individuals feel able to speak up and raise concerns. In addition, amendments are being proposed to strengthen the existing prohibitions on bullying and intimidatory conduct to include prohibitions on harassment and inappropriate conduct. The NPA Code requires Members to register personal interests but, where disclosure of the details of an interest could lead to the Member or a person connected with them being subject to violence or intimidation, there is statutory provision which enables the Member and the Monitoring Officer to determine that the interest is sensitive and to withhold details of the interest from any published version of the Register of Interests.
Are there any Data Protection implications?	The NPA Code requires the registration of Members' personal interests which are published. This is done in accordance with the Localism Act 2011 and there is statutory provision which enables a Member and the Monitoring Officer to determine that an interest is sensitive and to withhold details of the interest from any published version of the Register of Interests.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The report contributes to principle 4 of the Sustainability Strategy; Promoting good governance.

7. Risks Associated with the Proposed Decision

- 7.1 Failure to have a robust and up to date Code of Conduct increases the risk of reputational harm for both the Authority and its Members. This report mitigates this risk.

LOUISE READ

Monitoring Officer

South Downs National Park Authority

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Appendices

1. Comparative Table of Principles and General Conduct Obligations Contained in LGA Model Code and SDNPA's Member Code of Conduct
2. SDNPA Member Code of Conduct with proposed new wording highlighted in yellow

SDNPA Consultees Chief Executive; Head of Governance; Chief Finance Officer.

External Consultees None

Background Documents (1) Local Government Association Model Councillor Code of Conduct 2020:

[Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

(2) Committee on Standards in Public Life report *Local Government Ethical Standards – A review by the Committee on Standards in Public Life* – January 2019:

[Local government ethical standards: report - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/782222/local-government-ethical-standards-report-2019.pdf)
(www.gov.uk)

(3) Code of Conduct for Board Members of Public Bodies June 2019
– published by the Cabinet Office:

[Code of conduct for board members of public bodies - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/782222/code-of-conduct-for-board-members-of-public-bodies-2019.pdf)
(www.gov.uk)

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
General Principles	General Obligations
I act with integrity and honesty	You should at all times act in good faith and in the best interests of the Authority. You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively
I act lawfully	You must uphold the law including by not doing anything which may cause the Authority to breach Equalities Legislation
I treat all persons fairly and with respect	<p>You must treat others with respect</p> <p>You will treat all officers employed by the Authority with courtesy and respect and not ask or encourage officers to act in a way that would conflict with the Officer Code of Conduct. You must not do anything which compromises the impartiality of the Authority's Officers.</p> <p>You should at all times act in good faith and in the best interests of the Authority. You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively</p>
I lead by example and act in a way that secures public confidence in the role of councillor	You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute
I impartially exercise my responsibilities in the interests of the local community	You must exercise proper discretion on matters directly related to the work of the Authority and recognise that certain political activities may be incompatible with your role as an Authority Member. In your role as an Authority Member you should be even handed in all dealings with political parties
I do not improperly seek to confer an advantage, or disadvantage, on any person	You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage
I avoid conflicts of interest	You must exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
I exercise reasonable care and diligence	<p>When reaching decisions, you must have regard to relevant advice from the Authority’s Officers, give reasons for decisions and ensure that the Authority uses its resources efficiently, economically and effectively</p> <p>You should behave in accordance with the Authority’s policies, schemes, protocols and procedures including the procedures for handling complaints against Members and any processes arising from any such complaints</p>
I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest	You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority’s reasonable requirements. You must ensure that the Authority’s resources and public funds are safeguarded and are not misused including for personal gain or for political purposes.

