



# MEMBERS CODE OF CONDUCT

## PART 1 GENERAL PROVISIONS

### Introduction: Public Duty and Private Interests

- 1.1 This Members Code of Conduct (“this Code”) applies to you as a Member or a co-opted Member of Dartmoor National Park Authority (“the Authority”).
- 1.2 When acting in your capacity as a Member or co-opted Member of the Authority you should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal judgment, Respect for others, Duty to uphold the law, Stewardship and Leadership.
- 1.3 When acting in your capacity as a Member or co-opted Member of the Authority –
  - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, a close associate or relevant person;
  - (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - (c) you must make all choices when carrying out your public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
  - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;

(e) you must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority or contained in its Standing Orders;

(f) you must declare any disclosable pecuniary interest or personal interest that relates to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;

(g) you must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Authority's reasonable requirements;

(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code adopted by the Authority;

(i) you must promote and support, by leadership and example, high standards of conduct when serving in your public post, in particular as characterised by the above requirements.

- 1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 You should do nothing as a Member which you could not justify to the public.
- 1.6 The reputation of the Authority depends on your conduct and what the public believes about your conduct.
- 1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 1.8 It is your responsibility to comply with the provisions of this Code.

## DEFINITIONS

2. In this Code –

**“pecuniary interest”** means the matters prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made by the Secretary of State pursuant to section 30(3) of the Localism Act 2011, set out at paragraph 7.1 below

**“personal interest”** means where a decision in relation to any business of the Authority would be regarded by a reasonable person with knowledge of the relevant facts as affecting your well-being or financial position, or the well-being or financial position of a relevant person, to a greater extent than the majority of residents or inhabitants in the National Park

**“registerable interest”** means the matters specified at paragraph 8.1 below

**“meeting”** means any meeting:

- of the Authority
- of the Authority’s Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees
- of one or more Members (with or without officers) relating to the discharge of the Authority’s functions, where a formal record of meeting is taken by an officer

**“member of your family”** means:

- your partner (i.e. your spouse, civil partner, someone you live with in a similar capacity);
- your parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner;
- your brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece

**and** the partners of any of these persons.

**“relevant person”** means:

- any member of your family;
- any of your close associates;
- any person or body with whom you, a member of your family, or a close associate has a financial interest or a contractual relationship, including by employment

- any body of which you are in a position of general control or management  
“**close associate**” means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage.

“**the Register**” means the Authority’s Register of Members’ Interests

“**well-being**” means your general sense of contentment and quality of life

### Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:
  - (a) you are engaged on the business of the Authority; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Authority.

### General Obligations

4. You **must** –
  - (a) treat others with courtesy and respect,
  - (b) when reaching a decision on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Authority.
5. You **must not** –
  - (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
  - (b) do anything which may cause the Authority to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
  - (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an

individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);

- (d) intimidate or attempt to intimidate any person who is or is likely to be –
- (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings
- in relation to an allegation that any Member has failed to comply with this Code; or
- (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;
- (f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - in the public interest; and
    - made in good faith; and
    - in compliance with the reasonable requirements of the Authority;
- (g) prevent another person from gaining access to information to which that person is entitled by law;
- (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Authority into disrepute.

## **PART 2 INTERESTS**

### **Registration of Interests**

6.1 You must, within 28 days of—

- (a) this Code being adopted by the Authority; or
- (b) your appointment as a Member or co-opted Member of the Authority

whichever is later, provide written notification to the Authority's Monitoring Officer of:

- (i) any pecuniary interest; and
- (ii) any registerable interest

which will be recorded in the Register and made available for public inspection, including on the Authority's website

6.2 Within 28 days of becoming aware of any new pecuniary interest or registerable interest, or any change to any such interest already registered, you must register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.

