

## 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.