Standards of Councillor Conduct – General conduct (guidance highlighted in green)	General Obligations
<p>Respect</p> <p>As a councillor:</p> <p>1.1 I treat other councillors and members of the public with respect.</p> <p>1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.</p> <p>Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.</p> <p>In your contact with the public, you should treat them politely and courteously. Rude and</p>	<p>You must treat others with respect</p> <p>You will treat all officers employed by the Authority with courtesy and respect and not ask or encourage officers to act in a way that would conflict with the Officer Code of Conduct. You must not do anything which compromises the impartiality of the Authority’s Officers.</p> <p>You should at all times act in good faith and in the best interests of the Authority. You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>offensive behaviour lowers the public's expectations and confidence in councillors.</p> <p>In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol</p>	
<p>Bullying, harassment and discrimination</p> <p>As a councillor:</p> <p>2.1 I do not bully any person. 2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.</p> <p>The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.</p> <p>The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications</p> <p>and Page 5 of 16 Approved 3rd 12.2020 Updated 19 January and 17 May 2021 contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.</p>	<p>You must not bully any person.</p> <p>You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.</p> <p>You must uphold the law including by not doing anything which may cause the Authority to breach Equalities Legislation.</p> <p>You should promote an inclusive and diverse culture in the Authority and your actions should help create an environment where different perspectives and backgrounds are encouraged and valued.</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.</p>	
<p>Impartiality of officers of the council</p> <p>As a councillor: 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.</p> <p>Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.</p>	<p>You will treat all officers employed by the Authority with courtesy and respect and not ask or encourage officers to act in a way that would conflict with the Officer Code of Conduct. You must not do anything which compromises the impartiality of the Authority's Officers.</p>
<p>Confidentiality and access to information</p> <p>As a councillor: 4.1 I do not disclose information:</p> <ul style="list-style-type: none"> a. given to me in confidence by anyone b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless 	<p>You must not disclose confidential information or information provided in confidence except in limited circumstances permitted by law and any such disclosure should only take place following consultation with the Authority's Monitoring Officer.</p> <p>You must not misuse information gained in the course of performing your role as a Member of</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>i. I have received the consent of a person authorised to give it;</p> <p>ii. I am required by law to do so;</p> <p>iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or</p> <p>iv. the disclosure is:</p> <ol style="list-style-type: none"> 1. reasonable and in the public interest; and 2. made in good faith and in compliance with the reasonable requirements of the local authority; and 3. I have consulted the Monitoring Officer prior to its release. <p>4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.</p> <p>4.3 I do not prevent anyone from getting information that they are entitled to by law.</p> <p>Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.</p>	<p>the Authority for personal gain or political purposes.</p> <p>You must not prevent a person from gaining access to information to which they are entitled.</p>
<p>Disrepute</p> <p>As a councillor:</p> <p>5.1 I do not bring my role or local authority into disrepute.</p>	<p>You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.</p> <p>You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.</p>	
<p>Use of position</p> <p>As a councillor: 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.</p> <p>Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.</p>	<p>You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.</p>
<p>Use of local authority resources and facilities</p> <p>As a councillor: 7.1 I do not misuse council resources.</p> <p>7.2 I will, when using the resources of the local authority or authorising their use by others:</p> <ul style="list-style-type: none"> a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or 	<p>You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements. You must ensure that the Authority's resources and public funds are safeguarded and are not misused including for personal gain or for political purposes.</p>

Comparative Table of Principles and General Conduct Obligations

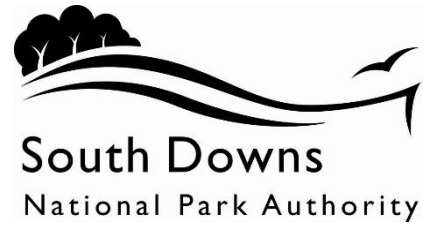
LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.</p> <p>You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • office support • stationery • equipment such as phones, and computers • transport • access and use of local authority buildings and rooms. <p>These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority’s own policies regarding their use.</p>	
<p>Complying with the Code of Conduct</p> <p>As a Councillor:</p> <p>8.1 I undertake Code of Conduct training provided by my local authority.</p> <p>8.2 I cooperate with any Code of Conduct investigation and/or determination.</p> <p>8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.</p> <p>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</p> <p>It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority’s processes</p>	<p>You should behave in accordance with the Authority’s policies, schemes, protocols and procedures including the procedures for handling complaints against Members and any processes arising from any such complaints.</p> <p>You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p>in handling a complaint you should raise this with your Monitoring Officer.</p>	
<p>Protecting your reputation and the reputation of the local authority</p> <p>Interests</p> <p>As a councillor: 9.1 I register and disclose my interests.</p> <p>Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .</p> <p>You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.</p> <p>You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.</p> <p>Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.</p>	<p>You must comply with any statutory or administrative requirements relating to your office.</p> <p>You should behave in accordance with the Authority’s policies, schemes, protocols and procedures including the procedures for handling complaints against Members and any processes arising from any such complaints.</p>

