

AM 653/23

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 13 July 2023

Review of Member Code of Conduct, Member Complaint Process and Local Protocols, and Social Media Policy

Report by George Bisson, Standards Committee Chair, Nigel Stone, Head of Resources, and Rosalind Alderman, Solicitor and Monitoring Officer

1 Introduction

- 1.1 Section 27 of the Localism Act 2011 (the 'Act') requires the NPA to promote and maintain high standards of conduct by its members, and to adopt a Code of Conduct that must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 The NPA's Code of Conduct (the 'Code') was last reviewed and adopted by the NPA in July 2020. This paper asks the Authority to consider suggested revisions to the NPA's Code (attached with changes marked as **Annex 1** and without changes marked as **Annex 2**), which have been reviewed by the Standards Committee on 6 July 2023. A summary of the substantive changes that are suggested is set out below.
- 1.3 The Authority is also asked to consider suggested revisions to the Member Complaints Process (attached with changes marked as **Annex 3** and without changes marked as **Annex 4**) and the Protocol for Member and Officer Relations and protocol for Members and Officers dealing with Planning Matters (**Annexes 5 and 6**), which has also been reviewed by the Standards Committee. Finally, a Social Media Policy for Members is attached for review and adoption (**Annex 7**), following the recommendation of the Standards Committee.
- 1.4 Together, these documents form a key part of the NPA's governance framework, and it is important to keep them under regular review.

2 Overview of key suggested amendments to the Code of Conduct

- 2.1 In 2019, the Committee on Standards in Public Life ('CSPL') issued a review of standards in local government including 26 recommendations and 16 best practice guidance points. The review resulted in the production of a model code of conduct by the Local Government Association (the 'LGA'). In 2022 the Department for Levelling Up, Housing and Communities ('DLUHC') responded to the CSPL report, but few legislative changes are expected in response, as further outlined below.
- 2.2 This report suggests a number of changes to the Code for members' consideration. A number of these changes are, where considered appropriate, based on the CSPL review's recommendations and the LGA model code, bearing in mind DLUHC's response. The proposed revised Code also incorporates some minor revisions in line

with the Cabinet Office's 'Code of Conduct for Board Members of Public Bodies' (the 'Cabinet Office Code'), which itself applies directly to Secretary of State appointed members. These background documents are linked at the end of this report. The revised draft also incorporates amendments based on existing practice and experience.

2.3 Registration and disclosure of interests

As members will know, there are two types of interests covered by the existing Code: the statutory Disclosable Pecuniary Interests (DPIs), and the other interests captured by Part 2B of the Code, which includes 'public service' interests and personal interests. The Code contains requirements for the registration and disclosure of both DPIs and other types of interest, as well as setting out when a Part 2B interest will amount to being prejudicial.

The Authority's Code has been amended to clarify that where an interest amounts to a DPI it will not also be caught by Part 2B of the Code, and also to indicate that Part 2B interests will not arise where any inhabitant of the National Park would be similarly affected by the outcome of the decision in question. Additionally, some guidance has been incorporated as to when a Part 2B interest will amount to a prejudicial interest. Part 2B has also been amended to conform with the 28 day time limit on declarations of DPIs, which is in line with the LGA model code.

With regard to DPIs, Recommendation 5 of the CSPL review called for The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (the 'DPI Regulations') to be amended to include unpaid directorships, trusteeships, management roles in a charity or a body of a public nature, and membership of any organisations that seek to influence opinion or public policy, and the LGA model code also includes provisions relating to these public service interests. Notwithstanding that DLUHC is not currently pursuing any change to the DPI Regulations in accordance with this recommendation and the model code, in its response it confirms that 'Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.' Members will be aware that the NPA's Code already covers these types of interests in its existing Part 2B, at paragraph 1, in any event, and therefore no change is currently proposed in this regard.

Recommendation 7 of the CSPL review calls for section 31 of the Act (which deals with DPI declarations at meetings) to be repealed and replaced with a mandatory inclusion in the Code to the effect that a member must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, that 'a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter'. The underlying reasons for the CSPL recommendation are that (i) the wording of the Act is considered ambiguous because it does not specify how closely related an interest must be to the matter under consideration, and (ii) the current declaration and withdrawal requirements are too narrow because a member would not need to declare or recuse themselves where a close family member or associate was affected by a decision. CSPL therefore calls for the objective test set out above. However, DLUHC did not support this recommendation and Section 31 of the Act remains extant. No changes to the Authority's Code are therefore proposed in this regard. It should be noted that

Part 2B of the existing Code widens the scope of declarable interests beyond the statutory DPIs and closely reflects the CSPL test for whether those interests are prejudicial, meeting the second of CSPL's concerns outlined above. As to the first concern, members will need to continue to consider the relevant facts as to the DPI carefully and take advice where necessary.

2.4 Acting in an official capacity – Recommendations 3 and 4 of the CSPL report

Section 27(2) of the Act provides that: "...a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members [...] of the authority when they are acting in that capacity" [emphasis added]. The CSPL review stopped short of calling for a change in the law to the effect that all behaviour – including behaviour in a private capacity – that might call an authority into disrepute should be subject to its code of conduct. As matters stand, therefore, the Code does not and cannot apply to members acting in their personal/ private capacity, rather than as members of the NPA, because that would not be lawful.

In practice, it can sometimes be difficult to draw the distinction between actions taken in public and private capacities. Accordingly, the CSPL review calls for the scope of codes of conduct to be widened, with a rebuttable presumption that a member's public behaviour, including comments made on publicly accessible social media, is carried out in their official capacity. This would require amendments to the Act, which DLUHC is not inclined to pursue at this time, stating that: 'It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.' In line with this, members should recollect that there is a (qualified) right to freedom of expression under Article 10 of the European Convention on Human Rights and the Human Rights Act 1998, together with the right to respect for private and family life, home and correspondence pursuant to Article 8, and as a general principle codes of conduct should not be so far reaching in their effects as to interfere inappropriately with these rights. In the light of the above, no changes to the Code along these lines are suggested at this time.

The LGA's model code does bring the notion of bringing an authority into disrepute back into the frame and it is suggested that this is incorporated in Part 1 of the Code. It should be noted, as above, that this does not extend to actions taken in a private capacity.

2.5 Other amendments

A small number of other amendments and the reordering of clauses are suggested for clarity, including:

- the summary of the seven principles of public life has been expanded;
- the general obligations set out in Part 1 of the Code have been amended and substantially broadened, both to comply more closely with the Cabinet Office Code, and to include those aspects of the LGA model code that are considered appropriate;
- the prohibition of bullying and harassment has been strengthened in line with the Cabinet Office Code, and in accordance with CSPL's suggested best practice includes definitions and examples of these types of conduct; and

- gifts and hospitality are now explicitly included as registrable and disclosable interests under Part 2B of the Code, in accordance with Recommendation 6 of the CSPL review, the LGA model code, and DLUHC's response to the CSPL.

3 Overview of key revisions to the Member Complaints Process (Arrangements for dealing with allegations)

3.1 Under Section 28(6) of the Act, the NPA is required to have in place arrangements under which allegations of breaches of the Code can be investigated and decisions made. It is important that the public have confidence in the Authority's decision-making process and can raise any concerns that they may have, and for those concerns to be investigated in a fair and transparent manner. However, the Authority has limited resources and has a duty to ensure that public funds are used properly, and therefore the circumstances under which a complaint may be discontinued prior to the substantive investigation process have been clarified (paragraph 2.1 of **Annex 3**).

3.2 Sanctions

Recommendation 18 of the CSPL review called for breaches of the rules on disclosable pecuniary interests ('DPIs') to be decriminalised, and for stronger local sanctions for these and other breaches of an authority's code of conduct, including giving authorities power to suspend councillors without allowances for up to six months (Recommendation 16), together with a right of appeal to the Local Government and Social Care Ombudsman ('LGSCO').¹ However, the Government's view is that these changes would have the effect of reinstating the previous Standards Board regime, which, in DLUHC's view, 'allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government.' The response also states that criminal sanctions in respect of failures to declare DPIs remain a 'necessary and proportionate safeguard and deterrent against corruption' and so these will remain for now. The available sanctions for established breaches therefore remain largely unchanged in the revised draft Member Complaints Process, and do not include suspension or disqualification.

At its meeting on 6 July 2023 the Standards Committee considered whether it was appropriate to add in to the complaints process outcomes a request for an apology from the member in question, or for training to be undertaken. However, the members present did not agree to include this course of action. It is open to the Authority meeting to debate this point and include it if thought appropriate, but the suggested wording has been removed from the draft process at Annex 3 following the recommendation of the Committee.

It should be noted that, under the current legislation, there is of course no means of enforcing any action required to be taken by the member in question.

¹ Members should note that currently, the LGSCO can investigate an authority's decision-making process in undertaking a standards investigation or imposing a sanction on grounds of maladministration where there is some evidence of injustice (such as unreasonable delay or conflict of interest), but cannot adjudicate on the substantive question of whether a breach actually took place and what would be the appropriate sanction, and so there is no right of appeal as such to the LGSCO at present.

3.3 Independent Persons

As members will know, section 28 of the Act requires the NPA to appoint at least one independent person whose views are sought and taken into account prior to decisions on allegations, and whose views may also be sought by a member who is the subject of a complaint. The CSPL review called for a strengthening of this role, but at this time DLUHC does not intend to take these provisions forwards. However, a number of the criteria the CSPL suggests (such as appointing two IPs and where appropriate including a summary of their views in decisions) are included in the attached draft and/or were already done in practice.

3.4 Voluntary standing down during investigation of alleged breach

At its meeting on 6 July 2023 the Standards Committee considered whether or not to incorporate a provision in the Member Complaints Process to the effect that, in exceptional circumstances and following consultation with the Monitoring Officer, a member may be informally invited not to attend meetings of the Authority and its Committees where a complaint against that member has been referred to a hearing (pursuant to paragraph 5.1 of the Member Complaints Process) pending the outcome of that process. The Committee was of the view that this course of action would not be appropriate at the current time as there would be no lawful basis for including such a provision, and it would be problematic in that it could give rise to allegations of bullying and undue influence or predetermination of the outcome of the complaints process, and possibly even to legal challenge. Moreover, there would be no way of enforcing that member's absence from the NPA's business because, as noted above, the Authority has no power to impose a suspension. At the current time, therefore, it is not recommended that the Authority consider an amendment along these lines, but should the law be altered and/or a number of other authorities determine that this would be an appropriate course of action then the Authority could of course revisit the question at the relevant time.

3.5 Other amendments

A clause has been included in the draft enabling the MO to ask the DMO to investigate a matter for any reason, rather than being limited to when he or she has had previous involvement in that matter.

4 **Local Protocols**

4.1 No substantive changes to the Protocol for Member and Officer Relations and the Protocol for Members and Officers Dealing with Planning Matters are considered necessary at this time, as they are compatible with the suggested revisions to the Code. However, a few minor amendments have been made as shown on the attached **Annexes 5 and 6**, predominantly to bring them into line with the NPA's house style. The Committee is requested to review the Protocols and consider whether they remain fit for purpose.

5 **Social Media Policy**

5.1 Members should be aware that they may be found to be acting in their public capacity as an Authority member when using public social media, in which case the Code of Conduct would apply to their actions. Members must therefore take care in

using social media, both to protect themselves and to protect the Authority. The Standards Committee considered and recommends to the full Authority for adoption the attached draft social media policy (**Annex 7**), which sets out principles and guidance for safe and appropriate public social media use.

6 Conclusion

- 6.1 In summary, the Authority is asked to consider and if thought fit recommend to the full Authority for adoption the revised Code, the Member Complaints Process, the two Local Protocols, and the Social Media Policy, subject to any amendments agreed at the meeting.
- 6.2 Once a revised Code is adopted by the NPA it must, in accordance with section 28 of the Act, publicise it in such manner as it considers is likely to bring it to the attention of people living in the National Park.

7 Recommendation

That:

1. **The Authority considers and adopts the revised:**
 - a) **the Code of Conduct (Annex 2);**
 - b) **the Member Complaints Process (Annex 4);**
 - c) **the Protocol for Member and Officer Relations (Annex 5);**
 - d) **the Protocol for Members and Officers Dealing with Planning Matters (Annex 6); and**
 - e) **the Social Media Policy (Annex 7),**

subject to any amendments agreed at the meeting; and
2. **Authority is delegated to officers to draft any amendments referred to in recommendation 1 above.**

Papers:

- Annex 1 – Code of Conduct (changes tracked)**
- Annex 2 – Code of Conduct (untracked copy)**
- Annex 3 – Member Complaints process (changes tracked)**
- Annex 4 – Member Complaints process (untracked copy)**
- Annex 5 – Protocol for Member and Officer Relations**
- Annex 6 – Protocol for Members and Officers Dealing with Planning Matters**
- Annex 7 – Social Media Policy for Members**

Background:

- CSPL review:** [Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- LGA Model Code of Conduct:** <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>
- Cabinet Office Code of Conduct:** [Code of conduct for board members of public bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

DLUHC response to CSPL review: [Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](#)

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

~~JULY 2020~~2023

Author: Solicitor and Monitoring Officer
Approved by: Full Authority
Approval date: ~~9 July 2020~~2023
Next Review date: ~~July 2022~~2025

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Version: 1.1~~0~~
Distribution list: All Members and senior Officers
Classification level: Public

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

~~The Code set out below has been adopted by New Forest National Park Authority to fulfil its obligations under section 27(2) of the Localism Act 2011.~~

Explanatory Note for Authority Members

~~By law, a~~All Members and co-opted Members ~~are required to must~~ follow the Authority's Code of Conduct (the 'Code') when acting in their capacity as a Member ~~or co-opted Member~~. All references to 'Members' below include reference to co-opted Members.

~~The Code set out below has been adopted by New Forest National Park Authority to fulfil its obligations under section 27(2) of the Localism Act 2011.~~The Code is based on; and is consistent with the following principles of public life ~~as set out in the Act which, although not forming part of the Code. Members should have regard to as they will assist in complying with the Code:~~

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SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. ~~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 issues and relationships.~~

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should act and make choices decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

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

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.~~be as open as possible about all the decisions and actions that they take. They should give~~

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~~reasons for their decisions and restrict information only when the wider public interest clearly demands.~~

HONESTY

Holders of public office ~~have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests~~should be truthful.

