

Register of Gifts and Hospitality

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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