



Dartmoor National Park Authority
MEMBERS CODE OF CONDUCT
(“the Code”)

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1. INTRODUCTION

- 1.1 Dartmoor 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. The Code is adopted under section 27(2) of the Localism Act 2011.
- 1.2 The Code is intended to be consistent with the following Seven Principles of Public Life under section 28(1) of the Localism Act 2011, 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. These principles are set out in more detail in **Appendix A** to this Code.
- 1.3 This Code applies to any Member or co-opted Member of Dartmoor National Park Authority.
- 1.4 Members of the Authority must comply with this Code when:
- a. you are engaged on the business or function 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.
- 1.5 If you require any guidance on any matter under the Code, you should seek advice without delay from the Monitoring Officer or your own legal adviser. It remains your responsibility to comply with the provisions of the Code.

- 1.6 Any allegations or complaints made against you that you have failed to comply with the terms of the Code, will be dealt with by the Authority in accordance with the [Complaints Procedure – Members Code of Conduct](#) as set out in **Appendix C**.
- 1.7 You should note that it is a criminal offence under section 34 of the Localism Act 2011 if you without reasonable excuse provide information that is false or misleading, either knowing that the information is false or misleading or reckless whether the information is true and not misleading, where you:
- i. fail to notify the Monitoring Officer of a *disclosable pecuniary interest* before the end of 28 days of becoming appointed or re-appointed as a Member;
 - ii. fail to notify the Monitoring Officer of a *disclosable pecuniary interest* before the end of 28 days of becoming aware of the interest and the interest is not already registered or not subject of a pending notification to the Monitoring Officer;
 - iii. fail to disclose a *disclosable pecuniary interest* at a meeting, where the said interest has not already been registered or notified to the Monitoring Officer;
 - iv. participate in discussions or votes at the meetings that relate to the *disclosable pecuniary interest* unless you have been granted a dispensation; or,
 - v. you knowingly or recklessly provide false or misleading information in any of the said disclosures or notifications.
- 1.8 A list of *disclosable pecuniary interests* which must be registered for Members, their spouse or civil partner, or any person with whom they are living as if they were a married couple of civil partners is provided at **Appendix B**.

2. GENERAL OBLIGATIONS

- 2.1 You must treat others with courtesy and respect.
- 2.2 You must not bully, harass, intimidate or attempt to intimidate any person.
- 2.3 You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
- 2.4 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.
- 2.5 You must impartially exercise your responsibilities in the interests of the community. You must not use or attempt to use your position as a Member, or any knowledge gained solely as a result of your position as a Member, improperly to confer on or secure for yourself or any other person any advantage or disadvantage.

- 2.6 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 2.7 You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
- i. you have the consent of a person authorised to give it; or
 - ii. you are required by law to do so; or
 - 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 reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority after consultation with the Authority's Monitoring Officer.
- 2.8 You should promote equalities and 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 and no person is discriminated against.
- 2.9 You must undertake any training provided by the Authority in relation to this Code of Conduct.
- 2.10 In carrying out your role as a Member of the Authority you must at all times:
- act lawfully, and
 - exercise reasonable care and diligence.

3. REGISTRATION AND DECLARATIONS OF INTEREST

- 3.1 Subject to paragraph 3.4, 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:
- (i) any disclosable pecuniary interest (as defined by statutory regulations in force from time to time and set out for information in **Appendix B**) which is held by you or, to your knowledge, by your spouse or civil partner, or a person with whom you are living as if a married couple or civil partners; and
 - (ii) any other interest as defined in paragraph 3.3 below which is held by you.
- 3.2 You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; 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.
- 3.3 The following are personal interests within paragraph 3.1(ii):

- 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 body to which you are appointed by the Authority;
- c) your membership of any public body;
- d) your membership of any charitable body;
- e) your membership of any political party or trade union;
- f) your membership of the United Grand Lodge of England (freemasons);
- g) any land owned by the Authority of which any of the persons mentioned at paragraph 3.1(i) above, are the tenant or licensee.

3.4 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 inform the Monitoring Officer. If the Monitoring Officer agrees, details of any *sensitive interest* will not be included in any copy of the Register of Member's Interests which is made available for inspection or any published version save as to note that you have an interest, the details of which are withheld under Section 32 of the Localism Act 2011.

3.5 Where you become aware of any change that means that the interest in paragraph 3.4 has become disclosable and is no longer a sensitive issue, you should within 28 days notify the Monitoring Officer asking that the interest be included in the Register of Interests.

3.6 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 3.4 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.

3.7 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 wellbeing or financial position, or the wellbeing or financial position of a person described in paragraph 3.8 to a greater extent than the majority of inhabitants of the Dartmoor 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.

3.8 The persons referred to in paragraph 3.7 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 shareholder.
- 3.9 Where you disclose an interest pursuant to paragraph 3.7, you will need to consider whether the nature of the interest is such that it may, or may reasonably be perceived to, conflict with your public duties. If a reasonable member of the public, knowing all the facts, would believe that it is likely to prejudice your judgement of the wider public interest, you should not participate in the discussion or vote on the matter and 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).
- 3.10 Where you have a *disclosable pecuniary interest* in an item of business you must withdraw from the meeting whilst the matter is being considered unless you have obtained a dispensation from the Standards Committee or where reasonable expediency requires earlier consideration, the Head of Paid Service (Chief Executive). The Head of Paid Service, may where appropriate under the Authority's Scheme of Delegation, delegate this function and consideration to the Monitoring Officer.
- 3.11 You may on written request to the Monitoring Officer seek a dispensation from the provisions of paragraph 3.9 where:
- a) the Authority considers that without the dispensation the number of persons participating in any particular business would be so great a proportion of the body transacting the business, that it would impede the transaction of the business; or,
 - b) the Authority considers that the dispensation is in the interest of persons living in the Authority's area; or,
 - c) the Authority considers it otherwise appropriate to grant a dispensation.