LEADERSHIP

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

Explanatory Note

~~The Code is not intended to be an exhaustive list of all the obligations placed on Members. It is each Member's responsibility to comply with the following provisions of the Code as well as with all other legal and other obligations beyond the scope of this Code. Members should be aware that their actions and behaviour are subject to greater scrutiny than those of ordinary members of the public.~~

~~If a Member has any doubt about whether any action that Member proposes to take may be in breach of the Code, they should seek advice from the Monitoring Officer beforehand. However, please remember that responsibility for a Member's actions remains at all times with that Member.~~

~~Anyone who considers a Member has failed to comply with this Code when acting in their capacity as a Member may make a formal complaint about that Member. The Authority has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to formal censure, adverse publicity ("naming and shaming"), or the Authority removing the Member concerned from a Committee or other position.~~

~~This explanatory note does not form part of the Code.~~

~~If a Member has any doubt about whether any action he or she proposes to take may be in breach of the Code, he or she should seek advice from the Monitoring Officer beforehand. However, please remember that responsibility for a Member's actions remains at all times with that Member.~~

~~Anyone who considers a Member has failed to comply with this Code may make a formal complaint about that Member. The Authority has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to formal censure, adverse publicity ("naming and shaming"), or the Authority removing the Member concerned from a Committee or other position.~~

~~(This explanatory note does not form part of the Code).~~

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

PART 1: GENERAL OBLIGATIONS

Whenever a Member is acting in ~~his or her~~ their capacity as a Member or co-opted Member they:

- ~~must seek to play a full and active role in the Authority's work, fulfil their duties responsibly, and at all times act in good faith and in the Authority's best interests;~~

~~1. must treat others with respect.~~

- ~~2. must not use, or try to use, their position improperly to obtain an advantage or disadvantage for themselves or any other person or body;~~

- ~~3. must not use the Authority's resources or information improperly for political purposes, or personal gain or the advancement of others any other purposes forbidden by the Authority;~~

- ~~must ensure the safeguarding of public funds and the proper custody of assets that have been publicly funded, and take appropriate measures to ensure the Authority uses resources efficiently, economically and effectively;~~

- ~~4. must comply with all rules regarding remuneration, allowances and expenses;~~

- ~~must comply with any formal investigation of an allegation of a breach of this Code of Conduct and with any sanctions imposed, and must not seek to interfere improperly with the outcome of the process;~~

- ~~must not act in a manner which could be seen to bring their office or the Authority into disrepute;~~

- ~~must act in a way that is consistent with the Authority's purposes, values, and position as an exemplar environmental and nature protection organisation;~~

- ~~must treat officers of the Authority with courtesy and respect and not ask nor encourage officers to act in a way that would conflict with the Officer Code of Conduct. They must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Authority;~~

~~5. must not bully anyone.~~

~~(Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom they have some actual or potential influence).~~

- ~~6. must not intimidate, or try to intimidate, anyone who has complained about them or who may be involved with a complaint about them.~~

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- 7.—must not disclose information that they know, or ought to know, is confidential, shared in confidence, or which constitutes the personal data of others, without authority except as permitted by law and with the consent of the information owner, and only after consultation with the Monitoring Officer. This duty continues to apply after the Member has left the Authority or a legitimate reason:-
- 8.—must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law:-
- must deal with the public fairly, efficiently, promptly, effectively and sensitively, and must not act in a way that unjustifiably favours or discriminates against particular individuals or interests:
- must treat others with respect:
- 9.—must not breach or do anything that may cause the Authority to breach any of the equality laws that prohibit discrimination and seek to advance equality of opportunity on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy, and should promote an inclusive and diverse culture within the Authority:-
- 10.—when making decisions on behalf of or as part of the Authority, give reasons for decisions and must have regard to any relevant advice provided to them by the Authority's Chief Finance Officer and Monitoring Officer, where such advice is offered pursuant to his or her that Officer's statutory duties:-
- must respect the principle of collective decision making and corporate responsibility, including supporting the decisions of the Authority once they are made;
- must exercise independent judgement and not compromise their judgment or integrity by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties;
- must never canvass or seek gifts or hospitality, and must ensure any acceptance of gifts or hospitality stands up to public scrutiny;
- must disclose and register their interests as further detailed in this Code of Conduct;
- must exercise proper discretion on matters directly related to the work of the Authority and recognise that certain political activities may be incompatible with their role as an Authority Member. In their role as an Authority Member they should be even handed in all dealings with political parties;
- must inform the Monitoring Officer of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director;
- must have regard to the Code of Recommended Practice on Local Authority Publicity;
- must, in using public social media, comply with this Code of Conduct and respect confidentiality, financial, legal and personal information. Where any personal social media accounts used make reference or link to their public role, they should take care to ensure that it is clear in what capacity they are acting;

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- must not harass, bully, or act inappropriately towards anyone. Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone, or an abuse or misuse of power in a way that intends to undermine, humiliate, denigrate or injure someone.¹ Harassment may be characterised as unwanted conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, distressing, degrading, humiliating or offensive environment for an individual;
- must not intimidate or improperly influence, or try to intimidate or improperly influence, anyone who has complained about them or who may be involved with a complaint about them;
- must not make trivial or malicious allegations about other members; and
- must promote an open, transparent and safe working environment within the Authority where individuals feel able to raise concerns.

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PART 2: REGISTRATION AND DISCLOSURE OF INTERESTS

A. Disclosable Pecuniary Interests

1. Every Member must, within 28 calendar days of becoming a Member or co-opted Member, notify the Authority's Monitoring Officer of any disclosable pecuniary interest as set out in Part 2A, paragraph 65 of this Code below, where (i) the pecuniary interest is the Member's, and/or, (ii) the pecuniary interest is an interest of the spouse or civil partner of the Member, or an interest is the pecuniary interest of somebody with whom the Member is living as a husband or wife, or as if he or she were spouse or civil partner (a 'relevant person')s, and where the Member is aware that the relevant at other person has that interest. Where you become a Member as a result of a re-election or re-appointment, the duty to notify the Authority's Monitoring Officer applies only with regard to disclosable pecuniary interests not entered in the Authority's Register of Interests when the notification is given;

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2. All disclosable pecuniary interests, whether already entered into the Register of Interests or not, in any matter being considered at a meeting of the Authority, committee, sub-committee, panel or other group at which the Member is present, must be disclosed to the meeting, except where the matter is a 'sensitive interest' as defined in the Localism Act 2011.² Where the interest is a 'sensitive interest', the Member must disclose merely the fact that he or she that Member has a disclosable pecuniary interest in the matter concerned.

¹ Examples of bullying include: spreading malicious rumours, unfair treatment, insulting, ridiculing, demeaning, excluding or victimising someone, copying correspondence that is critical about someone to others who do not need to know, overbearing supervision or unfairly blocking individuals from progressing or other misuse of power, unwelcome sexual advances, making threats or comments about job security without foundation, and undermining a competent worker.

² A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the

ANNEX 1

~~2.3.~~ Where a Member has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, or one of its committees, sub-committees or panels, ~~he or she~~ **that Member**, must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless a dispensation has been obtained from the Authority's Standards Committee or otherwise in accordance with the Scheme of Delegations to Committees & Officers. The existence of any dispensation must also be declared at the start of the meeting.

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~~4.~~ Following any disclosure of an interest not on the Authority's ~~R~~register of ~~interests~~ **Interests maintained by the Authority's Monitoring Officer**, or ~~which is~~ the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

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~~5.~~ ~~4.~~ The following sub-paragraphs (i) to (vii) provide a summary of disclosable pecuniary interests that must be disclosed in accordance with Part 2A paragraph 1 above:

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(i) **Employment, office, trade, profession or vocation** -- Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) **Sponsorship** -- Any payment or provision of any other financial benefit (other than from the Authority), including payments from a trade union, in respect of any expenses incurred in carrying out duties as a Member or towards election expenses.

Sponsorship payments are disclosable where they were made within the twelfth months prior to the time that you make a notification of the interest.

(iii) **Contracts** -- Any contract that has not yet been discharged for the provision of goods or services or the execution of works that is made between the Authority and a Member (or a relevant person or a body in which that Member or ~~a~~ relevant person has a beneficial interest including a directorship, partnership or an interest in the securities of that body).

(iv) **Land** -- Any beneficial interest in land within the New Forest National Park.³

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(v) **Licences** -- Any licence (alone or jointly with others) to occupy land in the New Forest National Park for a month or longer.

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(vi) **Corporate tenancies** -- Any tenancy where:

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(a) the landlord is the Authority; and

authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

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³ Excluding an easement, servitude, interest or right in or over land that does not carry with it a right for the Member either alone or jointly to occupy the land or receive an income.

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(b) the tenant is a body in which a Member or a relevant person has a beneficial interest.

(vii) **Securities** – Any beneficial interest in securities of a body⁴ where:

(a) ~~the~~ Member is aware that that body has a place of business or land in the New Forest National Park; and

(b) ~~the~~ 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** or relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Fuller details of disclosable pecuniary interests can be found in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (2012 No. 1464), and any amendments to those Regulations.

6. Members shall notify any changes to the interests referred to in this Part 2A to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register of **Interests** accordingly.

B. **Non-pecuniary**~~Other~~ interests

1. All Members shall disclose to the Monitoring Officer their membership, or position of general control or management, of:

(a) any body to which the Authority has appointed or nominated them; or

(b) any body exercising functions of a public nature; or

(c) any body directed to charitable purposes;

~~(d)~~ any political party; or

~~(e)~~ any body, one of whose principal purposes includes the influence of public opinion or policy;

within 28 days of that interest arising.

2. ~~And~~ Members shall also disclose to the Monitoring Officer any other interest (that would not be caught under Part 2A of this Code of Conduct) that they consider may be perceived to influence their decision making on any particular item of business of the Authority or the Authority's work in general, within 28 days of that interest arising.

Members will have an interest pursuant to this paragraph 2 where a relevant decision might reasonably be regarded as affecting the well-being or financial position of that Member or of

⁴ '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 as amended, and other securities of any description, other than money deposited with a building society.

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any family member, friend, or close associate of that Member, to a greater extent than the majority of the inhabitants of the New Forest National Park.

By way of example and without limitation, interests caught by this paragraph 2 will include all offers (whether or not accepted) and all receipts of gifts or hospitality in any amount over £50 (or amounting to £100 over a year from a single source), any appointment, directorship, employment or position whether or not remunerated, any receipt of a grant or other funding, and any interest in land outside the National Park.

~~2.~~

3. The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection. Members shall keep all disclosures of interests accurate and up to date and in any event must notify any changes to the interests referred to in this Part 2B paragraph to the Monitoring Officer within 28 days of the change occurring, ~~and the~~ Monitoring Officer will amend the Register accordingly.

- ~~4.~~ 4. Any Member who has an non-pecuniary interest under Part 2B of within the meaning of this Code of Conduct, in any matter being considered at a meeting of the Authority, or of one of its committees, sub-committees or panels, shall disclose the existence and nature of that interest to the meeting, unless the interest is a sensitive interest. The disclosure shall be made at the beginning of the consideration of the matter, or as soon as the interest becomes apparent, if later, and shall be recorded in the minutes of that meeting. Where the interest is a 'sensitive interest' as defined in the Localism Act 2011, the Member must disclose merely the fact that that Member has a disclosable pecuniary interest in the matter concerned. The disclosure shall be at the beginning of the consideration of the matter, or as soon as the interest becomes apparent.

5. A Member may speak and vote on that item of business, unless their interest ~~in a particular item of business~~ is one ~~which that~~ 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 judgment of the public interest (a 'prejudicial interest'). In these circumstances, the Member may make representations on the matter to the meeting, in accordance, where appropriate, with the Authority's public speaking procedures and Standing Orders, provided that they withdraw from the room when those representations are concluded and before any discussion or vote takes place. For clarity, any financial interest in particular is likely to amount to a prejudicial interest. In respect of all other interests the Member will need to consider whether the nature of the interest is such that it may, or may be perceived to, conflict with the Member's public duties.

Updated July 20202023

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

2023

Author:	Solicitor and Monitoring Officer
Approved by:	Full Authority
Approval date:	2023
Next Review date:	2025
Version:	1.1

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Distribution list: All Members and senior Officers

Classification level: Public

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

The Code set out below has been adopted by New Forest National Park Authority to fulfil its obligations under section 27(2) of the Localism Act 2011.

All Members and co-opted Members must follow the Authority's Code of Conduct (the 'Code') when acting in their capacity as a Member or co-opted Member. All references to 'Members' below include reference to co-opted Members.

The Code is based on and is consistent with the following principles of public life which, although not forming part of the Code, Members should have regard to as they will assist in complying with the Code:

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. 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 issues and relationships.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should act and make decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

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

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.

HONESTY

Holders of public office should be truthful.

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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.

Explanatory Note

The Code is not intended to be an exhaustive list of all the obligations placed on Members. It is each Member's responsibility to comply with the following provisions of the Code as well as with all other legal and other obligations beyond the scope of this Code. Members should be aware that their actions and behaviour are subject to greater scrutiny than those of ordinary members of the public.

If a Member has any doubt about whether any action that Member proposes to take may be in breach of the Code, they should seek advice from the Monitoring Officer beforehand. However, please remember that responsibility for a Member's actions remains at all times with that Member.

Anyone who considers a Member has failed to comply with this Code when acting in their capacity as a Member may make a formal complaint about that Member. The Authority has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to formal censure, adverse publicity ("naming and shaming"), or the Authority removing the Member concerned from a Committee or other position.

This explanatory note does not form part of the Code.

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NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

PART 1: GENERAL OBLIGATIONS

Whenever a Member is acting in their capacity as a Member or co-opted Member they:

- must seek to play a full and active role in the Authority's work, fulfil their duties responsibly, and at all times act in good faith and in the Authority's best interests;
- must not use, or try to use, their position improperly to obtain an advantage or disadvantage for themselves or any other person or body;
- must not use the Authority's resources or information improperly for political purposes, personal gain or the advancement of others;
- must ensure the safeguarding of public funds and the proper custody of assets that have been publicly funded, and take appropriate measures to ensure the Authority uses resources efficiently, economically and effectively;
- must comply with all rules regarding remuneration, allowances and expenses;
- must comply with any formal investigation of an allegation of a breach of this Code of Conduct and with any sanctions imposed, and must not seek to interfere improperly with the outcome of the process;
- must not act in a manner which could be seen to bring their office or the Authority into disrepute;
- must act in a way that is consistent with the Authority's purposes, values, and position as an exemplar environmental and nature protection organisation;
- must treat officers of the Authority with courtesy and respect and not ask nor encourage officers to act in a way that would conflict with the Officer Code of Conduct. They must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Authority;
- must not disclose information that they know, or ought to know, is confidential, shared in confidence, or which constitutes the personal data of others, except as permitted by law and with the consent of the information owner, and only after consultation with the Monitoring Officer. This duty continues to apply after the Member has left the Authority;
- must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law;
- must deal with the public fairly, efficiently, promptly, effectively and sensitively, and must not act in a way that unjustifiably favours or discriminates against particular individuals or interests;

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- must treat others with respect;
- must not breach or do anything that may cause the Authority to breach any of the equality laws that prohibit discrimination and seek to advance equality of opportunity on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy, and should promote an inclusive and diverse culture within the Authority;
- must, when making decisions on behalf of or as part of the Authority, give reasons for decisions and have regard to any relevant advice provided to them by the Authority's Chief Finance Officer and Monitoring Officer, where such advice is offered pursuant to that Officer's statutory duties;
- must respect the principle of collective decision making and corporate responsibility, including supporting the decisions of the Authority once they are made;
- must exercise independent judgement and not compromise their judgment or integrity by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties;
- must never canvass or seek gifts or hospitality, and must ensure any acceptance of gifts or hospitality stands up to public scrutiny;
- must disclose and register their interests as further detailed in this Code of Conduct;
- must exercise proper discretion on matters directly related to the work of the Authority and recognise that certain political activities may be incompatible with their role as an Authority Member. In their role as an Authority Member they should be even handed in all dealings with political parties;
- must inform the Monitoring Officer of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director;
- must have regard to the Code of Recommended Practice on Local Authority Publicity;
- must, in using public social media, comply with this Code of Conduct and respect confidentiality, financial, legal and personal information. Where any personal social media accounts used make reference or link to their public role, they should take care to ensure that it is clear in what capacity they are acting;
- must not harass, bully, or act inappropriately towards anyone. Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone, or an abuse or misuse of power in a way that intends to undermine, humiliate, denigrate or injure someone.¹ Harassment may be characterised as unwanted conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, distressing, degrading, humiliating or offensive environment for an individual;

¹ Examples of bullying include: spreading malicious rumours, unfair treatment, insulting, ridiculing, demeaning, excluding or victimising someone, copying correspondence that is critical about someone to others who do not need to know, overbearing supervision or unfairly blocking individuals from progressing or other misuse of power, unwelcome sexual advances, making threats or comments about job security without foundation, and undermining a competent worker.

