

MEMBERS' CODE OF CONDUCT

Part 1 General provisions

Introduction and interpretation

1. (1) This Code applies to you as a Member of The Peak District National Park Authority ('the Authority')
- (2) You should behave in a way consistent with the following general principles prescribed in Section 28 of the Localism Act 2011 ('the Act'). These are set out in the annex to this code.
- (3) You must comply with the provisions of this Code.
- (4) In this Code—
 - "interest" means a pecuniary or other interest required to be notified under this Code
 - "meeting" means any meeting of—
 - (a) the Authority;
 - (b) any of the Authority's committees, sub-committees, joint committees, joint sub-committees;
 - "member" includes a co-opted member, an elected member and an appointed member.
 - "register of interests" means the Authority's register of members' interests maintained under Section 29 (1) of the Act.

Scope

2. (1) You must comply with this Code whenever you are acting in your official capacity as a member of the Authority including:
 - (a) at formal meetings of the Authority, its Committees and Sub-Committees;
 - (b) when acting as a representative of the Authority including outside bodies;
 - (c) in discharging your functions as a member including task teams and scrutiny working group;
 - (d) at briefing meetings with officers;
 - (e) at site visits;
 - (f) when corresponding with the Authority other than in a private capacity.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause the Authority to breach any of the equality laws;
 - (b) bully or harass any person;
 - (c) intimidate or improperly influence, or attempt to intimidate or improperly influence 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 a member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Examples of bullying behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

4. You must not—

- (a) 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—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

6. You—
 - (a) 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; and
 - (b) must, when using or authorising the use by others of the resources of the Authority—
 - (i) act in accordance with the Authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.

7. (1) You must exercise your own independent judgement, when taking decisions —
 - (a) attaching appropriate weight to all relevant considerations;
 - (b) paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and;
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent.

8. (1) You must
 - (a) comply in full with Parts 1-4 of the Code.
 - (b) comply with any formal standards investigation where it is alleged that there has been a breach of the Code.
 - (c) not seek to disrupt standards investigations by, for example, not responding to requests for information, clarification or comment in a timely way, or refusing to confirm attendance at a standards hearing.
 - (d) not misuse the standards process by, for example, making trivial or malicious allegations against another Authority Member for the purposes of personal or political gain.

Part 2 - Disclosable pecuniary interests – under the Act

This part explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction.

Notification of disclosable pecuniary interests

9. Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

10. A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:
(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you

and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>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.</i>
<i>Contracts</i>	<i>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.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>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.</i>
<i>Securities</i>	<i>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</i>

that class.

These descriptions on interests are subject to the following definitions;

“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 an industrial and provident society;

“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 a relevant 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.

Register of interests

11. Any interests notified to the Monitoring Officer will be included in the register of interests.
12. A copy of the register will be available for public inspection and will be published on the Authority's website.

Sensitive interests

13. Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

Non participation in case of disclosable pecuniary interest

14. If you are present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
 - (1) You must not participate in any discussion of the matter at the meeting.
 - (2) You must not participate in any vote taken on the matter at the meeting.
 - (3) If the interest is not registered, you must disclose the interest to the meeting.

- (4) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- Note In addition, Standing Order 1.28 requires you to:
- (a) disclose any interest to the meeting which is registered or pending registration and/or
 - (b) leave the room where the meeting is held while any discussion or voting takes place.

Dispensations

15. The Authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. (Further details relating to the circumstances when dispensations may be granted can be sought from the Monitoring Officer).

Offences

16. It is a criminal offence to:
- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
 - (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
 - (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
 - (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
 - (e) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.
17. The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a member for up to 5 years.

Part 3 - Interests – outside the Act

Notification of interests

18. (1) You must, within 28 days of—
- (a) this Code being adopted by or applied to the Authority; or
 - (b) your election or appointment to office (where that is later),
 - notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and
 - notify the Monitoring Officer in writing of the details of your personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- (2) You have a personal interest in any business of the Authority where either—

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- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.
 - (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
 - (3) (a) You have a personal interest in any business of the Authority
 - (i) where a decision in relation to that business might reasonably be regarded 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 other council tax payers, ratepayers or inhabitants of the Authority's area.
 - (ii) It relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.
 - (b) In sub-paragraph (3)(a), a *relevant person* is—
 - (i) a member of your family or any person with whom you have a close association; or
 - (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (iv) any body of a type described in paragraph 18(2)(a)(i) or (ii).
 - (4) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 18(1), notify the Monitoring Officer of the details of that new interest or change.

Disclosure of interests

- 19. (1) Subject to sub-paragraphs (2) to (3), where you have a personal interest described in paragraph 18 above in any business of the Authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent
- (2) Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 24, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (3) Where you have a personal interest but, by virtue of paragraph 23, sensitive

information relating to it is not registered in the Authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Non participation in case of prejudicial interest

20. (1) Where you have a personal interest in any business of the Authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- (a) affects your financial position or the financial position of a person or body described in paragraph 18; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 18.
- (2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of the Authority—
- (a) You must not participate in any discussion of the matter at the meeting.
 - (b) You must not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is registered or not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days
- Note In addition Standing Order 1.29 requires you to leave the room where the meeting is held while any discussion or voting takes place
- (3) Where you have a prejudicial interest in any business of the Authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Authority in respect of—
- (i) an allowance, payment or indemnity given to members; and
 - (ii) any ceremonial honour given to members.

Register of interests

21. Any interests notified to the Monitoring Officer will be included in the register of interests.
22. A copy of the register will be available for public inspection and will be published on the Authority's website.

Sensitive interests

23. Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer
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agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Part 4 –Gifts and hospitality

Notification of gifts and hospitality

- 24.** (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Authority.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality is accepted by you where you hold a position of responsibility on the Authority and you are acting as agent for and on behalf of the Authority. (For example if you are the Chair or Deputy Chair of the Authority or a Chair or Vice Chair of a Committee).

The General Principles

The general principles governing your conduct under the Localism Act 2011 are set out below:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

- a. You should act solely the public interest.

Integrity

- b. You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

Objectivity

- c. You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

- d. You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Openness

- e. You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

- f. You should be truthful.

Leadership

- g. You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