Comparative Table of Principles and General Conduct Obligations

LGA Model Councillor Code of Conduct	SDNPA Member Code of Conduct
<p data-bbox="204 309 448 338">Gifts and hospitality</p> <p data-bbox="204 376 389 405">As a councillor:</p> <p data-bbox="204 416 767 730">10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</p> <p data-bbox="204 775 767 871">10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</p> <p data-bbox="204 916 767 1012">10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.</p> <p data-bbox="204 1057 783 1729">In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.</p>	<p data-bbox="810 309 1385 871">You must never seek or canvass gifts or hospitality. You are required, within 28 days to notify the Chief Executive or his delegate in writing of any offer and/or receipt of any gifts or hospitality. Where the offer of a gift or hospitality is accepted this will be recorded on the Authority's appropriate register. You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring your office or the Authority into disrepute for example, where a gift or hospitality might reasonably appear to compromise your personal judgement or integrity or place you under an improper obligation.</p>



South Downs National Park Authority

MEMBER CODE OF CONDUCT

Review Date *to be updated*
Responsibility Monitoring Officer
Date Approved March 2016
Approved at SDNPA Authority meeting
Updated on 15 October 2020
Additional date to be added if approved

Member Code of Conduct

This Code is adopted pursuant to the Authority's statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Authority. It applies to all members and co-opted members, when acting in their role as a member or co-opted member of the Authority.

This Code is not intended to be an exhaustive list of all the obligations placed on members and co-opted members of this Authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

This Code is based on and consistent with the following principles which, although not forming part of the obligations of the Code, you should have regard to as they will help you to comply with the Code:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Part I: General obligations of members and co-opted members

1. You should at all times act in good faith and in the best interests of the Authority. You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively.
2. You should behave in accordance with the Authority's policies, schemes, protocols and procedures including the procedures for handling complaints against Members and any processes arising from any such complaints. You should comply with any sanction imposed following a finding that you have breached this Code.
3. You must comply with any statutory or administrative requirements relating to your office.
4. You must treat others with respect.
5. You must uphold the law including by not doing anything which may cause the Authority to breach Equalities Legislation.
6. You should promote an inclusive and diverse culture in the Authority and your actions should help create an environment where different perspectives and backgrounds are encouraged and valued.
7. You must not harass, bully or act inappropriately towards any person.
8. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
9. You will treat all officers employed by the Authority with courtesy and respect and not ask or encourage officers to act in a way that would conflict with the Officer Code of Conduct. You must not do anything which compromises, or attempts to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.
10. You must not misuse information gained in the course of performing your role as a Member of the Authority for personal gain, the advancement of others or political purposes.
11. You must not disclose confidential information or information provided in confidence except in limited circumstances permitted by law and any such disclosure should only take place following consultation with the Authority's Monitoring Officer.
12. You must not prevent a person from gaining access to information to which they are entitled.
13. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
14. Where any personal social media accounts used by you make reference or link to your public role, you should take care to ensure that it is clear in what capacity you are acting.
15. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
16. You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements. You must ensure that the Authority's resources and public funds are safeguarded and are not misused including for personal gain or for political purposes.
17. You must have regard to the Code of Recommended Practice on Local Authority Publicity.

18. When reaching decisions, you must have regard to relevant advice from the Authority's Officers, give reasons for decisions and ensure that the Authority uses its resources efficiently, economically and effectively.
19. You must exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
20. You must exercise proper discretion on matters directly related to the work of the Authority and recognise that certain political activities may be incompatible with your role as an Authority Member. In your role as an Authority Member you should be even handed in all dealings with political parties.
21. You should promote an open, transparent and safe working environment within the Authority where individuals feel able to speak up and raise concerns, and complaints procedures are clearly communicated.