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- must not intimidate or improperly influence, or try to intimidate or improperly influence, anyone who has complained about them or who may be involved with a complaint about them;
- must not make trivial or malicious allegations about other members; and
- must promote an open, transparent and safe working environment within the Authority where individuals feel able to raise concerns.

PART 2: REGISTRATION AND DISCLOSURE OF INTERESTS

A. Disclosable Pecuniary Interests

1. Every Member must, within 28 calendar days of becoming a Member or co-opted Member, notify the Authority's Monitoring Officer of any disclosable pecuniary interest as set out in Part 2A, paragraph 5 of this Code, where (i) the pecuniary interest is the Member's, and/or (ii) the pecuniary interest is an interest of the spouse or civil partner of the Member or an interest of somebody with whom the Member is living as a spouse or civil partner (a 'relevant person'), and where the Member is aware that the relevant person has that interest. Where you become a Member as a result of a re-election or re-appointment, the duty to notify the Authority's Monitoring Officer applies only with regard to disclosable pecuniary interests not entered in the Authority's Register of Interests when the notification is given;
2. All disclosable pecuniary interests, whether already entered into the Register of Interests or not, in any matter being considered at a meeting of the Authority, committee, sub-committee, panel or other group at which the Member is present, must be disclosed to the meeting, except where the matter is a 'sensitive interest' as defined in the Localism Act 2011.² Where the interest is a 'sensitive interest', the Member must disclose merely the fact that that Member has a disclosable pecuniary interest in the matter concerned.
3. Where a Member has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, or one of its committees, sub-committees or panels, that Member must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless a dispensation has been obtained from the Authority's Standards Committee or otherwise in accordance with the Scheme of Delegations to Committees & Officers. The existence of any dispensation must also be declared at the start of the meeting.
4. Following any disclosure of an interest not on the Authority's Register of Interests, or which is the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
5. The following sub-paragraphs (i) to (vii) provide a summary of disclosable pecuniary interests that must be disclosed in accordance with Part 2A paragraph 1 above:

² A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

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- (i) **Employment, office, trade, profession or vocation** – Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) **Sponsorship** – Any payment or provision of any other financial benefit (other than from the Authority), including payments from a trade union, in respect of any expenses incurred in carrying out duties as a Member or towards election expenses.

Sponsorship payments are disclosable where they were made within the twelfth months prior to the time that you make a notification of the interest.

- (iii) **Contracts** – Any contract that has not yet been discharged for the provision of goods or services or the execution of works that is made between the Authority and a Member (or a relevant person or a body in which that Member or relevant person has a beneficial interest including a directorship, partnership or an interest in the securities of that body).
- (iv) **Land** – Any beneficial interest in land within the New Forest National Park.³
- (v) **Licences** – Any licence (alone or jointly with others) to occupy land in the New Forest National Park for a month or longer.
- (vi) **Corporate tenancies** – Any tenancy where:
 - (a) the landlord is the Authority; and
 - (b) the tenant is a body in which a Member or a relevant person has a beneficial interest.
- (vii) **Securities** – Any beneficial interest in securities of a body⁴ where:
 - (a) the Member is aware that that body has a place of business or land in the New Forest National Park; 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 Member or relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Full details of disclosable pecuniary interests can be found in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (2012 No. 1464), and any amendments to those Regulations.

³ Excluding an easement, servitude, interest or right in or over land that does not carry with it a right for the Member either alone or jointly to occupy the land or receive an income.

⁴ '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 as amended, and other securities of any description, other than money deposited with a building society.

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6. Members shall notify any changes to the interests referred to in this Part 2A to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register of Interests accordingly.

B. Other interests

1. All Members shall disclose to the Monitoring Officer their membership, or position of general control or management, of:
 - (a) any body to which the Authority has appointed or nominated them; or
 - (b) any body exercising functions of a public nature; or
 - (c) any body directed to charitable purposes;
 - (d) any political party; or
 - (e) any body one of whose principal purposes includes the influence of public opinion or policy,within 28 days of that interest arising.
2. Members shall also disclose to the Monitoring Officer any other interest (that would not be caught under Part 2A of this Code of Conduct) that they consider may be perceived to influence their decision making on any particular item of business of the Authority or the Authority's work in general, within 28 days of that interest arising.

Members will have an interest pursuant to this paragraph 2 where a relevant decision might reasonably be regarded as affecting the well-being or financial position of that Member or of any family member, friend, or close associate of that Member, to a greater extent than the majority of the inhabitants of the New Forest National Park.

By way of example and without limitation, interests caught by this paragraph 2 will include all offers (whether or not accepted) and all receipts of gifts or hospitality in any amount over £50 (or amounting to £100 over a year from a single source), any appointment, directorship, employment or position whether or not remunerated, any receipt of a grant or other funding, and any interest in land outside the National Park.

3. The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection. Members shall keep all disclosures of interests accurate and up to date and in any event must notify any changes to the interests referred to in this Part 2B to the Monitoring Officer within 28 days of the change occurring. The Monitoring Officer will amend the Register accordingly.
4. Any Member who has an interest under Part 2B of this Code of Conduct in any matter being considered at a meeting of the Authority, or of one of its committees, sub-committees or panels, shall disclose the existence and nature of that interest to the meeting, unless the interest is a sensitive interest. The disclosure shall be made at the beginning of the consideration of the matter, or as soon as the interest becomes apparent, if later, and shall be recorded in the minutes of that meeting. Where the interest is a 'sensitive interest' as defined in the Localism Act 2011, the Member must disclose merely the fact that that Member has a disclosable pecuniary interest in the matter concerned.

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5. A Member may speak and vote on that item of business, unless their interest is one that 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 (a 'prejudicial interest'). In these circumstances, the Member may make representations on the matter to the meeting, in accordance, where appropriate, with the Authority's public speaking procedures and Standing Orders, provided that they withdraw from the room when those representations are concluded and before any discussion or vote takes place. For clarity, any financial interest in particular is likely to amount to a prejudicial interest. In respect of all other interests the Member will need to consider whether the nature of the interest is such that it may, or may be perceived to, conflict with the Member's public duties.

Updated 2023

ANNEX 3



NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT

LOCALISM ACT 2011 SECTION 28

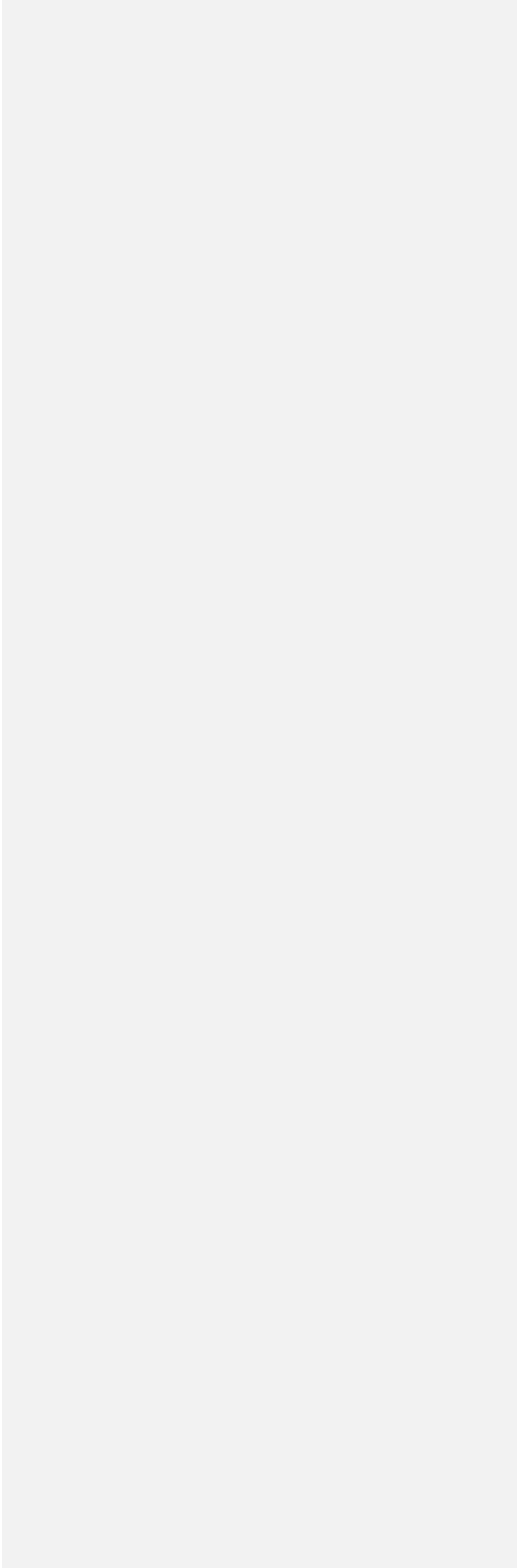
MEMBER COMPLAINTS PROCESS

(ARRANGEMENTS FOR DEALING WITH ALLEGATIONS)

Author: Solicitor and Monitoring Officer
Approved by: Full Authority
Approval date: ~~9 July 2020~~ ~~25 March 2021~~ 2023
Next Review date: ~~July 2022~~ ~~March 2023~~ 2025
Version: ~~1~~ 2.0

Distribution list: All Members and relevant officers

Classification level: Public



1. Making complaints

- 1.1 Any complaint that a Member has failed to comply with the Code of Conduct, the Local Protocol for Members and Officers dealing with Planning Matters, or the Protocol for Member and Officer Relations, should be in writing and addressed to:

The Monitoring Officer
New Forest National Park Authority
Town Hall
Avenue Road
Lymington
SO41 9ZG
Email: monitoring.officer@newforestnpa.gov.uk

- 1.2 The complainant should provide a name and contact address or email address in the complaint. Should the complainant wish to request that the complaint be dealt with on a confidential basis, this should be indicated in the complaint itself together with the grounds for the request. The MO will, taking advice from the Information & Data Protection Officer if necessary, consider these grounds and determine whether it would be reasonable and lawful to comply with the request. Note that, in line with paragraph 2.4(e) below, where a fully anonymous complaint is received by the MO it is unlikely to be investigated, but there may be some limited circumstances in which it might be reasonable for an investigation to proceed notwithstanding that identifying details will not be disclosed to others.

2. Initial action by Monitoring Officer (MO)

- 2.1 At all stages during the process laid out below the MO will keep the matter under review, and will seek to ensure that the complaint is being processed in a fair and transparent manner and without any conflict of interest in respect of any of the parties involved in investigating the complaint.
- 2.2 At any time on or after receipt of the complaint, the MO may ask the Deputy Monitoring Officer (DMO) to act on the MO's behalf. In particular, this might occur if the MO considers that it is not appropriate for the MO to act or the MO is not available. In exceptional circumstances and where in the MO's discretion it appears necessary to do so, the MO may consider asking the MO from another local authority or National Park Authority to progress the complaint in accordance with these rules, working with the Independent Person (IP) and the Authority's Standards Committee. References to the MO throughout this process include any person investigating a complaint in accordance with this paragraph 2.2.
- 2.3 If at any time it appears to the MO that all the Members of the Standards Committee have a conflict of interest with regard to the subject matter of the complaint, the matter shall be referred to a meeting of the full Authority, which will select Members as considered appropriate to consider the matter, or if necessary shall ask for assistance in resolving the matter from another local authority or

National Park Authority.

2.4 On receipt of the complaint ~~the~~ MO will conduct an initial review ~~of the complaint~~ and may, in ~~his/her~~ the MO's discretion, dismiss it without further action if in ~~his/her~~ the MO's opinion one or more of the following apply:

- (a) the person complained about is no longer a Member of the National Park Authority or was not a Member the time of the alleged matter;
- (b) the conduct complained about has ~~already been~~, is, or should be, the subject of investigation or enquiry by another public body (i.e. where it does not relate to National Park Authority business), and in particular this will include complaints that are or ought to be the subject of investigation by the local authority that appoints that Member to the Authority;
- (c) the conduct alleged amounts to an offence and/or has been, is, or should be the subject of a police investigation (see paragraph 2.9 below);
- ~~(d)~~ the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and the MO considers that there is nothing further to be gained by further action;
- ~~(ed)~~ the complaint was made anonymously or the complainant unreasonably insists on their details not being disclosed to the member in question, or, or having raised the complaint, the complainant does not engage with the process;
- ~~(ef)~~ the matter being complained about happened more than 12 months before the complaint was received, unless the complainant only became aware of the matter more than 12 months after the matter occurred, in which case the complaint must be brought within 12 months of the complainant becoming so aware;
- ~~(fg)~~ the matter being complained about came to the complainant's notice more than 12 months before the complaint was received;
- ~~(g)~~ where the matter concerns an employee;
- ~~(h)~~ where the substance of the complaint is in effect about the Authority, or its policies and procedures, or its officer(s), in which case it should be addressed through the Authority's Complaints Process;
- ~~(hi)~~ it appears that the complaint is trivial, vexatious, manifestly unreasonable, or there is a manifest ulterior and/or political motive, or it is otherwise manifestly clearly unfounded;
- ~~(ji)~~ there is insufficient evidence and / or the allegation is not serious enough to warrant an investigation

2.5 In conducting an initial review under 2.4, the MO will, where the MO considers it appropriate:

- (a) consult with an Independent Person (IP) appointed under section 28 of the Localism Act 2011 and consider the IP's views,
- (b) send a copy of the complaint to the Member concerned, and
- (c) ask the Member any specific questions that the MO considers will assist in the initial assessment of the complaint.

