

Report to **South Downs National Park Authority**
Date **25 May 2023**
By **Monitoring Officer**
Title of Report **Review of Member Code of Conduct**
Decision

Recommendation: That the Authority:

- 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. Approve the revised Member Code of Conduct contained in Appendix 2 and delegate authority to the Chief Executive to publicise the revised Code in such manner as he considers is likely to bring it to the attention of people who live in the South Downs National Park.**
-

I. Introduction

- I.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.
- I.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.
- I.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.
- I.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 and a number of changes to the NPA Code are proposed as a result. The Appointments, Management and Standards 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. The Committee considered this report at its meeting on 25 May 2023 and resolved to recommend to the Authority that the revised Member Code of Conduct contained in Appendix 2 be approved.

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	Statutory duty/Application of Code/Purpose of Code/The	No change proposed. There is a

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
	Principles/General Principles of Councillor Conduct (summarising later general conduct requirements)/Application of Code	Nolan Principles (same principles with slightly different descriptions)	Noteworthy difference relating to the application of the Code to a situation when a 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.

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
4	General conduct obligations and guidance relating to treating confidential information confidentially (save in specified circumstances), not improperly 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	Various provisions prohibiting Members from disclosing confidential information (save in limited circumstances), misusing information gained as a Member for personal gain or political purposes and preventing anyone from getting information they are entitled to by law	<p>Change proposed. The Model Code extends provision to misuse of information for the 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.

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
8	General conduct obligations and guidance relating to undertaking code of conduct training, co-operating with any code of conduct investigation and/or determination, not intimidating or attempting to intimidate others involved with the administration of any investigation or proceedings and complying with any sanction imposed	Provision requiring Members to behave in accordance with the NPA's policies, schemes, protocols and procedures including complaints procedures and any processes arising from any complaints and provision. Separate provision prohibiting intimidation of anyone involved with a complaint about the Member	<p>Change proposed. It is proposed to include a requirement for Members to comply with any sanction imposed following a finding of breach of the NPA Code.</p> <p>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.</p>
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.

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
Appx B	<p>Registering Interests – contains statutory requirements to register disclosable pecuniary interests (DPIs).</p> <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 DPIs. 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</p>	<p>Registering Interests – contains statutory requirements to register DPIs.</p> <p>Not prescriptive about registering other categories of 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 DPIs within 28 days of becoming a Member (which would include re-appointment as a Member in respect of any new DPIs).</p> <p>Declaring interests – describes legal requirements relating to DPIs. 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 DPIs),</p>	<p>Proposed changes and proposed retentions are detailed in paragraphs 3.5 – 3.21 below.</p>

LGA Model Code para no.	Summary of LGA Model Code Provision	Equivalent SDNPA Member Code of Conduct Provision	Proposed Change?
	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 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	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 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 Authority resolves to approve the revised Member Code of Conduct contained in Appendix 2, it is recommended that authority be delegated to the Chief Executive to publicise the revised Code in such manner as he considers is likely to bring it to the attention of people who live in the South Downs National Park (in accordance with the Authority’s duty under section 28(12) of the Localism Act 2011 to publicise any revision to its Member Code of Conduct).
- 5.2 Members requiring advice on anything arising from the Member Code of Conduct should contact the Monitoring Officer.

6. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
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.

Implication	Yes*/No
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.
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

Contact Officer: Louise Read, Monitoring Officer

Tel: 0370 779 5645

Email: louise.read@hants.gov.uk

Appendices I. 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 <i>Local Government Ethical Standards – A review by the Committee on Standards in Public Life – January 2019</i> : Local government ethical standards: report - GOV.UK (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 (www.gov.uk)

