

<b>19 July 2023</b>		<b>ITEM: 7</b>
<b>Standards and Audit Committee</b>		
<b>Gift and Hospitality</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not applicable	
<b>Report of:</b> Asmat Hussain Interim Director of Law and Governance		
<b>Accountable Assistant Director:</b> n/a		
<b>Accountable Director:</b> Asmat Hussain Interim Director of Law and Governance		
<b>This report is</b> Public		

### **Executive Summary**

The Council's Code of Conduct for Councillors set out obligations, which are the minimum standards of conduct required of Councillors. The Council's Members' Code of Conduct requires Members to ensure that any gifts and hospitality offered to them are recorded in a register which is published along with the Members' register of interests on the Council's website. This report provides information on an audit carried out on gifts and hospitality declared by Members. This report is the first of its kind to be presented to the Standard and Audit Committee.

#### **1. Recommendation(s)**

- 1.1 That the Standard & Audit Committee receives and notes the report.**
- 1.2 That the Standard & Audit Committee agrees to receive a review of the Gifts and Hospitality Register for Councillors on an annual basis.**
- 1.3 That the Standard & Audit Committee note and comment on the process for great transparency and accountability for gifts and hospitality set out in paragraph 2.7.**

## **2. Introduction and Background**

- 2.1 The Members' Code of Conduct places a requirement on Members not to 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 the Member's 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.
- 2.2 In order to protect Members position and the reputation of the Council, Members are required to exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered because a Member is a councillor. The presumption is that Members should always not accept significant gifts or hospitality.
- 2.3 However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case Members could accept it but must ensure it is publicly registered. The Code provides that Members must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of the date it was received.
- 2.4 It is also a requirement of the Code for Members to register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept. This helps the Council to identify if there are any patterns and to be aware of who might be seeking to influence the Council.
- 2.5 Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them. Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council and also by applicants and others in relation to planning applications.
- 2.6 To ensure that there is greater transparency and accountability, and to create and maintain public confidence in the role of Members and the Council, the gifts and hospitality form for Members has been updated. The updated form will be sent all Members bi-annually and will include a new requirement for Members who have not accepted or been offered any gifts or hospitality to declare a nil return.

## **3. Issues, Options and Analysis of Options**

- 3.1 An audit of the list of entries made in the register for Members gifts and hospitality is attached at Appendix 1.

- 3.2 The list of entries show that 10 Councillors made notifications of gifts and hospitality received on 10 occasions. These are summarised as follows:

<u>Year</u>	<u>Type of Entry onto the register</u>
2015	1 Gift
2017	1 Event, 1 Trip
2018	1 Trip, 2 Events, 1 Donation
2021	1 Event
2022	1 Gift
2023	1 Event

- 3.3 The number of registrations is low, and it is for each individual Member to exercise sound judgement to decide whether to accept or refuse any gift or hospitality offered. Training is provided to all Members on the Code of Conduct, which includes gifts and hospitality.

#### **4. Reasons for Recommendations**

- 4.1 To promote and maintain high standards of ethical behaviour for all Councillors.
- 4.2 To create and maintain public confidence in the role of councillors and local government.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Not applicable.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 The Members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Senior Management Accountant**

There are no financial implications arising from this report.

### **7.2 Legal**

Implications verified by: **Gina Clarke**  
**Governance Lawyer and Deputy Monitoring Officer**

Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of ethical behaviour. Members are required by the Code of Conduct to register offers of gifts, and hospitality. Failure to register may be a breach of the Code of Conduct. In certain cases, the acceptance of a gift or hospitality could constitute a criminal offence under the Bribery Act 2010.

The gifts and hospitality process set out in paragraph 2.7 of the main report supports the Council's duty to promote and maintain high standard.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

There are no specific diversity or equalities issues arising from this report.

### **7.4 Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None.

## **8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

## **9. Appendices to the report**

## Appendix 1 – Gift and Hospitality Audit

### **Report Author:**

Gina Clarke

Governance Lawyer and Deputy Monitoring Officer

Law and Governance