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~~2.6 2-2~~ The MO will carry out ~~the~~^{is} initial assessment under this section 2 as soon as possible, ~~but and will conclude it~~ no later than within 15 working days of the receipt of the complaint. ~~The MO and will~~ inform the complainant and the Member accordingly if the matter[#] is dismissed.

~~2.37~~ If the MO does not dismiss the complaint on one of the above grounds, ~~he/she the~~ MO will acknowledge it and will inform the complainant of the procedure to be followed. The MO may ask the complainant for further information or clarification at any stage.

~~2.48~~ The MO will, (except in exceptional circumstances where the MO/she considers that it is in the public interest not to do so), send the Member complained about a copy of the complaint, and will invite the Member to submit initial written comments within 20 clear working days of the complaint being received by the Member.

~~2.5 The MO will also:~~

~~(a) consult with an Independent Person (IP) appointed under section 28 of the Localism Act 2011 whose views will be taken into account when the complaint is initially examined, and~~

~~(b) ask the Member any specific questions the MO considers will assist the initial assessment of the complaint.~~

~~2.96~~ As an alternative to the above action, the MO may, if the MO/she considers it appropriate, refer the complaint to the pPolice or the Director of Public Prosecutions ('DPP'), as appropriate, and take no further action under this procedure unless and until informed ~~by the Police~~ that the police or DPP they will not proceed. This will include but is not limited to where, in the MO's opinion, a complaint involves a potentially criminal breach of the rules on disclosable pecuniary interests.

~~2.10~~ Where in the MO's opinion it would be appropriate to refer the complaint to any other body, the MO may do so.

3. Preliminary assessment of the complaint by the Monitoring Team

~~3.1~~ If, following the review under section 2 above, the investigation of the complaint is to proceed, aThe preliminary assessment by the Monitoring Team will, if practicable, take place within 15 clear working days of receipt of the Member's written comments under section 2 above. The

~~3.2~~ ~~The decision on the preliminary assessment will be made by the~~ Monitoring Team. This will comprise the MO and the Chair~~man~~ of the Standards Committee or, if ~~he/she the Chair~~ is unavailable, another Member of the Standards Committee, ~~and will take into account the views of the IP.~~

~~3.3~~ If tThe MO may appoint the Deputy Monitoring Officer (DMO) to act on their behalf

~~at any time, in particular this may occur if they considers that it is not appropriate for him/her to act, the Deputy MO will take his/her theirplace, but may occur at any time. In exceptional circumstances, the MO may consider appointing a MO or arranging for a Standards Committee from another Authority to process the complaint, for example where there is a potential conflict of interest of the MO or Standards Committee Members.~~

3.42 Before the Monitoring Team considers the complaint, the MO will send to the Chairman of the Standards Committee/alternative Member and the IP:

- (a) a copy of the complaint;
- (b) a copy of the Member's comments in response to the complaint; and
- ~~(c)~~ any other information in the MO's possession that the MO/she considers relevant.

~~and will ask the IP for their views.-~~

3.53 The Monitoring Team's decision on the initial-preliminary assessment, according to paragraph 4 below, together with reasons for the decisions and a summary of the IP's views, and the views of the IP (if involved) will be given in writing to the Member and the complainant within five working days of that decision being taken.

3.64 There will be no right of appeal.

3.75 The decision will be available for public inspection on request, subject to the redaction of personal data for data protection reasons where appropriate or for any other reason as required by law.

4. Decision Options at Preliminary preliminary Assessment assessment stage

4.1 The Monitoring Team may decide on one of the following:

- (a) to take no action (see Appendix 1);
- (b) to attempt to resolve the matter informally between the complainant and Member, either in writing, by face-to-face meeting, or by any other method they consider appropriate. In this case there will be no formal decision as to whether or not there was a breach of the Code of Conduct. If an attempt to resolve the matter in this way is not achieved to the satisfaction of the Member and the complainant, options (c) and (d) will remain open;
- (c) to arrange a hearing ~~before a Panel of three Members drawn from the Standards Committee and the IP, at which the Member and complainant can state their case and, if appropriate, call witnesses. Procedures are set out at Appendix 2. The hearing will reach a formal decision as to whether the Member breached the Code of Conduct in accordance with paragraph 5 below;~~
- (d) if the complaint is potentially complex, to arrange for a formal investigation to be undertaken, including interview of appropriate witnesses, and to seek the view of the investigator as to whether there has been a breach of the Code of Conduct. If the investigator considers there has been a breach of the Code, a

hearing will be arranged as in (c). If the investigator considers that there has not been a breach of the Code, the MO will issue a formal finding to that effect.

5. Hearings

5.1 Where a hearing is required in accordance with paragraph 4.1(c) above, this will be held before a Panel of three Members drawn from the Standards Committee and the IP. The Member and complainant will have the opportunity to state their case, ask questions, and, if appropriate, call witnesses. The full procedure is set out at Appendix 2.

5.2 The hearing will reach a formal decision as to whether or not the Member breached the Code of Conduct.

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APPENDIX 1

NO FURTHER ACTION

No action will be taken where any of the following apply:

- (a) the Monitoring Team considers that there is no ~~prima facie~~ substantive or credible evidence that the Code has been breached;
- (b) taking into account the nature of the allegation, the Monitoring Team considers that using public funds to examine the matter further would be disproportionate;
- (c) the Monitoring Team considers that the complaint appears to be vexatious, manifestly unreasonable, politically or personally motivated, or made by a persistent complainant without good cause;
- (d) the Monitoring Team considers the complaint does not relate to behaviour in the Member's ~~official~~ capacity as a Member of the Authority;
- (e) the Monitoring Team considers that, despite having requested further information/clarity from the complainant, there is insufficient information to take the matter further;
- (f) the complainant has requested that their identity as complainant be withheld from the Member, and the Monitoring Team considers that the matter cannot reasonably be taken further in these circumstances;
- (g) the Member has already apologised for the action that was the subject of the complaint, and the Monitoring Team considers that this is sufficient to address the complaint;
- (h) the Monitoring Team considers that the complaint is essentially against the action of the National Park Authority as a whole and cannot properly be directed against an individual Member(s).

APPENDIX 2

PROCEDURE FOR HEARINGS

1.0 General:

- 1.1 Hearings will where possible be held within two months of the initial assessment decision where there is no prior investigation, and within two months of receipt by the MO of the investigator's report where there has been a prior investigation.
- 1.2 The hearing will be before a Panel of three ~~of the~~ Members drawn from the Standards Committee. One of the Members will be elected ~~Chairman of the Panel~~. An Officer will take notes of the proceedings and provide general assistance to the Panel.
- 1.3 The ~~Independent Person [IP] appointed under section 28 of the Localism Act 2011~~ will also be present. ~~His/her~~The IP's views will be requested and taken into account by the Panel, but ~~by law he/she~~the IP will ~~cannot not have a~~ vote.
- 1.4 The MO ~~or deputy MO~~ will be present as advisor to the Panel.
- 1.5 Both the Member and complainant will be invited to appear. ~~They Each~~ may present their own case or ~~they~~ may be represented.
- 1.6 ~~Both the Member and complainant~~ ~~They~~ may bring witnesses of fact (of a number the Panel considers is reasonable), in which case written statements from the witnesses must be lodged with the MO at least 10 working days before the hearing. "Character witnesses" who cannot provide evidence on the subject matter of the complained ~~about~~ will not be permitted.
- 1.~~76~~ The cost of any attendance/representation must be borne by the party concerned.
- 1.~~78~~ All written evidence will be circulated to the Panel, the IP, the Member and the complainant at least five working days before the hearing.
- 1.~~89~~ Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.
- 1.~~910~~ The MO ~~or DMO~~ can speak at any time to advise the Panel on technical matters or ask questions of any party.

2.0 Proceedings:

- 2.1 The complainant may address the Panel and call witnesses (if any).
- 2.2 The Member may ask the complainant and witnesses questions.
- 2.3 The Panel and IP may ask the complainant and witnesses questions.

2.4 The Member may address the Panel and call witnesses. ~~(subject to paragraph 1.6 above)~~

2.5 The complainant may ask the Member and witnesses questions.

2.6 The Panel and IP may ask the Member and witnesses questions.

2.7 The complainant may make a closing statement.

2.8 The Member may make a closing statement.

2.9 All those present except the Panel, the IP, the MO and any [Authority](#) Officer in attendance will leave the room while the Panel makes its decision, having regard to the views of the IP and any advice given by the MO.

2.10 The Panel's decision will be announced orally to those attending the hearing as soon as possible after the hearing has taken place. Where the deliberations are not concluded immediately after the hearing, it may be necessary to notify attendees the following day.

2.11 A written report of the hearing and decision, with which will include the relevant facts, reasons, a summary of the IP's views, and any sanctions, will be prepared. This should usually occur within five working days. A copy will be sent to all those present at the hearing the Panel, the IP, the Member and the complainant.

2.12 The written report will be available for public inspection on request, subject to any redactions for the purposes of data protection or otherwise as required by law.

3.0 Decisions open to the Panel:

3.1 The Panel may decide on one of the following outcomes:

(a) That the Member did not fail to comply with the National Park Authority's Code of Conduct;

(b) That the Member did fail to comply with the National Park Authority's Code of Conduct, and that:

(i) no action need be taken; or

(ii) the Member be censured; and/or

(iii) whatever publicity the Panel considers appropriate be given to its findings; and/or

(iv) it be recommended to the National Park Authority that the Member be removed from a specific Committee(s), or from any other position to which the National Park Authority has appointed ~~him/her~~ that Member.

3.2 The Panel may also make any recommendations it considers appropriate to the National Park Authority concerned on procedural amendments that might assist Members generally to follow the Code of Conduct.

ANNEX 4



NEW FOREST NATIONAL PARK AUTHORITY

CODE OF CONDUCT LOCALISM ACT 2011 SECTION 28 MEMBER COMPLAINTS PROCESS (ARRANGEMENTS FOR DEALING WITH ALLEGATIONS)

Author:	Solicitor and Monitoring Officer
Approved by:	Full Authority
Approval date:	2023
Next Review date:	2025
Version:	2.0

Distribution list: All Members and relevant officers

Classification level: Public

1. Making complaints

- 1.1 Any complaint that a Member has failed to comply with the Code of Conduct, the Local Protocol for Members and Officers dealing with Planning Matters, or the Protocol for Member and Officer Relations, should be in writing and addressed to:

The Monitoring Officer
New Forest National Park Authority
Town Hall
Avenue Road
Lymington
SO41 9ZG
Email: monitoring.officer@newforestnpa.gov.uk

- 1.2 The complainant should provide a name and contact address or email address in the complaint. Should the complainant wish to request that the complaint be dealt with on a confidential basis, this should be indicated in the complaint itself together with the grounds for the request. The MO will, taking advice from the Information & Data Protection Officer if necessary, consider these grounds and determine whether it would be reasonable and lawful to comply with the request. Note that, in line with paragraph 2.4(e) below, where a fully anonymous complaint is received by the MO it is unlikely to be investigated, but there may be some limited circumstances in which it might be reasonable for an investigation to proceed notwithstanding that identifying details will not be disclosed to others.

2. Initial action by Monitoring Officer (MO)

- 2.1 At all stages during the process laid out below the MO will keep the matter under review, and will seek to ensure that the complaint is being processed in a fair and transparent manner and without any conflict of interest in respect of any of the parties involved in investigating the complaint.
- 2.2 At any time on or after receipt of the complaint, the MO may ask the Deputy Monitoring Officer (DMO) to act on the MO's behalf. In particular, this might occur if the MO considers that it is not appropriate for the MO to act or the MO is not available. In exceptional circumstances and where in the MO's discretion it appears necessary to do so, the MO may consider asking the MO from another local authority or National Park Authority to progress the complaint in accordance with these rules, working with the Independent Person (IP) and the Authority's Standards Committee. References to the MO throughout this process include any person investigating a complaint in accordance with this paragraph 2.2.
- 2.3 If at any time it appears to the MO that all the Members of the Standards Committee have a conflict of interest with regard to the subject matter of the complaint, the matter shall be referred to a meeting of the full Authority, which will select Members as considered appropriate to consider the matter, or if necessary shall ask for assistance in resolving the matter from another local authority or

National Park Authority.

2.4 On receipt of the complaint the MO will conduct an initial review and may, in the MO's discretion, dismiss it without further action if in the MO's opinion one or more of the following apply:

- (a) the person complained about is no longer a Member of the National Park Authority or was not a Member the time of the alleged matter;
- (b) the conduct complained about has been, is, or should be, the subject of investigation or enquiry by another public body (i.e. where it does not relate to National Park Authority business), and in particular this will include complaints that are or ought to be the subject of investigation by the local authority that appoints that Member to the Authority;
- (c) the conduct alleged amounts to an offence and/or has been, is, or should be the subject of a police investigation (see paragraph 2.9 below);
- (d) the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and the MO considers that there is nothing to be gained by further action;
- (e) the complaint was made anonymously or the complainant unreasonably insists on their details not being disclosed to the member in question, or, having raised the complaint, the complainant does not engage with the process;
- (f) the matter being complained about happened more than 12 months before the complaint was received, unless the complainant only became aware of the matter more than 12 months after the matter occurred, in which case the complaint must be brought within 12 months of the complainant becoming so aware;
- (g) the substance of the complaint is in effect about the Authority, or its policies and procedures, or its officer(s), in which case it should be addressed through the Authority's Complaints Process;
- (h) it appears that the complaint is trivial, vexatious, manifestly unreasonable, there is a manifest ulterior and/or political motive, or it is otherwise clearly unfounded;
- (i) there is insufficient evidence and / or the allegation is not serious enough to warrant an investigation

2.5 In conducting an initial review under 2.4, the MO will, where the MO considers it appropriate:

- (a) consult with an Independent Person (IP) appointed under section 28 of the Localism Act 2011 and consider the IP's views,
- (b) send a copy of the complaint to the Member concerned, and
- (c) ask the Member any specific questions that the MO considers will assist in the initial assessment of the complaint.

2.6 The MO will carry out the initial assessment under this section 2 as soon as possible, and will conclude it no later than within 15 working days of the receipt of

the complaint. The MO will inform the complainant and the Member accordingly if the matter is dismissed.

- 2.7 If the MO does not dismiss the complaint on one of the above grounds, the MO will acknowledge it and will inform the complainant of the procedure to be followed. The MO may ask the complainant for further information or clarification at any stage.
- 2.8 The MO will (except in exceptional circumstances where the MO considers that it is in the public interest not to do so) send the Member complained about a copy of the complaint, and will invite the Member to submit initial written comments within 20 clear working days of the complaint being received by the Member.
- 2.9 As an alternative to the above action, the MO may, if the MO considers it appropriate, refer the complaint to the police or the Director of Public Prosecutions ('DPP'), as appropriate, and take no further action under this procedure unless and until informed that the police or DPP will not proceed. This will include but is not limited to where, in the MO's opinion, a complaint involves a potentially criminal breach of the rules on disclosable pecuniary interests.
- 2.10 Where in the MO's opinion it would be appropriate to refer the complaint to any other body, the MO may do so.

