

Public Agenda Pack



Notice of Meeting of

STANDARDS COMMITTEE

Wednesday, 25 October 2023 at 2.00 pm

Luttrell Room - County Hall

To: The members of the Standards Committee

Chair: Councillor John Bailey
Vice-chair: Councillor Brian Smedley

Councillor Hugh Davies	Councillor Martin Dimery
Councillor Frances Nicholson	Alan Hemsley
Paul Hooper	Robin Horton
David Stripp	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Thursday, 19 October 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Tuesday, 17 October 2023

AGENDA

Standards Committee - 2.00 pm Wednesday, 25 October 2023

5 Review of Gifts and Hospitality (Pages 5 - 14)

To review the level at which gifts and hospitality need to be declared by members.

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Standards Committee
25 October 2023

Register of Gifts and Hospitality

Lead Officer: David Clark, Monitoring Officer

Authors: Scott Wooldridge Head of Governance & Democratic Services and Steve Taylor, (Committee Manager, Democratic Services)

Contact Details: steve.taylor@somerset.gov.uk

1. Summary

- 1.1.** Following consideration of a report on Members declarations of Gifts and Hospitality at the last meeting on 30 August 2023, the Committee asked for a review of the level at which Members should declare acceptance or refusal of gifts and hospitality.
- 1.2.** Priority Group 3 reviewed the Council's current requirements. Their findings and recommendations are set out in Appendices 1 and 2.
- 1.3.** The Council's requirements and threshold for declarations are based on the LGA Model Code of Conduct which was developed following extensive consultation with local authorities as a sector wide approach to transparency.
- 1.4.** It is highlighted that the Council's Code of Conduct already states at 9.4: "I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage."
- 1.5.** An alternative to making any changes to the Code of Conduct could include further training and information for members on the existing provisions.

2. Recommendations

- 2.1.**
 1. To consider the review and recommendations from Priority Group 3 (set out in Appendix 1), together with the context to the current requirements set out in this report and decide whether or not to request Full Council amend the current level and requirements at which Members declare their acceptance or refusal of gifts and hospitality.
 2. To consider if any changes are required to the Gifts & Hospitality form (set out in Appendix 2).

3. Background

- 3.1.** Somerset Council adopted the LGA Model Code of Conduct following a decision of Full Council in February 2022 ahead of the elections in May 2022. That Code has transitioned to the new Somerset Council from April 2023.
- 3.2.** Hospitality can be defined as any food, drink, accommodation or entertainment freely provided or heavily discounted.
- 3.3.** The LGA's work on the Model Code of Conduct in relation to Gifts and Hospitality recognised that in order to protect a Member's position and the reputation of the local authority, they should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case a Member could accept it but must ensure it is publicly registered. However, Members do not need to register gifts and hospitality which are not related to their role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with their duties as a councillor.
- 3.4.** The Code of Conduct sets out the requirement that Somerset Council Members should declare any gifts or hospitality either accepted or rejected by a member over the value of £50. As per the Model Code of Conduct, those declarations must be within 28 days of receipt.
- 3.5.** The general rule is, if in doubt as to the value of a gift or hospitality, Members should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. They may therefore have to estimate how much a gift or hospitality is worth. For example, if they attend a dinner as a representative of the authority which has been pre-paid by the sponsors they would need to make an informed judgment as to its likely cost.
- 3.6.** Cllr Tessa Munt, Lead Member for Children & Families, spoke in respect of Agenda Item 5 - Register of Gifts and Hospitality at the Committee's meeting on 30 August.

She explained that, because it was something particularly important to her, she had asked the Constitution and Governance Committee to consider reducing the threshold for which gifts and hospitality that had to be declared from £50 to £0. Hence the request from that Committee to the Standards Committee. However, she now accepted that £0 may be too low and was asking for this Committee to consider a reduction from £50 to £5. She also raised the following points:

- There should be more continuity of reporting. That she believed that the Council's Constitution and Code of Conduct referred to 'gifts, benefits and hospitality' and not just 'gifts and hospitality' referred to in the declaration form.
- Under 3.1 (1) of the Code members are required to state whether they had accepted or refused a gift or hospitality and this should be shown in the report.
- If someone declared gifts or hospitality of under £50 it should be included within the report.

3.7. Priority Group 3 reviewed the Council's requirements for Members to declare Gifts and Hospitality. Their report and findings are set out in Appendices 1 and 2.

3.8. The Standards Committee requested a review of the current requirements and in particular the level at which gifts and hospitality should be declared. It should be noted that if any changes are proposed then the Committee will need to recommend those changes to Full Council to consider.

4. Options Considered and Consultations undertaken

4.1. The options available include agreeing to retain the current requirements or to agree to recommend to Full Council that amendments are made to the requirements relating to declarations of Gifts and Hospitality.

5. Implications

5.1. Reducing or increasing the level at which declarations need to be made will place a greater or lesser reliance on Members to ensure they make declarations.

5.2. Democratic Services administers the Register of Gifts and Hospitality and any changes to the current requirements would require some procedural and administration changes to be made.