6.3 If a pecuniary interest or registerable interest has not been entered onto the Authority's register, then you must disclose that interest to any meeting at which you are present, unless the matter is a 'sensitive interest'

6.4 Following any disclosure of a pecuniary interest or registerable interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

## Pecuniary Interests

7.1 The pecuniary interests you **must** register, as required by law, are prescribed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<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 by you or a relevant person
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 you in carrying out your duties as a Member, or towards your election expenses. 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 you or a relevant person (or a body in which you or a 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 held by you or a relevant person in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) held by you or a relevant person to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which you or a relevant person has a beneficial interest.
Securities	Any beneficial interest that you or a relevant person have in securities of a body where— (a) that body (to your 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.

7.2 The following definitions, as set out in the Relevant Authorities (Disposable Pecuniary Interests) Regulations 2012, shall apply for the purposes of paragraph 7.1 (but only for that paragraph) :

*“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 an industrial and provident society;

*“land”* includes an easement, servitude, interest, or right 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;

*“relevant authority”* means the authority of which you are a member;

*“relevant person”* means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners;

*“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.

7.3 Where you have a **pecuniary** interest in any matter to be considered at a meeting :

- (a) you must not seek to influence improperly a decision about that matter
- (b) you must not participate in any discussion of that matter, participate in any vote taken on that matter, or discharge any function in relation to that matter, unless you have obtained a dispensation from the Authority’s Monitoring Officer
- (c) you must withdraw from the room or chamber where a meeting considering the matter is being held, at the commencement of the consideration of that matter at that meeting unless a dispensation has been granted

## **Registerable Interests**

8.1 The other interests you **must** register are those matters specified by the Authority in this Code, namely:

- (a) your membership in a position of general management or control of any body:



- (i) exercising functions of a public nature; or directed to charitable purposes; or
  - (ii) whose principal purposes include influence of public opinion or policy
- (b) your membership of any other local Authority
  - (c) your membership of any political party or trade union
  - (d) your membership of the United Grand Lodge of England (freemasons)
  - (e) any gift or hospitality you have received in the past 12 months in your capacity as a Member with an estimated value exceeding £50;

8.2 Where you have a **registerable** interest in any business:

- (a) you must not seek to influence improperly a decision about that business
- (b) you must disclose to any meeting that you attend at which that business is to be considered the existence and nature of that interest
- (c) You must disclose the registerable interest in accordance with the Authority's reasonable requirements, and no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you.

## **Personal Interests**

9.1 You have a personal interest in any business of the Authority where a decision in relation to that business would be regarded by a reasonable person with knowledge of the relevant facts as affecting your well-being or financial position, or the well-being or financial position of a relevant person, to a greater extent than the majority of residents or inhabitants in the National Park

9.2 Where you have a **personal** interest in any business:

- (a) you must not seek to influence improperly a decision about that business
- (b) you must disclose to any meeting that you attend at which that business is to be considered the existence and nature of that interest

- (c) You must disclose the personal interest in accordance with the Authority's reasonable requirements, and no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you
- (d) If the interest is one which a reasonable person with knowledge of the relevant facts would regard as so significant that it is likely to prejudice your judgement of the public interest, you should withdraw from the room or chamber where a meeting considering the business is being held, at the commencement of the consideration of that business at that meeting, unless you have obtained a dispensation from the Authority's Monitoring Officer

### **Sensitive Interests**

- 10.1 Where a Member believes and the Authority's Monitoring Officer also considers that the nature of an interest is such that the disclosure of the details of the interest could lead to the member or a person connected with the member being subject to violence or intimidation, the Monitoring Officer shall ensure that any publicly available copy of the Register does not include details of the interest (although it may state that the member has an interest the details of which have been withheld)
- 10.2 In the event that a Member is required to declare at a meeting a pecuniary interest or a personal interest that is also a sensitive interest within the meaning of paragraph 10.1 above, it shall be sufficient that the Member discloses the fact of having a pecuniary interest or personal interest.
- 10.3 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Authority's Monitoring Officer so that the information may be included in the Register.