3. Preliminary assessment of the complaint by the Monitoring Team

- 3.1 If, following the review under section 2 above, the investigation of the complaint is to proceed, a preliminary assessment by the Monitoring Team will, if practicable, take place within 15 clear working days of receipt of the Member's written comments under section 2 above. The Monitoring Team will comprise the MO and the Chair of the Standards Committee or, if the Chair is unavailable, another Member of the Standards Committee.
- 3.2 Before the Monitoring Team considers the complaint, the MO will send to the Chair of the Standards Committee/alternative Member and the IP:
 - (a) a copy of the complaint;
 - (b) a copy of the Member's comments in response to the complaint; and
 - (c) any other information in the MO's possession that the MO considers relevant,and will ask the IP for their views.
- 3.3 The Monitoring Team's decision on the preliminary assessment, according to paragraph 4 below, together with reasons for the decisions and a summary of the IP's views, will be given in writing to the Member and the complainant within five working days of that decision being taken.
- 3.4 There will be no right of appeal.

3.5 The decision will be available for public inspection on request, subject to the redaction of data for data protection reasons or for any other reason as required by law.

4. Decision options at preliminary assessment stage

4.1 The Monitoring Team may decide on one of the following:

- (a) to take no action (see Appendix 1);
- (b) to attempt to resolve the matter informally between the complainant and Member, either in writing, by face-to-face meeting, or by any other method they consider appropriate. In this case there will be no formal decision as to whether or not there was a breach of the Code of Conduct. If an attempt to resolve the matter in this way is not achieved to the satisfaction of the Member and the complainant, options (c) and (d) will remain open;
- (c) to arrange a hearing in accordance with paragraph 5 below;
- (d) if the complaint is potentially complex, to arrange for a formal investigation to be undertaken, including interview of appropriate witnesses, and to seek the view of the investigator as to whether there has been a breach of the Code of Conduct. If the investigator considers there has been a breach of the Code, a hearing will be arranged as in (c). If the investigator considers that there has not been a breach of the Code, the MO will issue a formal finding to that effect.

5. Hearings

5.1 Where a hearing is required in accordance with paragraph 4.1(c) above, this will be held before a Panel of three Members drawn from the Standards Committee and the IP. The Member and complainant will have the opportunity to state their case, ask questions, and, if appropriate, call witnesses. The full procedure is set out at Appendix 2.

5.2 The hearing will reach a formal decision as to whether or not the Member breached the Code of Conduct.

NO FURTHER ACTION

No action will be taken where any of the following apply:

- (a) the Monitoring Team considers that there is no substantive or credible evidence that the Code has been breached;
- (b) taking into account the nature of the allegation, the Monitoring Team considers that using public funds to examine the matter further would be disproportionate;
- (c) the Monitoring Team considers that the complaint appears to be vexatious, manifestly unreasonable, politically or personally motivated, or made by a persistent complainant without good cause;
- (d) the Monitoring Team considers the complaint does not relate to behaviour in the Member's capacity as a Member of the Authority;
- (e) the Monitoring Team considers that, despite having requested further information/clarity from the complainant, there is insufficient information to take the matter further;
- (f) the complainant has requested that their identity as complainant be withheld from the Member, and the Monitoring Team considers that the matter cannot reasonably be taken further in these circumstances;
- (g) the Member has already apologised for the action that was the subject of the complaint, and the Monitoring Team considers that this is sufficient to address the complaint;
- (h) the Monitoring Team considers that the complaint is essentially against the action of the National Park Authority as a whole and cannot properly be directed against an individual Member(s).

PROCEDURE FOR HEARINGS

1.0 General:

- 1.1 Hearings will where possible be held within two months of the initial assessment decision where there is no prior investigation, and within two months of receipt by the MO of the investigator's report where there has been a prior investigation.
- 1.2 The hearing will be before a Panel of three Members drawn from the Standards Committee. One of the Members will be elected Chair of the Panel. An Officer will take notes of the proceedings and provide general assistance to the Panel.
- 1.3 The IP will also be present. The IP's views will be requested and taken into account by the Panel, but the IP will not have a vote.
- 1.4 The MO will be present as advisor to the Panel.
- 1.5 Both the Member and complainant will be invited to appear. Each may present their own case or may be represented.
- 1.6 Both the Member and complainant may bring witnesses of fact (of a number the Panel considers is reasonable), in which case written statements from the witnesses must be lodged with the MO at least 10 working days before the hearing. "Character witnesses" who cannot provide evidence on the subject matter of the complaint will not be permitted.
- 1.7 The cost of any attendance/representation must be borne by the party concerned.
- 1.8 All written evidence will be circulated to the Panel, the IP, the Member and the complainant at least five working days before the hearing.
- 1.9 Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.
- 1.10 The MO can speak at any time to advise the Panel on technical matters or ask questions of any party.

2.0 Proceedings:

- 2.1 The complainant may address the Panel and call witnesses (if any).
- 2.2 The Member may ask the complainant and witnesses questions.
- 2.3 The Panel and IP may ask the complainant and witnesses questions.
- 2.4 The Member may address the Panel and call witnesses.

- 2.5 The complainant may ask the Member and witnesses questions.
- 2.6 The Panel and IP may ask the Member and witnesses questions.
- 2.7 The complainant may make a closing statement.
- 2.8 The Member may make a closing statement.
- 2.9 All those present except the Panel, the IP, the MO and any Authority Officer in attendance will leave the room while the Panel makes its decision, having regard to the views of the IP and any advice given by the MO.
- 2.10 The Panel's decision will be announced orally to those attending the hearing as soon as possible after the hearing has taken place. Where the deliberations are not concluded immediately after the hearing, it may be necessary to notify attendees the following day.
- 2.11 A written report of the hearing and decision, which will include the relevant facts, reasons, a summary of the IP's views, and any sanctions, will be prepared. This should usually occur within five working days. A copy will be sent to the Panel, the IP, the Member and the complainant.
- 2.12 The written report will be available for public inspection on request, subject to any redactions for the purposes of data protection or otherwise as required by law.

3.0 Decisions open to the Panel:

- 3.1 The Panel may decide on one of the following outcomes:
 - (a) That the Member did not fail to comply with the National Park Authority's Code of Conduct;
 - (b) That the Member did fail to comply with the National Park Authority's Code of Conduct, and that:
 - (i) no action need be taken; or
 - (ii) the Member be censured; and/or
 - (iii) whatever publicity the Panel considers appropriate be given to its findings; and/or
 - (iv) it be recommended to the National Park Authority that the Member be removed from a specific Committee(s), or from any other position to which the National Park Authority has appointed that Member.
- 3.2 The Panel may also make any recommendations it considers appropriate to the National Park Authority concerned on procedural amendments that might assist Members generally to follow the Code of Conduct.

ANNEX 5



NEW FOREST NATIONAL PARK AUTHORITY

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

~~JULY-2023~~

Author: Solicitor and Monitoring Officer
Approved by: Full Authority
Approval date: ~~9 July 2020~~2023
Next Review date: ~~2025~~July 2022
Version: 1.0

ANNEX 5

Distribution list: All Members and Officers

Classification level: Public

PROTOCOL FOR MEMBER AND OFFICER RELATIONS

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PROTOCOL FOR MEMBER AND OFFICER RELATIONS

1 Introduction

- 1.1 The Localism Act 2011 introduced a new ethical framework for local government, pursuant to which the Authority has adopted a Members' Code of Conduct and appointed a Standards Committee.
- 1.2 The Members' Code of Conduct addresses in general terms the aspects of a Member's conduct in carrying out the whole range of official duties and has direct relevance to the relations between Members and officers.
- 1.3 The Authority seeks an excellent working relationship between Members and officers as the best means of ensuring clear and consistent strategy and proper representation by outside interests in the work of the Authority. Such good working relationships ~~require~~ are assisted by the framework set out in this protocol ~~as a framework~~.
- 1.4 This protocol guides Members and officers of the Authority in their relations with one another. To a large extent it is no more than a statement of current practice and convention. It is neither prescriptive nor comprehensive but aims to promote clarity and certainty. Accordingly it will be kept under review and amended as necessary. It addresses the issues which most commonly arise, and may also serve to provide guidance on dealing with other issues.
- 1.5 The protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared objective of these Codes is to enhance and maintain the integrity of the Authority ~~in the eyes of~~ for the people it serves.

2 Member/Officer relations

- 2.1 Both Members and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. Members represent the wider public. Officers are responsible to the National Park Authority. Their job is to give advice to Members and the Authority and to carry out the Authority's work under the direction and control of the Authority, its Committees and Sub-Committees.
- 2.2 Members should respect the role of the Authority's officers and treat them in a way that engenders mutual respect at all times which is essential to good local government.
- 2.3 Officers should respect the role of the Authority's Members and treat them in a way that engenders mutual respect at all times which is essential to good local government.

Expectations

- 2.4 Members can expect from officers:

- a commitment to the Authority as a whole and not only to any part of it
- respect and courtesy
- the highest standards of integrity
- a working partnership
- an understanding of and support for respective roles, workloads and pressures
- timely responses to enquiries and complaints
- professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- regular up to date information that can be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
- awareness of and sensitivity to the political environment
- training and development in order to carry out their role effectively
- appropriate confidentiality
- that they will not use their relationship with Members to seek to advance their personal interests or to influence decisions improperly
- support for the role of Members within the arrangements made by Authority compliance with the protocols at all times.

2.5 Officers can expect from Members:

- respect and courtesy
- the highest standards of integrity
- a working partnership
- an understanding of and support for respective roles, workloads and pressures
- leadership
- not to be subject to bullying, or discrimination or to be put under undue pressure

- that Members will not use their position or relationship with officers to seek to advance their personal interests or those of others or to influence decisions improperly
- compliance with the Members' Code of Conduct and protocols at all times.

Working relationships

- 2.6 Both Members and officers should take care not to give the impression that their distinct roles have become blurred in some way. Maintaining confidence in the separation of these roles necessarily imposes limitations on behaviour. Members and officers should exercise caution in forming close personal friendships between each other. This can confuse their separate roles and affect the proper ~~discharge-conduct~~ of the Authority's functions. The perception could be in others that a particular Member or officer may be able to secure advantageous treatment as a result of such a friendship. Where a relative of, or person with a close association with, an employee becomes a Member of the Authority the employee should make the circumstances known to the Chief Executive (National Park Officer).
- 2.7 Any act against an individual officer may be regarded as a form of bullying, intimidation or harassment if it is intended to influence unfairly that person's actions, thoughts or deeds. Whilst no policy statement can give guidance on every instance where such behaviour may occur the Authority is committed to promoting standards of behaviour which reflect the proper, professional, working relationship which should exist between Members and officers at all times and to ensure normal standards of courtesy and behaviour between individuals.
- 2.8 All dealings between Members and officers should, therefore, observe reasonable standards of courtesy and neither party should seek to take advantage of their position. On occasions, Members may have reason to complain about the conduct or performance of an officer. All such complaints should be made personally to the Chief Executive, the Executive Director or the Monitoring Officer. It is particularly important that such complaints are made in this way and are not aired in public such as at a meeting of the Authority, its Committees or Sub-Committees or other external bodies, or in the press.
- 2.9 The corollary to the Member's concern about an officer's performance is a concern by an officer in relation to a Member's conduct. All such concerns should be brought personally to the attention of the Chief Executive or in ~~their~~ absence the Executive Director and the Monitoring Officer. They will if necessary discuss the matter with the ~~Chairman-Chair~~ of the Authority and, where appropriate, with the ~~Chairman~~ of the Committee or Sub-Committee affected. In the absence of the ~~Chairman~~, the Deputy ~~Chairman~~ should be approached. Officers should also have regard to the Authority's whistle blowing policy, which

provides further options for raising certain serious concerns about conduct.

3 Roles of Members

3.1 The role of the Member is to foster and promote the core purposes of the National Park (as set out in the National Parks and Access to the Countryside Act 1949 as amended) and, in so doing:

- to provide strategic leadership and direction in partnership with the Executive
- to have regard to and contribute to the development of national and regional policies
- to monitor, review scrutinise and debate strategies, policies plans and performance
- to participate in community engagement with all stakeholders
- to represent the Authority to the public and stakeholders at all levels
- to represent national and local interests on the Authority.

3.2 The role of a Committee Chair~~man~~ is legally recognised for procedural purposes such as chairing meetings and exercising a casting vote. In practice, Chairs are recognised as the 'lead members' on the areas and issues within the terms of reference of the Committee concerned. This involves working closely with officers and acting as the Authority's external 'spokesperson' on those issues.

3.3 Lead Members (or 'Member Champions') may be appointed with the role of working with the officers in driving forward new areas of work or where a transformation or stepped change is required in strategies or services. The themes for the Lead Members are linked to the Authority's priorities. Lead Members need to ensure that in exercising their role that this does not conflict or become confused with the role of the relevant Committee Chair~~man~~.

4 Responsibilities and rights of Members

4.1 All Members appointed to the Authority have equal status, equal opportunity to hold office and are equally responsible. Members are expected to be equally committed to fulfilling the purposes for which National Parks exist and accept their appointment to the Authority with that commitment in mind.

4.2 Members of a National Park Authority, in their individual capacity, have no executive powers and can exercise no lawful authority to make decisions.

4.3 Members should be able to leave the day-to-day implementation of policies, including management to officers. Members have a right to ensure that the decisions for which they are statutorily responsible and accountable are implemented by officers. Officers should demonstrate that they are sensitive-cognisant of and responsive to Members' aspirations underlying those policies.

5 Rights and duties of individual Members

5.1 There are other clear rights for individual Members, principally:

- rights of access to Committee papers
- rights to attend meetings
- rights to see the accounts and make copies, and before the annual audit to inspect specific books, contracts, bills etc.
- rights to receive approved allowances.

5.2 There are also duties on individual Members, principally:

- to abide by the Authority's Members' Code of Conduct and protocols
- to disclose pecuniary and non-pecuniary interests in accordance with the Code of Conduct and the Localism Act 2011 as appropriate
- to attend meetings of the Authority, its Committees, Sub-Committees, other events and any outside bodies to which ~~that~~ they have been appointed ~~to~~
- to attend and participate in opportunities for training and development
- to take into account advice provided by the Chief Executive or officers of the Authority.

6 Inspection of documents

6.1 The Authority wishes to conduct its affairs in an open and transparent way and to give Members maximum access to information and documents to enable them to discharge their role as Members of the Authority. Requests for information can range from general information about some aspect of the Authority's work to specific requests for information on behalf of a member of the public. Under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, both members of the public and Members of the Authority have the same rights of access to information. However, some types of information, such as information that would infringe someone's data protection rights or breach confidentiality, or where release of the information would prejudice an investigation, are exempt from the access to information provisions. Where requests for information are made by a

Member on behalf of a member of the public, the Authority member should make this clear at the time of making the request. Such requests should be made to senior officers to avoid putting junior staff in a difficult position. This type of request will be treated in the same way under the Freedom of Information Act or Environmental Information Regulations 2004, as appropriate, as if the member of the public has asked for the information directly.

