



# NEW FOREST NATIONAL PARK AUTHORITY

## CODE OF CONDUCT

2023

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Approved by:	Full Authority
Approval date:	2023
Next Review date:	2025
Version:	1.0
Distribution list:	All Members and senior Officers
Classification level:	Public

# **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.

### **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 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 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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### PART 1: GENERAL OBLIGATIONS

Whenever a Member is acting in his or her 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;
- 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 must 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 his or her 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.<sup>1</sup> 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.

## **PART 2: REGISTRATION AND DISCLOSURE OF INTERESTS**

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<sup>1</sup> 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.

## 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 (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.<sup>2</sup> Where the interest is a 'sensitive interest', the Member must disclose merely the fact that he or she 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, he or she 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:
  - (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

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<sup>2</sup> 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.

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.<sup>3</sup>
- (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 body<sup>4</sup> 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.

- 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

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<sup>3</sup> 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.

<sup>4</sup> '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.

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 he or she has a disclosable pecuniary interest in the matter concerned.
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