

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 15 September 2022

Report Title

Gifts and Hospitality

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report setting out a possible amendment to the Code of Conduct in respect of the requirement to register Gifts and Hospitality, following the recommendations from the Committee on Standards in Public Life report into Local Government Ethical Standards.

Recommendations

1. That the Committee considers an amendment to the Members Code of Conduct in respect of the registration of Gifts and Hospitality in respect of cumulative gifts from a single source over a stated period.
2. That if an amendment to the Code of Conduct is considered appropriate that the wording at paragraph 1.8 or an amended version be adopted.

List of Appendices Included

Appendix 1 - Gifts and Hospitality - Declaration Form for Elected Members

Appendix 2 - Gifts and Hospitality - Process for Elected Members

Appendix 3 - Elected Member Induction Handbook

Background Papers

Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Gifts and Hospitality

1. Background

- 1.1 As previously considered by this Committee, the Committee on Standards in Public life made the following recommendation in relation to Gifts and Hospitality in its report into Local Government Ethical Standards.

Recommendation 6 - Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

- 1.2 As reported at the last meeting of this Committee is the Government's response to this recommendation was as follows

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

- 1.3 Again as members will recall that the last meeting of this Committee this issue was discussed, and it was felt appropriate for officers to review other authorities Codes of Conduct, as to the approach which had been taken in respect of this issue. This has now been done and this report sets out the different approaches which have been taken.
- 1.4 The Council has adopted the LGA Model Code of Conduct which in respect of Gifts and hospitality states as follows:

10. Gifts and hospitality

As a councillor:

10.1 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 Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

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

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept

- 1.5 Some authorities such as Sheffield City Council have amended the Model Code of Conduct to include reference to “cumulative” gifts from the same source. As such the relevant part of the Sheffield City Council reads as follows:

Sheffield CC

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

- 1.6 Some other authorities such as Doncaster MBC and Leeds CC have adopted the LGA Model Code of Conduct, but have not made any changes in respect of a number of gifts from the same source. Other authorities such as Barnsley MBC have not adopted the LGA Model Code of Conduct, and the Barnsley Code of Conduct does not include reference to cumulative gifts from the same source.

- 1.7 It is therefore a matter for the Committee to consider whether to include reference to the requirement to disclose a number of different gifts from the same source which over a certain period exceed the stated amount. As above Sheffield CC adopt that period as the four-year term of office, and the Committee will need to consider whether that is felt appropriate, or some other period should be adopted.

- 1.8 If the Committee is minded to make such an amendment, then the suggested amended paragraph of the Code of Conduct would be worded as follows:

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £xx, or accumulatively in excess of £xx from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

- 1.9 In respect of the more general requirements relating to gifts and hospitality, for information and assurance to the Committee, the form by which Members

register their gifts and hospitality is attached at Appendix 1. This form is submitted to the Council by the relevant member and the way that this form is then processed by the Council in terms of publication on the Council's website, is set out at Appendix 2.

- 1.10 Further, the Guidance provided to Members at induction is set out in the Members Induction Handbook which is at Appendix 3 (p.23). The complete Elected Member Induction Handbook has been included at Appendix 3 as it contains further information relating to Standards and Ethics, which some Members of the Committee may not have seen previously and may find useful. Further, periodic reminders in respect of the requirement to register Gifts and Hospitality are provided in the Members newsletter.

2. Key Issues

- 2.1 The key issues are set out above.

3. Options considered and recommended proposal

- 3.1 The recommended proposals are set out above.

4. Consultation on proposal

- 4.1 The requirements in respect of gifts and hospitality in Codes of Conduct from other authorities have been considered in relation to this issue.

5. Timetable and Accountability for Implementing this Decision

Any proposed amendment to the Code of Conduct would be considered by full Council at its next meeting.

6. Financial and Procurement Advice and Implications

- 6.1 None

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. The issues considered within this report contribute to that duty.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

- 11.1 The CSPL review and consequential amendments to the Code of Conduct are relevant to Parish and Town Council members, as many Town and Parish Council have adopted the Council's Code of Conduct.

12. Risks and Mitigation

None

13. Accountable Officer(s)

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