- 6.2 The legal rights of Members to inspect Authority documents are covered partly by statute (the Local Government Acts) and partly by the common law. A Member will be permitted access to private Authority documents if ~~he or she~~that Member can demonstrate that access to the documents is reasonably necessary to enable ~~him or her~~them properly to perform ~~his or her~~their duties as a Member (the “need to know” principle) and there is no overriding reason (such as the protection of personal data) why that information should not be disclosed to ~~him/her~~that Member.
- 6.3 Members wishing to inspect or obtain a copy of information which is in the public domain should approach the relevant officer in writing or by e-mail.
- 6.4 Where information is not in the public domain, or there is doubt about this, an approach should be made to the Chief Executive, the Executive Director or the Monitoring Officer. The Chief Executive or ~~his or her~~their nominee (with advice, where necessary, from the Monitoring Officer) will decide whether the information can be released. The Member will be expected to justify the request in specific terms. In the event of a dispute, the Standards Committee will be asked to decide.

7 Confidentiality of Committee Reports

- 7.1 All ~~o~~Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as ‘exempt information’ or ‘confidential information’ when the statutory criteria for confidentiality are met as set out in the Local Government Act 1972. The Monitoring Officer has an overriding responsibility to determine this compliance.
- 7.2 Once a report has been issued with Part II of the agenda for a meeting a Member must respect the confidentiality of the report and (subject to Paragraph 7.4 below) not disclose its contents to a third party. However this restriction does not apply if the Committee decides at the meeting that the report should be discussed in the presence of the press and public.
- 7.3 It does not however follow that all the contents of the report must be regarded as confidential. It may only be certain items of information or terms of negotiations that justify the inclusion of that report in Part II. Other aspects may be within the public domain or otherwise outside the definition of ‘exempt’. A Member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected

but it will also be prudent for that Member to consult with the Chief Executive and the Monitoring Officer (or Deputy Monitoring Officer if the Monitoring Officer is not available) before doing so. Particular caution should be exercised where a report contains the personal data of individuals and in these circumstances it will be necessary to consult the Authority's Information & Data Protection Officer in addition to the Chief Executive and Monitoring Officer (or- ~~Deputy Deputy Monitoring Officer if the Monitoring Officer is not available~~).

- 7.4 While, in general, Members must not disclose confidential information, this may be permissible where the disclosure is reasonable and in the public interest, and is made in good faith and in compliance with any reasonable requirements of the Authority. It should be appreciated that it is only in quite exceptional circumstances that the conditions justifying disclosure in the public interest will be met and that, if the necessary conditions are not met, Members are at risk of breaching the Code of Conduct and of compromising the position of the Authority. The guiding principle remains, therefore, that information which is received as confidential should, in general, remain confidential. Any Member who is of the view that disclosure may be justified in the public interest is required to take advice on the matter from the Monitoring Officer, before any disclosure is made.

8 Roles and responsibilities of officers

- 8.1 A mutual and working understanding of the roles and responsibilities of officers is essential to the Authority developing and applying a clear and consistent approach to the role and responsibilities of its Members.
- 8.2 Officers, through reports, formal and informal advice, play an essential role in the formation and carrying out of the Authority's decisions and policies. If officers, in their professional judgement, consider a proposed course of action is imprudent or unlawful they will advise Members accordingly. The prime responsibility of officers in the matter of all challengeable decisions is in advising Members before such decisions are reached, although officers can only be expected to do so where they have been made aware of all relevant circumstances. In such cases, the advice should include clear legal and financial advice, on relevant and irrelevant factors and on how to approach decision-making. The fact that such advice has been given and considered will be material in any court proceedings that will be concerned to see that the Authority has properly applied its mind to the relevant issues.
- 8.3 If despite officers' advice the Authority decides to proceed with its course of action, officers will implement the decision unless it contravenes their professional statutory codes of practice or ethics to such an extent as to place their continued professional practice at risk. In these circumstances an officer must take advice from the Monitoring Officer.
- 8.4 An officer is under a duty not to implement a decision or take any action that is contrary to statute law or is unlawful. An officer will also not

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implement a decision where the Monitoring Officer or Chief Finance Officer has issued a statutory report that has not yet been considered by the Authority or has not yet been complied with.

9 Roles of specific officers

9.1 There are three officers that have specific roles defined by statute:

- i) Head of Paid Service: is under a duty, 'where he or she considers it appropriate' to report to the Authority and Members on:
 - the manner in which the discharge by the Authority of its different functions is co-ordinated;
 - the number and grades of staff required by the Authority for the discharge of its functions;
 - the organisation of the Authority's staff; and
 - the appointment and proper management of the Authority's staff.
- ii) Section 151 Chief Finance Officer: (designated under s.151 of the Local Government Act 1972) is responsible for the proper administration of the Authority's financial affairs. ~~He or she~~The Section 151 Officer is under a duty to report, to both Members of the Authority and to the ~~District~~Auditors, any decision involving unlawful, (or potentially unlawful), expenditure by the Authority; any unlawful course of action likely to cause a loss or deficiency on the part of the Authority; or an unlawful entry of an item of account.
- iii) Monitoring Officer: (designated under s.5 of the Local Government and Housing Act 1989) has a duty to put a formal report to the Authority where it appears that the Authority, its Committees or officers are involved in any proposal, decision or omission which is likely to be illegal or give rise to maladministration or injustice. It is also implicit in legislation, and indicated elsewhere in guidance, that the Monitoring Officer may give informal advice, including to individual Members, and that they may also seek guidance on legal or propriety matters. The Monitoring Officer also has specific duties and powers in respect of the Members' Code of Conduct and the Standards Committee. The Monitoring Officer's duties may be performed by a nominated Deputy.

10 Delegation of functions to the Chief Executive and other officers

10.1 The Authority's Standing Orders set out the various powers delegated to the Chief Executive (National Park Officer) and other officers. In exercising delegated functions, the Chief Executive (National Park Officer) is obliged to act in accordance with:

- i) the overall policies approved by the Authority or any of its Committees or Sub-Committees;

ii) the Authority's Standing Orders including those relating to contracts; and

iii) the Financial Regulations.

10.2 Additionally, the Chief Executive (National Park Officer) is expected in appropriate cases to consult Members as follows:

i) to maintain a close liaison with the Authority's Chair~~man~~ and/or the appropriate Committee Chair~~man~~ or Sub-Committee Chair~~man~~ (or in ~~his or her~~their absence the Deputy Chair~~man~~Chairman or appropriate Vice-Chairman); and/or

ii) to consult as necessary with any other Member who has specific local or specialist interest in the matter.

10.3 In all cases it is open to the Chief Executive (National Park Officer) to refer a matter to the Authority, Committee or Sub-Committee for decision if in ~~his or her~~their opinion the matter is of such a nature that it should more properly be referred to Members. Such referrals will include items of controversy or where a Member of the Authority has specifically asked for the matter to be referred to a Committee. The scheme of delegation specifically enables Members to ask for a planning application to be so referred. Such a request must be made within 21 days of the receipt of the Schedule of Planning Applications (the Weekly List).

10.4 The Chief Executive will not act under delegated powers where any planning application involves a Member or officer of the Authority. All such matters shall be referred to the Authority or one of its Committees for a decision.

10.5 Officers are responsible to their appropriate line manager and whilst officers should always seek to assist Members, they must not, in doing so, go beyond the bounds of whatever authority has been delegated to them by the Chief Executive.

11 Relationships with ~~the Authority Chairs and man, Deputy Chair~~man and Committee Chairmen and Deputy Chairmen

11.1 The Chief Executive, Executive Director, and other senior staff should foster close working relationships with the ~~appropriate~~ Authority Chair~~man and~~ Deputy Chair~~man~~ and Committee Chair~~men~~ and Deputy Chair~~men~~Chairs. However, these relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Chief Executive's (or other Officer's) ability to deal properly with other Members and to discharge ~~his or her~~their duty to serve the Authority as a whole. In some circumstances it may be necessary for the Chief Executive or other officer to bring forward reports on a particular matter in furtherance of this general duty.

11.2 The law only allows for decisions relating to the discharge of any of the Authority's functions to be taken under delegated authority by a Committee, Sub-Committee or an officer. Individual Members including Chair~~smen~~ are not allowed to act (save in the case of a Chair~~man~~ who under local government law may decide that an item of business is 'urgent').

11.3 Where action is likely to be required between meetings the usual method of authorising it is to delegate action to the Chief Executive or other officer in consultation with the Chair~~man~~ or a group of named Members. The officer must nevertheless reach a decision to act on a delegated matter independently.

12 Urgent business

12.1 Members or officers wishing to raise an item of urgent business should contact the Chief Executive or the relevant officer before the meeting who will then discuss the request with the relevant Chair~~man~~. The decision as to whether an item of business is urgent is one for the Chair~~man~~ of the meeting to take under powers granted by the Local Government Act 1972. The Chair~~man~~'s decision on whether an item is urgent is final and is not open to discussion or debate.

13 Relations with the press and media

13.1 Relations with the press and media need to be handled with care to ensure the Authority's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Chief Executive. Where necessary ~~he or she~~they will consult with the Authority Chair~~man~~ and/or other Members. Where a media interview is needed on major, or Member, issues, the Chief Executive and the Chair~~man~~ will discuss who is to be the appropriate spokesperson. On occasions other Members may assume this role and similarly the Chief Executive may nominate one of ~~his or her~~their staff to speak on ~~his or her~~their behalf.

13.2 On occasions other Members may be approached directly by the press and media and asked to make a comment or to appear for interview. In these circumstances Members are asked, where practicable, to discuss this first with the Chief Executive and/or Chair~~man~~.

13.3 When Members have been authorised to speak on behalf of the Authority any contacts should be notified to the Chief Executive as soon as possible. They should make it clear that any 'personal' views they express are not necessarily those of the Authority. In all cases Members are asked to uphold the good name and integrity of the Authority.

14 Support Services to Members

14.1 The only basis on which the Authority can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to

Members is to assist them in discharging their role as members of the Authority. Such support services must therefore only be used for Authority business and never in connection with party political or campaigning activity or for private purposes.

15 Attendance by Members at meetings arranged by officers

- 15.1 Within the Authority, Members are free at any time to meet officers to discuss aspects of the Authority's business.
- 15.2 Officers will arrange many meetings with colleagues or third parties to discharge the routine business of the Authority or to action its decisions. The convention is that Members will not be present at these meetings but will be advised either informally or through reports to Committees, of any relevant discussions and/or outcomes. There may be occasions where a Member may be invited to attend a meeting by the appropriate officer or by a resolution of a Committee.

16 Breaches of the Protocol

- 16.1 Allegations of specific breaches of this protocol by a Member will be dealt with under the National Park Authority's arrangements for dealing with allegations; allegations of specific breaches by officers will be dealt with under the Authority's complaints procedure. Potential problems may be resolved by early discussion between a Member and the Chief Executive or, if necessary, between the Chair~~man~~ of the Authority and the Chief Executive. More general concerns about relationships between Members and officers or perceived breaches of the principles embodied in this Protocol can be discussed with the Authority's Monitoring Officer.

17 Training and briefing

- 17.1 Training and briefings on the operation of the Protocol for Members and Officers will be arranged as required.

18 Advice

- 18.1 The Authority's Monitoring Officer and Deputy Monitoring Officer will give advice on the interpretation and operation of this Protocol where requested to do so.

19 Review

- 19.1 The operation of the Protocol shall be regularly monitored and reviewed annually and any appropriate amendments made when necessary.

ANNEX 6



NEW FOREST NATIONAL PARK AUTHORITY

~~LOCAL~~ PROTOCOL FOR MEMBERS AND OFFICERS
DEALING WITH PLANNING MATTERS

~~JULY-OCTOBER 2023~~

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ANNEX 6

**LOCAL PROTOCOL FOR MEMBERS AND OFFICERS DEALING WITH
PLANNING MATTERS**

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LOCAL PROTOCOL FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

Introduction and summary

This ~~Local~~ Protocol for dealing with planning matters applies to all National Park Authority (Authority) Members and officers. It contains guidance and best practice advice on probity in public office, including the common law principles of pre-determination and bias, in the specific context of planning.

It will be taken into account when a complaint is investigated, whether internally (e.g. by the Standards Committee), or externally (e.g. by the Local Government and Social Care Ombudsman).

The rules in the statutory Code of Conduct should be applied first, followed by the advice set out in this local protocol. This Code covers any planning matter in which the Authority is, or is likely to be, involved that relates to a specific area of land. This includes planning applications, planning policy land allocations, enforcement, etc.

The main points of the guidance, cross-referenced to the detailed text, are set out below for the convenience of Members and officers. They are as follows:

- planning is a formal administrative process which can lead to complaint or judicial review (para 1.4);
- Members and officers must declare pecuniary and non-pecuniary interests (paras 2.4-2.6 and 2.14-2.15). It is preferable for all gifts to be refused;
- Members and officers must not act as agents for those pursuing a planning matter (para 3.1);
- planning proposals from Members and officers must be dealt with by the Planning Committee, with the proposers taking no part in its processing (paras 3.2-3.3);
- proposals by the Authority must be treated in the same way as those from Members or officers (para 3.4);
- Members and officers must not express any view on the merits of applications when being lobbied (paras 4.1-4.3);
- Members and officers must not lobby on behalf of applicants, nor commit themselves to a particular view before all the evidence is heard (paras 4.4-4.7);
- where Members or officers attend public meetings, they should not express any view about the merits of any proposal (paras 4.9-4.10);

- in any pre-application or pre-decision meetings, officers must not commit the Authority to any particular decision (paras 5.1-5.4). Members should not normally attend such meetings (para 5.5);
- at site visits, Members/officers must not discuss the merits of any application, and reports on the site visit shall be prepared for the Planning Committee (paras 6.1-6.4);
- officer reports to the Planning Committee must be comprehensive and accurate, with a written recommendation underpinned by reasons (paras 7.1-7.4). Any departure from the Development Plan must be supported by justification;
- Members must not put pressure on officers for a particular recommendation (para 7.5);
- planning decisions must be supported by clear and convincing evidence. Reasons for decisions contrary to officers' advice, or for approval of proposals contrary to the Development Plan, must be clearly stated (paras 8.2-8.4);
- Planning Committee meetings should be conducted in a professional manner, with legal and planning officers in attendance (paras 8.5-8.7);
- Members wishing to support an appellant (including the Authority) at appeal against an Authority decision must notify the Monitoring Officer and appellant (paras 8.10 and 8.11);
- planning records should be comprehensive and accurate, and monitored by planning managers. The Executive Director will monitor Planning Committee decisions on a continuous basis (paras 9.1-10.1).

Members seeking clarification on any issues covered in this Protocol should seek such advice from the Chief Executive, the Executive Director, or the Monitoring Officer. Members seeking guidance on declarations of interest should speak to the Monitoring Officer.

