

## **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](mailto:steve.taylor@somerset.gov.uk)

### **1. Summary**

- 1.1.** Following consideration of a report on Members declarations of Gifts and Hospitality at the meeting of 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 and reported their findings and recommendations at the Committee's meeting of 25 October 2023.
- 1.3.** The Committee then made the following recommendations to Full Council:
  - 1. That paragraph 9.5 of the Members Code of Conduct be amended to 'I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £10 within 28 days of its receipt.'*
  - 2. That paragraph 9.6 of the Members Code of Conduct be amended to 'I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £10 that I have been offered but have refused to accept within 28 days of the offer. It is recommended that a member sets out their reasons for either refusing or accepting.'*
  - 3. Amendments to the declaration form so that elected members indicate whether the gift and hospitality being declared had been accepted or not.*
  - 4. That a non-mandatory box be added to the declaration form to allow members to give reasons, should they wish to do so, as to why they accepted or refused the gift or hospitality being declared.*

The report to Full Council is attached as Appendix 1.

- 1.4.** Full Council considered the Committee's recommendations at its meeting on 20 December. Full Council

RESOLVED to send the report back to the Standards Committee to reconsider Section 9 (Gifts and Hospitality) of the Members Code of Conduct.

## **2. Recommendations**

- 2.1.** 1. To consider the options set out in paragraph 3.10 of this report in consultation with the Monitoring Officer and also consider if any changes are required to the Gifts & Hospitality form.

## **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 2 and 3.

- 3.8.** The Standards Committee requested that Full Council amend Section 9 (Gifts and Hospitality) of the Members Code of Conduct. The report is set out in Appendix 1.

- 3.9.** Full Council’s considered the recommendations at its meeting on 20 December and resolved to send the report back to the Standards Committee to reconsider Section 9 (Gifts and Hospitality) of the Members Code of Conduct.

The following points were raised during the debate:

- £10 was too low.
- The acceptance or non-acceptance of items such as a coffee and a cake or invitations to events with buffets, would need to be declared and the problems in estimating the value if you did not attend.
- The increase in workload for both members and Democratic Services staff with the additional reporting the change would cause.
- The considerable increase in workload for the Chair of Council.
- There was no requirement to provide details of the amounts you spend in your role as a councillor e.g. raffle tickets.

- Members should have been consulted over these changes.

The following written response was also received:

*I am concerned that the original proposal highlighted a potential legal flaw. The DPA carries forward the principle that data collection should be minimised, and that any data collection or processing should be purposeful. The words at Council felt to me like a "trawl", in case something interesting turned up. That's not legal, you have to show cause and proportionality.*

*Clearly the underlying intent is to demonstrate that there is not a link between "hospitality" or "gifts" received and Council related outcomes, and that offers of such are made evident so that it is obvious if someone tries to bribe or to influence multiple members.*

*Firstly, our system should not intrude into those parts of private, business or family life which can have no direct link to the Council.*

*It should also recognise the difference between providing sustenance - such as providing sandwiches and coffee at a working lunch - and "hospitality" which is clearly intended to develop relationships. There should also be a recognition of reciprocity, for example where two people alternate who pays. I accept, for example, that a "reception" with the Chamber of Commerce where there is a finger buffet should be declared (it's clearly intended to influence/inform) but it would be daft to insist on refusing the hospitality, we need to meet the people - and these things happen at lunchtime or in the evening, and frankly, I need to eat! That's an accept and declare.*

*I am bound to refuse and record as a civil servant, but it's very specific about context of the job.*

*These aren't costed events (there's no ticket price) and presently the intent of the national thresholds recognises that these are about openness, not bribery.*

*To be honest, a publication based on a value isn't a strong concept. Especially if "friends/family" is involved. As there isn't a record of undeclared gifts/hospitality, it's only where other evidence is available (e.g. photos) that the Member is . This declaration isn't good (or relied on) for the Bribery Act.*

*I can support £50, not £10 or £25. At £50 the test of significance is met, at £10 I have to declare (and decline) at least three times a week, and have to avoid hospitality given without any intent by community groups, etc. I don't*

*have enough time and presently trade out the time to claim any expenses - a very good deal for the Taxpayer!*

- 3.10.** The Committee is invited to review its previous recommendations and either :
- i) Make further amendments and agree to recommend these back to Full Council; OR
  - ii) Acknowledge the referral back from Full Council and focus on further work that could be done through the Monitoring Officer to promote the current requirements and consider any further work that could be done to embed these i.e. guidance and training
- 3.11.** When considering the options in 3.10, the Committee is reminded that the current requirements are derived from the Local Government Association Model Code of Conduct and are adopted by most councils. Officers would recommend option (ii) to the Committee.

#### **4. Options Considered and Consultations undertaken**

- 4.1.** The options available include undertaking further work to promote and embed 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