

North York Moors National Park Authority

22 September 2014

Amendments to the Members' Code of Conduct

1. Purpose of the Report

- 1.1 To recommend that Members agree and adopt minor amendments to the Members' Code of Conduct.

2. Background

- 2.1 Following the abolition of the Standards Board for England and subsequent revisions of the legislation concerning governance of Members' interests brought about by the Localism Act 2011 ('the Act'), the Authority adopted a new Code of Conduct and Standards framework at its meeting of 25 June 2012. In addition to the Code adopted by the Authority, the Act introduced a new criminal offence of failure to declare a Disclosable Pecuniary Interest (as defined in the legislation).
- 2.2 The Standards Committee ceased to exist and detailed responsibility was placed with the Finance Risk Audit and Standards Committee (FRASC), as advised by the Monitoring Officer and an Independent Person.
- 2.3 Section 27(2) of the Act requires the Authority to adopt a Code of Conduct dealing with the conduct that is expected of Members and co-opted Members of the Authority when they are acting in that capacity.
- 2.4 The Authority has always been committed to high standards of governance and probity and has adopted an Ethical Framework in addition to the current Members' Code of Conduct that also includes a Code of Conduct for Authority Employees. This framework aims to focus on the public interest and morality and lies at the heart of the culture of this organisation. The Authority has also adopted a set of Core Values that should ideally be demonstrated when representing the Authority in any capacity.
- 2.5 It should be noted by Members, that, in the interests of maintaining these high standards of conduct, the Authority has adopted a Code of Conduct which goes beyond those recommended as meeting the minimum requirements of practice as specified by both central government and advisory groups such as the Lawyers in Local Government organisation.

3. Discussion

- 3.1 The Act envisages that authorities will want to review and revise their codes of conduct as time progresses. The express right to revise the Code of Conduct is set out in section 28(5) of the Act.
- 3.2 Ensuring that the Authority keeps its Code of Conduct under review accords with the duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority and represents best practice.
- 3.3 The Authority's current Code of Conduct is attached to this report at **Appendix 1**.

- 3.4 On 1 September 2014 a report was taken to the Authority's FRASC. The purpose of this report was to update Members as to the outcome of three recent Standards complaints, and to provide Members with suggested actions arising from those decisions.
- 3.5 Following discussion, and upon receiving advice from Officers, the Members of FRASC recommended two minor changes to the Authority's Code of Conduct. These changes were to ensure that the Code of Conduct was clear and appropriate at the present time.
- 3.6 The first recommended amendment is to paragraph 10 of the Code of Conduct: At the end of the first line of paragraph 10, the following words should be added "*(other personal interests may arise under paragraph 13)*".
- 3.7 The rationale behind this amendment is to enhance clarity for Members, so that they are fully aware that other interests may arise under paragraph 13, in addition to Disclosable Pecuniary Interests (defined in the legislation) and those referred to in paragraph 9, and the 'other interests' set out in paragraph 10. The amendment does not change the operation of the Code; it merely acts as an aide memoir.
- 3.8 The second recommended amendment is to paragraph 12 of the Code of Conduct. At the fourth line of the current paragraph 12, after the comma the following words should be added "*or relates solely to your position as an ordinary Member of an appointing local authority*".
- 3.9 Membership of any public body is of course a 'personal interest' as listed in paragraph 10 of the Code. The Authority have taken external legal advice, specifically so as to provide clarity over whether Members must declare their membership of their appointing body at meetings.
- 3.10 The legal advice received is that it is necessary for Members to disclose the existence of their personal interest arising from their membership of their appointing body at Authority Meetings where it is 'relevant' to an issue. This is despite the fact that their membership of appointing bodies is already provided in their online register of interests, which is publicly accessible.
- 3.11 Members are however reminded that the provisions of paragraphs 13, 14 and 15 of the Code may be relevant and they should therefore consider their application carefully.
- 3.12 Should Members require advice about interests, this can be sought from the Monitoring Officer, or the Deputy Monitoring Officer.
- 3.13 An amended copy of the Code of Conduct is attached to this report at **Appendix 2** for illustrative purposes. The suggested amendments are marked in bold type.

4. Financial and Staffing Implications

4.1 There are no significant staffing implications to this report.

5. Legal Implications

5.1 It is a legal requirement that the Authority promotes and maintains high standards of conduct by Members and co-opted Members and in discharging this duty, the Authority must adopt a Code dealing with the conduct that is expected of Members and co-opted Members of the Authority when they are acting in that capacity.

5.2 Approval of the proposed amendments will require amendment to the Authority's Members Handbook.

6. Recommendation

6.1 That Members:

(a) consider and approve the proposed minor amendments; and

(b) instruct relevant Officers to make the necessary changes to the Members Handbook.

Contact Officer
Lisa Dixon
Monitoring Officer
Tel: 01723 232350

Code of Conduct for the Members of the North York Moors National Park Authority

The North York Moors National Park Authority (“the Authority”) has adopted the following code dealing with the conduct that is expected of Members of the Authority when they are acting in that capacity. This code of conduct complements the Authority’s core values which are included in the Ethical Framework.

The code is intended to be consistent with the following seven principles, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1. You must treat others with respect.
2. You must act in a way which does not bully, harass, intimidate or attempt to intimidate any person.
3. You must ensure that the impartiality of anyone who works for or on behalf of the Authority is not compromised by your actions.
4. Your conduct should be exemplary and you must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. 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 any advantage or disadvantage.
6. If you are in receipt of any gift or hospitality which is attributable to your membership of the Authority, or any offer of any such gift or hospitality, you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a member of the Authority.
7. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
8. You must keep information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, secure and not disclose unless:
 - You have the consent of a person authorised to give it; or
 - You are required by law to do so; or
 - 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
 - The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority.
9. Subject to paragraph 11, you must register in the Authority’s Register of Members Interests information regarding your personal interests. In this code of conduct “your personal interests” means any Disclosable Pecuniary Interest (as defined by statutory regulations in force from time to time) and also those other interests set out in paragraph 10, and which interest is held
 - by you, or
 - to your knowledge, by your spouse or civil partner, by a person with whom you are living as husband and wife, or by a person with whom you are living as if you were civil partners.

You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; and you must give such notice:

- within 28 days of your appointment as a member of the Authority; and
- thereafter, within 28 days of any change taking place in your personal interests.

10. The following are personal interests within paragraph 9:

- Your membership of any body to which you are appointed by the Authority;
- Your membership of any public body;
- Your membership of any charitable body;
- Your membership of any political party, trade union, or other body one of whose principal purposes is to influence public opinion or policy;
- Any business which you carry on or are involved in carrying on;
- Any partnership of which you are a partner;
- Any employer for whom you work;
- Any person (other than the Authority) which has made a payment to you in connection with you carrying out your duties as an Authority Member;
- Any land in the Authority's area in which you have a beneficial interest or a licence to occupy;
- Any land owned by the Authority of which you, or any of the persons mentioned at (a) to (g) above, are the tenant or licensee.

11. Where you consider that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may so inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

12. Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 11, you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.

13. Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that a decision in relation to any item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 14 to a greater extent than the majority of inhabitants of the North York Moors National Park, then you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.

14. The persons referred to in paragraph 13 are:

- (a) a member of your family;
- (b) any person with whom you have a close association;
- (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or significant shareholder.

15. If a member has

- (a) a Disclosable Pecuniary Interest; and/or
- (b) an interest referred to in paragraph 13 which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest

in a matter being discussed at any meeting that member must leave the room in which the meeting is being held whilst that matter is discussed and voted upon.

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