1 GENERAL ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 1.1 This ~~Local~~ Protocol is an advisory document that expands on the Authority's Code of Conduct, the Protocol for Member and Officer Relations and other provisions concerning probity in public office as they relate to planning. As such, it will be taken into account when a complaint is investigated.
- 1.2 This Protocol must be observed by Members and officers who are involved in determining planning matters. This Protocol will be of particular importance to Members of the Planning Committee. The responsibility to abide by this Protocol also applies to all other Members, both on those occasions when a planning matter is referred to a meeting of the full Authority and when a Member who is not on the Committee is involved with any planning matter.

Why have a local protocol for Planning?

- 1.3 The law requires Members to comply with the Authority's Code of Conduct. The Code of Conduct concerns probity and other aspects of conduct across the whole range of a Member's duties. This Local Protocol seeks to relate the Code of Conduct's requirements specifically to planning. However, it goes beyond the specific concerns of the Code of Conduct to give more detailed advice on the operation of the planning system. The aim of this additional advice is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties.
- 1.4 Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that people will act reasonably and fairly. Those involved should always be alert to the possibility that an aggrieved party may:
- a) seek judicial review of the way the decision was arrived at; and/or
 - b) complain to the Local Government and Social Care Ombudsman on grounds of maladministration; and/or
 - c) complain to the Authority that a Member has breached the Authority's Code of Conduct.

- ~~4.5~~ 1.5 Decisions on planning involve considering development proposals against the wider public interest. Much is often at stake, particularly the financial value of landholdings and the quality of their settings, and opposing views are often strongly held by those involved. It is important, therefore, that planning decisions affecting these interests are made openly, impartially, with sound judgement and for justifiable reasons.

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Role of Members

- 1.6 Members set the Authority's planning policy and except where these are delegated to officers, determine planning applications and enforcement issues within the context of that policy. It is a requirement of the Members' Code of Conduct that Members must not in their official capacity, or in any other circumstances use their position improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- 1.7 When Members come to make a decision on a planning matter, they must:
 - a) act fairly and openly;
 - b) approach each case with an open mind;
 - c) use adopted policies and guidance as starting and reference points for decision making;
 - d) carefully weigh up the material considerations;
 - e) determine each case on its own merits;
 - f) ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

Role of officers

- 1.8 The function of officers is to advise and assist Members in matters of planning policy and in their determination of planning applications and enforcement issues by:
 - a) providing impartial and professional advice;
 - b) making sure that all the information necessary for the decision to be made is given;
 - c) providing a clear and accurate analysis of the issues;
 - d) using adopted policies and guidance as starting and reference points for decision making;
 - e) setting applications and enforcement issues against the relevant Development Plan policies and national policy guidance;
 - f) taking into account all other material considerations;

- g) giving a clear recommendation;
- h) carrying out the decisions of the Authority made in Committees or Sub-Committees;
- i) acting in accordance with any code of conduct for employees the Authority may adopt, and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct.

1.9 Where officers are exercising delegated powers in accordance with Standing Orders they will:

- a) act fairly and openly;
- b) approach each case with an open mind;
- c) use adopted policies and guidance as starting and reference points for decision making;
- d) carefully weigh up the material considerations;
- e) determine each case on its own merit;
- f) ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

Application to policy formulation and other planning matters

1.10 While this Protocol will most commonly need to be followed in dealing with planning applications, it also applies to consideration of Development Plans, development briefs, enforcement cases and all other planning matters. In particular, the following parts of this Protocol apply to policy formulation and planning issues as well as to ~~the other than~~ determination of applications:

- a) the duty to declare interests (section 2);
- b) dealing with lobbying, the duty to reach decisions impartially without 'pre-judging' issues, and attendance at other public meetings (section 4);
- c) pre-application and pre-decision discussions with applicants or potential applicants (section 5).

1.11 However:

- a) subject to the overriding requirement to comply with the Authority's Code of Conduct, and
- b) providing the discussions do not refer to individual sites,

this Protocol does not preclude Members from taking part in discussions on the general principles of land allocation policies in the Development Plan outside the Authority's formal meetings.

- 1.12 Planning legislation requires all planning applications to be determined by reference to the Development Plan, if material to the application, and any other material consideration. Only material planning considerations are to be taken into account. If the Development Plan is material to the application the law provides that the application should be determined in accordance with it unless material considerations indicate otherwise.

Training

- 1.13 Workshops are held from time to time to give guidance to Members on declaring interests and other issues in the Code of Conduct. Members involved in determining planning issues will be required to complete an appropriate level of training on planning matters before being able to serve in that capacity.

2 DECLARATION AND REGISTRATION OF INTERESTS

- 2.1 All Members, whether or not dealing with planning matters, must observe the Authority's Code of Conduct in:
- a) maintaining the general standards of conduct required; and
 - b) disclosing pecuniary and non-pecuniary interests, as appropriate.

Register of Members' interests

- 2.2 Members will have registered all relevant pecuniary and non-pecuniary interests in the Authority's Register of Members' Interests maintained under the Localism Act 2011. Where any changes occur to a Member's interests the Code of Conduct requires the Member to notify the Monitoring Officer, in writing, within 28 days of becoming aware of the change.
- 2.3 Members who have substantial property interests in the Authority's area or other interests that would prevent them from voting on a regular basis should avoid serving on the Planning Committee.

Members' interests at meetings

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- 2.4 The general principle behind the requirement to disclose relevant interests is that a Member should not use ~~his or her~~their position to further a private or personal interest rather than the general public interest, nor give grounds for suspicion that ~~he or she has~~they have done so.
- 2.5 Members should refer to the Members' Code of Conduct for information as to when interests arise, when and how they should be declared, and the implications of this for their continued involvement in the matter. In any case where a Member is in any doubt about their position, advice should be sought from the Monitoring Officer.
- 2.6 The responsibility for declaring an interest lies with the individual Member.

Membership of another Local Authority

- 2.7 A Member who is also a member of another tier of local government may have a declarable interest in a planning application made by a private individual if ~~his or her~~that Member's Parish/Town/District/County Council or Unitary Authority has submitted observations to the Authority on that application. The interest will not be prejudicial simply because observations have been made or the Member voted at the Parish/Town/District/County Council or Unitary Authority meeting. However, the Member should have regard to the guidance on pre-judging applications in section 4 of this Protocol.
- 2.8 Members of the Planning Committee who are also members of another tier of local government should adopt the practice of making it clear, when they participate in a debate on development proposals at a Parish/Town/District/County Council or Unitary Authority meeting, that the views they express are based on the information before them at that time, and might change in the light of further information and/or debate at the Authority's Committee meeting. Failure to do this may lead to a legal challenge to the Authority's decision on grounds of pre-determination.
- 2.9 The dual-hatted Member may have an interest in relation to a planning application submitted by another authority of which they are a member. In any case where a Member is in any doubt about their position, advice should be sought from the Monitoring Officer.

The representative role

- 2.10 A Member may choose to represent particular views of an individual or section of the community on a planning application. Where the Member advocates or clearly declares their support for or against those views, this will normally mean that the Member is no longer able to act impartially in the determination of that application. Where the Member

is a Member of Planning Committee, they should take no further part in the consideration of, or voting on, that particular matter. However, where a Member merely reports the views of an individual or section of the community on the application for information purposes, they will normally be able to continue to participate in the consideration of the item, provided they make it clear that they are relaying those views in a reporting, and not representational, capacity.

Membership of lobbying groups

- 2.12 A Member who is also a member of a lobbying group which has publicly expressed support for or against a planning application will certainly have a non-pecuniary interest which should be declared. The interest may also be considered prejudicial, but this will depend on a careful consideration of all the surrounding circumstances, for example the Member's role in the lobbying group and the extent to which the Member is publicly identified with that position.

Group discussions

- 2.13 Although National Park Authorities are non-political organisations Members need to be aware of the potential for attempting to influence the determination of an application. Members cannot accept an instruction from anyone to determine an application in a particular way, as they must determine the issue on its merits. So, while they may give appropriate weight to the views of other Members whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open Committee. As a result it is not appropriate for any group of Members to instruct Members to vote in a particular manner on an application or to apply or threaten to apply any sanction to any Member who voted contrary to the Group's collective view. If such instructions are given Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.

Gifts and hospitality

- 2.14 All Members should register any interest that they consider may be perceived to influence their decision making on any given item, in accordance with the law and the Code of Conduct. However, Members dealing with planning matters should be particularly alert to the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered or may have offered them a gift or hospitality, even if an application has not yet been submitted. Cases where Members have accepted hospitality from planning applicants have been the subject of criticism by the Ombudsman. For this reason, all gifts and hospitality, of whatever value, should be refused if there is any reason to suspect that the person offering them is an actual or potential planning applicant. All offers of gifts and hospitality, whether or not accepted, should be declared and registered in accordance with the Code of Conduct~~If a gift is accepted, its receipt should be notified.~~ If acceptance of a degree of hospitality by Members and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is ~~notified~~declared. ~~Members and officers should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused.~~ If it is, written notification should be sent to the Monitoring Officer. In all cases details will be kept with the Register of Members' Interests.
- 2.15 If an application comes before the Planning Committee, and a Member has accepted a gift or hospitality from the applicant, that Member should declare receipt of the gift or hospitality. ~~For the reasons given in Paragraph 2.14, care should be taken and advice sought from the Monitoring Officer as to whether this amounts to a prejudicial interest.~~

3 DEVELOPMENT PROPOSALS SUBMITTED BY OR ON BEHALF OF MEMBERS AND OFFICERS, AND DEVELOPMENT BY THE AUTHORITY

Acting as agents for a planning applicant

- 3.1 Serving Members and officers should never act as agents for individuals (including a company, group or body) pursuing a planning matter.

Planning application by a Member or officer

- 3.2 Proposals submitted by Members and officers should be reported to the Planning Committee and not dealt with by officers under delegated powers. ~~The Monitoring Officer should be informed of all such proposals as soon as they are submitted. It is the duty of all officers to inform their line manager of any financial interests they have in a~~

matter with which the Authority is dealing. An application for planning permission will give rise to a direct financial interest. Likewise, the onus is on Members to inform the Monitoring Officer if a planning application relating to property in which they have a personal interest is submitted. Neither employees nor Members should assume that planning officers will otherwise be aware that the application is in respect of their land or property.

- 3.3 If Members or officers submit their own development proposal to the Authority, they should take no part in its processing. Both officers and Members will have the same rights as any member of the public to seek to explain and justify their proposal to an officer in advance of the Committee meeting. A Member exercising this right (providing the general obligations in the Code of Conduct and the Protocol for Member/ and Officer Relations are not breached, in particular those relating to a Member's duty not to compromise the impartiality of officers, ~~are not breached~~) should not be regarded as "seeking improperly to influence" the decision or using ~~his~~ their position to secure an advantage.

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Proposals for the Authority's own development or development on Authority land

- 3.4 Proposals for the Authority's own development (or a development involving the Authority and another party) should be treated in the same way as those by private developers. The same administrative process, including consultation, should be carried out in relation to the Authority's own planning applications, and they should be determined against the same policy background (the Development Plan and any other material planning considerations). This paragraph also applies to private applications on Authority-owned land (e.g. before a land sale is agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Authority if the development is permitted. It is important not only that the Authority treats such applications on an equal footing with all other applications, but is seen to do so.

4 LOBBYING AND REQUIREMENTS RELATING TO PUBLIC MEETINGS

Lobbying of Members by the public or planning applicants

- 4.1 It is inevitable that Members will be subject to lobbying on planning matters and specific planning applications. When Members are lobbied great care is essential to maintain the Authority's, and indeed the Member's own, integrity and the public perception of the planning process.

- 4.2 Members who are likely to be involved in determining a planning matter at any meeting should, before the meeting, simply listen to points of view about the proposal. They should actively take steps to explain that, whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another. (If however they do form a definite view on the proposal, they should be guided by paragraphs 4.7 to 4.8 below). Where the applicant requires planning or procedural advice, ~~he~~they should be referred to officers.
- 4.3 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will advise the Executive Director.

Members' duty not to pre-judge applications/lobbying by Members

- 4.4 As a general principle, and taking account of the need to make decisions impartially, Members involved in decision making on planning should not organise support or opposition to a proposal, lobby other Members, act as an advocate, or put pressure on officers for a particular recommendation.
- 4.5 Members need to take account of the general public's expectations (and the expectations of those who might investigate any complaint), that a planning application will be processed in a fair and open manner in which Members making the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments makes them vulnerable to an accusation of partiality. Members should not indicate (or give the impression of) support for or opposition to a proposal in a manner which suggests they have a closed mind to any views or further information which may be available at the meeting at which the matter is discussed. In particular Members should not declare their voting intention before the meeting at which a decision is to be taken. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration.
- 4.6 Whilst Members involved in making decisions on planning matters will begin to form a view as more information and options become available, a decision can only be taken by the Planning Committee when all available information is to hand and has been duly considered. Individual Members should reach their own conclusions on an application or other planning matter rather than follow the lead of another Member. Decisions can only be taken after full consideration of the officers' report and information and discussion at the Committee.
- 4.7 If a Member does appear fully to commit themselves to a particular view on a planning issue before it is considered at Committee or a meeting of the full Authority, the public, or any other person, might well believe the Member had prejudiced their position and could not take

part in a debate on the full facts before determining the application. If a Member has openly advocated a particular course of action, or feels that the public would reasonably believe ~~that he~~they had come to a conclusive view on the matter before the meeting, ~~he~~they should leave the meeting room and take no part in the debate nor vote on the application. Where a Member wants to act as a representative of ~~his or her~~their electoral area they should declare this fact and not vote (see paragraph 2.10).

- 4.8 Where the Monitoring Officer believes that a Member has prejudiced ~~his~~their position by expressing a conclusive view on an application before the Committee determines it, the Monitoring Officer will advise the Member that it would be inappropriate for ~~him~~them to be present at the meeting or to vote on the application. If the Member does not follow the Monitoring Officer's advice, the Monitoring Officer will consider referring the matter to the Standards Committee.

Members' and officers' attendance at other public meetings

- 4.9 Officers, and Members who intend to take part in the decision-making process, should be very cautious about attending meetings in connection with development proposals or submitted planning applications, unless those meetings have been arranged for the purpose of disseminating information by the Authority, or by an appropriate local body, (such as a Parish Council), that is not openly advocating support for or opposition to the proposal, or unless it is known that those with different views will also be attending, so that a balance of views will be expressed. Members should take advice from the Executive Director or Monitoring Officer before deciding whether to attend meetings that appear to have been organised for lobbying purposes.
- 4.10 When attending public meetings of any kind officers and Members should do no more than explain background or policy, and should give no view on the merits or otherwise of the proposal. It should be explained that a decision can only be made when all relevant information is available. The reason for being cautious and taking advice beforehand, particularly for Members involved in the decision-making process, is that those with opposing views could make allegations of bias or prejudice because a balance of views was not presented. In some circumstances Members might feel it is valuable to attend meetings to listen to particular points of view, but should always make it clear that they must also listen to opposing arguments before reaching any conclusion.