6. Background papers

6.1. Somerset Council Constitution and Code of Conduct.

Note For sight of individual background papers please contact the report author

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Appendix 1

Report of the P3 Working Group

Somerset Council

Standards Committee

Working Group 3 (Councillors Martin Dimery and Hugh Davies, Alan Hemsley)

1. At the meeting of Standards Committee (30 August) Working Group 3 was tasked with:
 - Gifts & Hospitality Register and the request from Constitution & Governance Committee on value of gifts/hospitality to be declared
 - Review the operation and effectiveness of the Council's Officer Code of Conduct and make recommendations on proposed changes to the Council
2. The Group met on 11 September using Microsoft Teams (thanks to Steve Taylor for enabling this)
3. The Group considered the trigger value of any gift or hospitality for Members to register with the Monitoring Officer currently set at £50.
4. The trigger value of any gift or hospitality for Officers is £25.
5. Councillor T Munt had originally suggested to Constitution and Governance Committee a trigger value of £0 but, following views expressed by Member colleagues, had revised that suggestion to £5.
6. The Group was mindful of the text within Section 9 of Part H2 of the Council's Constitution which states that:

9 Gifts and hospitality

As a councillor:

9.4 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

9.5 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

9.6 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept within 28 days of the offer.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance

7. The Group considered that a trigger value of £25 was still equivalent to, for example, the cost of an evening meal with wine which, if not fully explained, might be considered by residents of the Council's area to be at odds with the opening text of paragraphs 9.4 of Section H2 of the Code of Conduct shown above.

8. The Group discussed whether, in the light of the text of paragraph after 9.6 of the constitution, Officers and Members should be advised not to accept gifts or hospitality of any value. Whilst this was a minority view, the Group was mindful that emphasis should be placed on the need to politely refuse the offer of **significant** gifts or hospitality wherever possible or, where such refusal might be perceived to be rude or offensive, to suggest that it be donated to a named charity.

9. The Group, therefore suggests that, if the Standards Committee is minded to recommend to Council to amend the trigger value, it should be set at £10.

10. The Group expressed the following concerns at the list of gifts and hospitality declared by Members presented to the Standards Committee on 30 August.

- There was no indication whether the Member accepted or rejected the offer (except in one instance)
- There was no indication as to why the Member considered the acceptance or an offer to be legitimate.

11. Two examples which raised these concerns are:

- 16 Members declaring the offer of tickets valued at £340 each for the Glastonbury Festival – only one had indicated on the register that the offer had been rejected.
- The Lead Member for Economy, Planning and Assets received the offer of hospitality from “.....local developers”.

12. The Group considered but did not pursue the idea of setting an upper limit on the value of a gift or of hospitality at which point a Member **MUST** refuse the offer.

13. However, the Group was concerned that there was insufficient information required on the existing Registration Form to enable the Standards Committee to be seen to be upholding the Standards required of all Members.

14. **The Group would welcome the Standards Committee looking at the attached form (Appendix 2) - which has been amended using tracking from the existing Registration Form.** The Group is fully aware of the text close to the end of the form which indicates that, if the Standards Committee is not satisfied with the explanation provided by the Member for accepting or rejecting the offer, that Member may be called before a meeting of the Standards Committee to provide clarity. Since the Register is a public document, that further explanation would be in open session.

REGISTER OF MEMBERS INTERESTS

GIFTS AND HOSPITALITY

**Notification by Member of a Local Authority of Receipt of Gift or
Hospitality over the value of £ ~~10 50~~**



I, (full name)

A Member of (authority)

GIVE NOTICE that I have received the offer of ~~[accepted]~~ or ~~[rejected]~~ the following ~~[gift(s)]~~
~~or [hospitality]~~ **(delete whichever does not apply)** over in excess of the value of £~~10 50~~.

(a) Date(s) of receipt of the offer of ~~[gift(s)]~~ ~~[or]~~ ~~hospitality~~ ~~[accepted]~~ or ~~[rejected]~~

(b) Name(s) and address(es) of donor(s)

(c) Nature of ~~[gift(s)]~~ ~~[or]~~ ~~hospitality~~ ~~[accepted]~~ or ~~[rejected]~~ offered

(d) Acceptance or Rejection of Offer

I have accepted the offer

I have rejected the offer

Tick ONE box ONLY

(e) Reason for acceptance or rejection

I have made my decision to accept or reject the offer on the following grounds and believe them to be in accordance with the Council's Constitution especially that part relating to Gifts and Hospitality as shown in Section 9 on page 8 of Part H2

NOTE: The details provided by the Member will be seen by the Standards Committee which may decide to offer advice to the Member if it believes that the reasons given for accepting or rejecting the offer of gifts or hospitality may not be in accordance with the Council's Code of Conduct.

Date Signed

Note: This notification must be given by a Member to the Authority's Monitoring Officer within 28 days of receiving or rejecting any gift or hospitality over the value of £1050.

Please send to the Monitoring Officer, Somerset ~~County~~ Council, County Hall, Taunton (email: DemocraticServicesTeam@somerset.gov.uk)

Checked and entered on register by

(on the authority of the Monitoring Officer) Date