The request for this dispensation will be considered by the Standards Committee or where reasonable expediency requires earlier consideration, the Head of Paid Service (Chief Executive). The Head of Paid Service, may where appropriate under the Authority's Scheme of Delegation, delegate this function and consideration to the Monitoring Officer.

4. GIFTS AND HOSPITALITY

- 4.1 If you are in receipt of a gift or hospitality with a value of £50 or more 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.

APPENDIX A

THE SEVEN PRINCIPLES OF PUBLIC LIFE (THE NOLAN PRINCIPLES)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office 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.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX B

This Appendix is not part of this Code of Conduct but it contains, for information, the currently defined list of disclosable pecuniary interests which must be registered for Members, their spouse or civil partner, or any person with whom they are living as if they were a married couple of civil partners.

- i. Any employment, office, trade, profession or vocation carried on for profit or gain.
- ii. Any payment or provision of any other financial benefit (other than from the Authority) made or provided in the last 12 months in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the Member's election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Unions and Labour Relations (Consolidation) Act 1992.
- iii. Any contract under which goods or services are to be provided or works are to be executed and which has not been fully discharged which is made:
 - between the Authority and the Member; and/or
 - to the Member's knowledge, by their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners; and/or
 - between any body in which any of the above have a beneficial interest.
- iv. Any beneficial interest in land (not including an interest which does not carry with it a right to occupy the land or to receive income) which is within the area of the Dartmoor National Park.
- v. Any licence (alone or jointly with others) to occupy land in the area of the Dartmoor National Park for a month or longer.
- vi. Any tenancy where (to the Member's knowledge) the landlord is the Authority and the tenant is a body in which the Member; and/or, to the Member's knowledge, their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners has a beneficial interest.
- vii. Any beneficial interest in securities of a body where:
 - that body (to the Member's knowledge) has a place of business or land in the Dartmoor National Park; and 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 Member and/or, to the Member's knowledge, their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX C

COMPLAINTS PROCEDURE – MEMBERS CODE OF CONDUCT

The Monitoring Officer will in most circumstances inform the Member(s) concerned that a complaint has been received and invite the Member(s) to make a statement. The Monitoring Officer will also consult with one of the Independent Persons appointed under section 28(7) of the Localism Act 2011.

The Monitoring Officer will make an initial assessment:

- whether the matter complained of is capable of being a breach of the code of conduct
- whether the Member admits or denies of the allegation, in whole or part
- whether there is evidence of a breach of the code of conduct
- the seriousness of any apparent breach and the balance of public interest in any investigation
- whether any reasonable explanation has been offered which should be taken into account

The Monitoring Officer may decide:

- that no breach appears to have occurred
- that a breach appears to have occurred, but no further action should be taken
- to explore the scope for a “no fault” outcome (e.g. by mediation or the Member receiving additional training)
- that a formal investigation is necessary
- that the complaint if proven, could constitute a criminal offence. In these instances the complainant will be referred to the police.

1. Decide no further action be taken

The Monitoring Officer can decide that no action is required in respect of a complaint. This could be due to the fact that the Monitoring Officer does not consider the complaint to be sufficiently serious to warrant any action. Alternatively it could be due to the length of time elapsed since the alleged conduct, or because it is considered that there has been no failure to comply with the Code of Conduct.

There is no right of appeal against a decision to take no further action.

2. Refer for other action

The Monitoring Officer can decide that action other than an investigation should be explored. The suitability of other action is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way to resolve matters that are less serious and may produce a more effective result.

Other action may also be appropriate where a breakdown in relationships within the Authority is apparent, evidence of which may include:

- a pattern of allegations of disrespect, bullying or harassment
- a series of 'tit for tat' allegations

If the Monitoring Officer embarks on a course of other action, it will be emphasised to the parties concerned that the purpose of other action is not to find out whether the Member has breached the code. The decision is made as an alternative to investigation.

There is no appeal against the decision to deal with a complaint by other action.

3. Referral for investigation

The Monitoring Officer will appoint an investigating officer, who may be an officer of the Authority or may be an external contractor. On completion of the investigation, which must be within 3 months, the Monitoring Officer will consider the Investigating Officer's report and determine whether to convene a Hearing Panel.

If the Monitoring Officer considers there has not been a failure to comply with the code of conduct, the complaint may be dismissed and the investigation closed.

If the Monitoring Officer considers that there appears to have been a failure to comply with the code of conduct, a Hearing Panel will be convened. A Hearing Panel will be comprised of three Members of the Authority, who will normally be members of the Standards sub-committee. The hearing will be a public meeting at which the Panel will hear and question the Investigating Officer's report, anything the Member(s) concerned wish to say and the advice of the Monitoring Officer.

Hearing

The Hearing is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The subject Member may choose to be represented by a counsel, solicitor or any other person they wish. The public are not able to make representations at the hearing, but can be present if the meeting is held in public.

The Hearings Panel will usually announce its decision at the end of the hearing and if possible make a short written decision available on the day of the hearing. A full written decision will be drawn up shortly after the end of the hearing and made available to all relevant parties. A summary of the decision may be published in a local newspaper and on the Authority's website.

There is no right of appeal against a decision of the Hearing Panel.