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5 PRE-APPLICATION AND PRE-DECISION DISCUSSIONS WITH APPLICANTS

Action by officers

- 5.1 In any discussions on planning issues, officers will always make it clear at the outset that any views they express are based on the officer's provisional professional judgement and do not commit the Authority to any particular decision.
- 5.2 Advice given will be consistent and based upon the Development Plan and other material considerations. Every effort will be made to ensure that there are no significant differences in interpretation of planning policies between planning officers.
- 5.3 Officers taking part in discussions should make it clear whether they or the Committee are likely to take the decision, or if this is not yet known, the criteria used to decide whether an application is referred to the Committee.
- 5.4 Where the planning officer considers it appropriate, a written note of discussions will be made, and/or a follow up letter sent explaining the conclusions of the discussion. Two or more officers will attend potentially contentious meetings.

Attendance by Members at officers' pre-application or pre-decision discussions

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- 5.5 To maintain impartiality it is normally not good practice for Members to take part in officers' discussions with applicants. If Members are involved, they will be advised by the appropriate professional officers of the Authority, which will always include a senior planning officer. Members should not seek to advise applicants, their agents or objectors on the likely acceptability of planning proposals. The involvement of Members in such discussions will be recorded as a written file record.

6 SITE VISITS

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- 6.1 If a site visit is undertaken its purpose is for Members to gain knowledge of the development proposal, the application site and its relationship to adjacent sites. It is not a formally convened meeting that is open to the public, applicants and objectors. Members and officers may not discuss the merits of the application at the site visit.
- 6.2 Following site visits officers will prepare reports on the planning issues and any relevant information obtained from the site visit to enable the Planning Committee to determine the application.

- 6.3 The Executive Director will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site visit and the format and conduct of the visit. Written procedures setting out the purpose and conduct of site visits shall be maintained and communicated to all parties.

Informal site visits

- 6.4 It is often helpful if Members familiarise themselves with a site before the application is debated by the Committee. However, Members should be aware that the Code of Conduct, and this Protocol, apply to them should they become involved in any conversation with a member of the public while visiting a site. Members are reminded that they have no legal right to enter private land without the permission of the owner or occupier.

7 OFFICER REPORTS TO COMMITTEE

- 7.1 Reports to Committee on planning matters must be accurate and cover all relevant points, including the substance of any objections and the views of those consulted. Where a planning application is subject to a full report this will refer to the provisions of the Development Plan, and all other relevant material planning considerations.
- 7.2 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.
- 7.3 All reports will contain a technical appraisal that clearly justifies the stated recommendation.
- 7.4 All reasons for an officer recommendation must be clear and unambiguous.
- 7.5 Members will not seek to interfere with the impartiality of the advice contained in officers' reports or to put improper pressure on officers for a particular recommendation. This would be contrary to the Code of Conduct, which requires Members not to do anything which compromises, or is likely to compromise, officers' impartiality.
- 7.6 If the officers' report recommends approval of a departure from the Development Plan, the material considerations justifying the departure must be clearly stated in the report.

8 THE DECISION MAKING PROCESS

Public participation

- 8.1 At meetings of the Planning Committee interested parties will be allowed to address Members in accordance with the scheme of public participation in operation at the time of the meeting.

Decisions contrary to officer recommendation

- 8.2 In discussing, and then determining, a planning application or other planning matter Members will confine themselves to the planning merits of the case. The reasons for making a final decision should be clear and convincing, and supported by planning evidence. If Members wish to refuse an application against officer advice, or impose additional conditions on a permission, the reasons for refusal or the additional conditions must be clearly stated at the time the propositions are moved at the meeting.
- 8.3 If Members wish to approve an application that has been advertised as not in accordance with the development plan contrary to the officer's recommendation, the material considerations leading to the conclusion must be clearly identified, and how those considerations justify overriding the development plan clearly demonstrated. The material considerations, and the justification, will be minuted.
- 8.4 If a resolution is passed which is contrary to an officer's recommendation (whether for approval or refusal) a copy of the minute showing the Committee's reasons will be placed on the application file. Officers should also be given the opportunity to explain the implications of a contrary decision before a vote is taken.

Conduct of meetings

- 8.5 Conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning Committee in a fair and sensitive manner. Members and officers will address one another during the debate in a professional manner.
- 8.6 Legal and planning officers should always attend meetings of the Planning Committee, to ensure that procedures have been properly followed and planning issues properly addressed.
- 8.7 As well as declaring relevant pecuniary and non-pecuniary interests (paragraphs 2.4-2.6) Members will follow the Code of Conduct requirements s not to do anything contrary to the principles of promoting equality and diversity; ; ; to treat others with respect; ; ; and not to use ~~his~~ ~~or her~~ ~~their~~ position improperly to secure for any person an advantage or disadvantage. In particular, Members should take care when addressing the meeting to avoid making statements that might

reasonably be regarded as stereotyping particular sections of the community.

- 8.8 Care should be taken by Members before introducing new information into the debate at the Committee as that might lead to consideration of an application being deferred or the Committee taking a decision on the basis of information which subsequently proves to be incorrect. Where a Member receives relevant information in respect of an application which is not contained in the Committee report whenever possible the Member should advise the Executive Director directly so that the information can be confirmed before the Committee meeting.

Appeals against planning decisions

- 8.9 Where an appeal arises against a decision to refuse an application, officers will represent the views of the Authority at the appeal. The Committee may be requested to agree to Members giving evidence at the appeal on the reasons for the Committee's decision, particularly where the decision was not in accordance with the officer's recommendation. Officers will give support to the relevant Committee Members in preparing such evidence.
- 8.10 Where a Member wishes to support the Authority, or an appellant, on any appeal against an Authority decision on a planning matter, that Member shall as a matter of courtesy give written notice of ~~his or her~~their intention to the Monitoring Officer and the appellant. Where the appeal is to be dealt with at an inquiry, the notice shall be delivered to the Monitoring Officer and the appellant normally not less than five working days before the start of the inquiry.
- 8.11 In deciding whether to make representations on an appeal Members should consider very carefully beforehand whether there could be any allegation that they are in breach of this Protocol or any other provisions in the Code of Conduct.

9 REVIEW OF DECISIONS

- 9.1 The Executive Director and Chairman of the Planning Committee will monitor Planning Committee decisions on a continuous basis. If concerns arise relating to decisions made contrary to the officer's recommendation, these concerns will be reported to the Authority.

10 COMPLAINTS AND RECORD KEEPING

- 10.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations. The same principles of good record keeping will be observed in relation to enforcement and Development Plan matters.

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Monitoring of record keeping will be undertaken on a continuous basis by planning managers.

11 BREACHES OF THE PROTOCOL

- 11.1 Allegations of specific breaches of this protocol by a Member will be dealt with under the National Park Authority's arrangements for dealing with allegations; allegations of specific breaches by officers will be dealt with under the Authority's complaints procedure. More general concerns about relationships between Members and officers or perceived breaches of the principles embodied in this Protocol can be discussed with the Authority's Monitoring Officer.

Protocol adopted December 2007
Amended and updated ~~March-2023~~³⁰

ANNEX 7



NEW FOREST NATIONAL PARK AUTHORITY

Members' Social Media Policy

JULY 2023

Distribution list:	All Members of the Authority
Version	1.0
Version History	Original Version
Next review date:	July 2025
Responsibility:	Monitoring Officer
Approved by:	Full Authority Meeting

1. Introduction

- 1.1 'Social media' is the term commonly given to websites and online tools that allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement. Social media helps the Authority in fostering closer relationships with residents, visitors, partners, stakeholders and the media.
- 1.2 The objective of this policy is to provide guidance to Members on the acceptable use of public social media. It is intended to minimise the risk of social media activity that impacts negatively on the reputation of the Authority or the role of Authority Members. This policy should be read in conjunction with the Members' Code of Conduct.
- 1.3 The provisions of this policy apply at all times where any views expressed can be linked to your role as a Member or by direct connection with the Authority. This includes the use of social networking sites in Members' own time and from Members' own computers and other devices, where that is or might appear to be part of a Member's public role. The Authority's reputation for impartiality and objectivity is crucial. The public must be able to trust the integrity of the Authority and Members must not act online in a way that brings or may be perceived to bring the Authority or the role of Authority Member into disrepute. Disclaimers are often useful when publishing information, however they also need to be carefully considered, scoped and phrased.

2. Policy Principles

- 2.1 These principles set out the standards of behaviour expected of Members when using public social media.
 - **Be professional:** Members, together with officers, are ambassadors for the organisation. Always make it clear whether you are acting in your public capacity as an Authority Member or in your private / personal capacity, in accordance with the guidelines in this policy. Do not attack or abuse others or post derogatory or offensive material.
 - **Be responsible:** be honest at all times, do not share information which may be inaccurate or is unverified, and always be transparent when altering or reposting third party material.
 - **Be credible:** be fair and thorough and make sure you are doing the right thing.
- 2.2 Failure to abide by the rules and procedures written in this policy will be classed as a breach of this policy. Potential breaches of this policy will be considered in accordance with the Members' Code of Conduct.

- 2.3 All social media accounts and pages for the Authority directly, i.e. anything identifying itself as a corporate account or messaging, must be approved by the Authority's Communications Manager prior to creation / publication. Members must not create content that appears to be part of the Authority's formal social media output.
- 2.4 Always remember that participation online can result in your comments being permanently available and open to being republished in other media.
- 2.5 Members must not publish potential media stories relating to the Authority whether on personal or on NPA social media accounts until they have been promoted on the Authority's main account, i.e. tweeting Ministers' visits in advance of the Authority's media coverage. If in doubt as to whether a particular matter has already become public, Members must consult with the Communications Manager.
- 2.6 Never give out personal details such as home addresses and phone numbers. Never post the personal data (which includes photographs) of third parties without first obtaining their permission.
- 2.7 Please be aware that you may attract media interest in you as an individual, so proceed with care whether you are participating in a business or a personal capacity. If you have any doubts, seek advice first.
- 2.8 Stay within the legal framework and be aware that defamation, confidentiality, copyright and data protection laws apply.
- 2.9 Members are accountable, and should not disclose information, make commitments or engage in activities on behalf of the Authority.
- 2.10 Members are asked to report any defamatory posts or other defamatory social media activity to the Authority's Monitoring Officer.

3. General Guidelines

- 3.1 The growing popularity of social media has opened up new opportunities for communication. Social media provides opportunities, but there are some pitfalls. The following guidelines are there to provide you with information to make responsible decisions and to get the best out of the tools available.
- 3.2 Whether or not you choose to create or participate in social media channels or any other form of online publishing or discussion is your own decision. However, online collaboration platforms are fundamentally changing the way we work and engage with customers and our partners.
- 3.3 Any information published online can be accessed around the world within seconds and will be publicly available for all to see, even if subsequently deleted.

3.4 You **must** take the following into consideration when using social media:

- Be aware of your association with the Authority in online spaces. If you identify yourself as an Authority Member, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and third parties and complies with the Code of Conduct.
- Identify yourself, your name and your membership of the Authority when you discuss the National Park or Authority-related matters, and write in the first person. You must make it clear that you are speaking for yourself and not on behalf of the Authority.
- Members are personally responsible for the content that you publish on blogs, wikis, social platforms, or any other form of social media. Be mindful that what you publish will be public for a long time.
- Respect copyright, fair use, confidentiality, defamation, data protection and financial disclosure laws.
- Don't cite or reference other Members, employees, partners, or contractual third parties without their prior approval, for example attributing a particular point of view to them. When you do make such a reference, where possible link back to the original source.
- Respect your audience. Don't use offensive or discriminatory language, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory. Do not do anything that could cause the Authority to appear to breach equality legislation.
- Avoid confrontation and unnecessary disputes, be the first to correct your own mistakes, and don't alter previous posts without indicating that you have done so.
- If reposting / 'liking' other users' content, always ensure you are completely happy with all the wording, inferences, facts and sources used in the original post and any previous posts within its wider chain.
- Try to add value. Provide worthwhile information and perspective. The Authority is best represented by its Members and officers and what you publish may reflect on the Authority as a whole.

4. **Social Networks, Discussions Forums, Wikis, Blogs, etc.**

- ### 4.1
- Consider establishing different social media accounts for different purposes, even when on the same online platform. This can often be an easier way to distinguish between your private and public roles or for various distinct roles within your public life e.g. where a member of multiple public organisations.

- 4.2 Use the privacy settings available. Background information you choose to share about yourself, such as information about your family or personal interests, may be useful in helping establish a relationship between you and your readers, but it is entirely your choice whether to share this information.
- 4.3 Take your time before posting - always re-read what you have written and/or leave drafts for posting at a later date or time when you have more capacity to fully consider it. On some platforms it is not possible to edit anything once posted and on many others it can be quite difficult; either way the damage may already be done in haste.
- 4.4 Consider the use of disclaimers on your post and/or profile(s) e.g. 'the views shared here are my own'. However, these do need to be very carefully worded and often cannot be completely relied upon.
- 4.5 Ask permission before posting someone's picture in a social network or a conversation that was meant to be private.
- 4.6 Under no circumstances should offensive comments be made about the Authority, other Members, staff, volunteers, or partners on the Internet. This may amount to cyber-bullying and could be deemed a breach of the Code of Conduct.
- 4.7 Never reveal confidential information, including details of internal discussions.
- 4.8 It is not advisable to invite customers of the Authority to become your friends in social networking sites where this may appear to be linked to the Authority's work. There may be a conflict of interest and/or security and privacy issues.
- 4.9 Ensure that your entries, articles or comments are neutral in tone, factual and verifiable. In addition, there are usually guidelines on sites such as Wikipedia on adding links. Read the guidelines carefully before submitting or editing an article.
- 4.10 If you edit online encyclopaedias from an Authority computer or other device the source of the correction may be recorded as an Authority IP address. The intervention may therefore look as if it comes from the Authority itself. You should therefore not act in a manner that brings or could be perceived to bring the Authority into disrepute. You should not post derogatory or offensive comments on any online encyclopaedias.
- 4.11 When correcting errors about the Authority, we should be transparent about who we are. We should never remove criticism of the Authority. Instead, we should respond to legitimate criticism. We should not remove derogatory or offensive comments but must report them to the relevant administrators for them to take action.
- 4.12 Before editing an online encyclopaedia entry about the Authority, or any entry which might be deemed a conflict of interest, you should consult the house

rules of the site concerned and, if necessary, ask permission from the relevant content editor.

- 4.13 Use your best judgment. Remember that there are always consequences to what you publish. If you're about to publish something that makes you even slightly uncomfortable, review the suggestions above and take advice if necessary.

5. Video and Media sharing

- 5.1 Ensure that all photo permissions have been obtained and that video and media (including presentations) are safe to share and do not contain any personal, confidential, derogatory or defamatory information.
- 5.2 If the content is official and corporate Authority content then it must be labelled and tagged as such and must not appear to be associated with an individual.