Part 2: Registration and Disclosure of Interests

22. You must, within 28 calendar days of becoming a member or co-opted member, notify the Authority's Monitoring Officer of any **disclosable pecuniary interest** as set out in Part 3 of the Code, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of a person with whom you are living as if you are a married couple or civil partners, and where you are aware that that other person has that interest. **Where you become a member or co-opted member as a result of re-election or re-appointment, the duty to notify the Authority's Monitoring Officer applies only as regards disclosable pecuniary interests not entered in the Authority's Register of Interests when the notification is given.**
23. Where a **disclosable pecuniary interest** has not been entered in the Register of Interests, and it is a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee at which you are present, you must disclose the interest to the meeting, except where the matter is a 'sensitive interest'.¹ Where the interest is a 'sensitive interest', you must disclose merely *the fact that you have a disclosable pecuniary interest in the matter concerned.*
24. Where you have a **disclosable pecuniary interest** in any matter being considered at a meeting of the Authority, committee or sub-committee, you must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless you have obtained a dispensation from the Appointments, Management and Standards Committee. However, this does not prevent you from making representations on the matter to the meeting, in accordance with the Authority's public speaking procedures, provided that you withdraw from the room when those representations are concluded and before any discussion or vote takes place.
25. Following any disclosure of a **disclosable pecuniary interest** not on the Authority's Register of Interests maintained by the Authority's Monitoring Officer, nor the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
26. You must never seek or canvass **gifts or hospitality**. You are required, within 28 days to notify the Chief Executive or his delegate in writing of any offer and/or receipt of any gifts or hospitality. Where the offer of a gift or hospitality is accepted this will be recorded on the

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Authority's appropriate register. You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring your office or the Authority into disrepute for example, where a gift or hospitality might reasonably appear to compromise your personal judgement or integrity or place you under an improper obligation.

27. Without prejudice to the requirements set out above, you must, in addition, notify the Authority's Monitoring Officer of any **personal interest** you consider it appropriate to be entered on the Register of Interests.
28. Without prejudice to the requirements set out above, you should keep your entry in the Register of Interests accurate and up-to-date.
29. Where you have a **personal interest** in an item of business being considered at a meeting of the Authority, committee or sub-committee, you must disclose the personal interest. The disclosure shall be made at the commencement of the meeting or when the interest becomes apparent and shall be recorded in the minutes of the meeting. You have a personal interest in any business of the Authority where a decision in relation to it **might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or person with whom you have a close association, to a greater extent than the majority of inhabitants of the South Downs National Park.**
30. Disclosure of a **personal interest** does not necessarily affect your ability to participate in discussion or vote on the relevant item. This will depend upon your individual circumstances. If the personal interest amounts to a disclosable pecuniary interest, the provisions above apply. If you have a **financial interest (not amounting to a disclosable pecuniary interest)**, you should not participate in the business being considered, you should leave the room after exercising any right to speak which a member of the public would have (should you wish to do so). In respect of **all other personal interests**, you will need to **consider whether the nature of the interest is such that it may, or may be perceived to, conflict with your public duties** (with regard to the latter you should ask yourself whether a member of the public, acting reasonably, would consider that the interest might influence your judgement of the public interest). If you consider, having taken advice in appropriate circumstances, that you should not participate in the business being considered, you should leave the room after exercising any right to speak which a member of the public would have (should you wish to do so).
31. A **public service interest** is a **type** of personal interest involving membership of any of the following: a public or charitable body, a body to which you have been appointed by the Authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy. **As with other personal interests, if you have a public service interest in an item of business being considered at a meeting of the Authority, committee or sub-committee, you must disclose the public service interest.** The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting. Disclosure of a public service interest does not normally affect your ability to participate in discussion or vote on the relevant item, but this will depend on the individual circumstances and advice should be sought where the nature of the interest is such that it could amount to a disclosable pecuniary interest or **a financial interest of yours** or may, or may be perceived to, conflict with your public duties.

Part 3: Disclosable Pecuniary Interests

- I. The terms below have the meanings given—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of [a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union];

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of the Authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule below:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

- Licences Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- Corporate tenancies Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.
- Securities Any beneficial interest in securities of a body where—
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Adopted by the South Downs National Park Authority
Date: 24 March 2016