

Report to Standards Committee

Subject: Gifts and Hospitality Code of Practice

Date: 7 December 2023

Author: Monitoring Officer

Purpose

To update Members in relation to the review of the Gift and Hospitality code of Practice for Officers and Members and to seek approval of the revised Code in so far as it relates to Members.

Recommendation

THAT:

- 1) Members approves the updated Gifts and Hospitality Code of Practice for Members and Officers at appendix 1.**

1 Background

- 1.1 The Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the way gifts and hospitality may be accepted or refused and how records of such offers/refusals should be reported and recorded. The Code of Practice was reviewed during 2023 and in so far as the Code related to Officers, changes proposed were presented to the Appointments and Conditions of Service Committee (ACSC) on 21 June 2023. The changes were then subject to consultation with trade unions and were presented to ACSC again on 4 October 2023 where final changes were approved.
- 1.2 On 22 June 2023, this Committee considered an annual report on gifts and hospitality and were notified of the fact that the Code of Practice was under review with findings to be presented to Standards Committee once any changes relating to officers were agreed. It should be noted that during the ACSC approval process, Members of that Committee did propose some changes to the Code in so far as it related to Members, these changes have been included in the final version at appendix 1.

- 1.3 The updates to the Code of Practice reflect changes in the reporting structures within the Council as well as linking the document to the new Officer Declaration of Interests Policy adopted in March 2023. The narrative of the Code of Practice has been updated to be clear about the purpose of the Code so that officers and members understand the impacts of accepting gifts and hospitality.
- 1.4 In so far as the Code of Practice relates to Members, the changes proposed are minimal. The Code of Practice requires disclosure of all gifts and hospitality offered to Members whether accepted or refused, to be included in the Members central register of gifts and hospitality maintained by the Monitoring Officer. In addition, the Members' Code of Conduct requires any gifts or hospitality with a value more than £50 to be recorded in the Members' Register of Interests. It is clear in the Code of Practice that where Members cannot be sure of the value of a gift that this should be obtained wherever possible from the giver of the gift or provider of hospitality (change recommended from ACSC).
- 1.5 Members should notify the Monitoring Officer of any offers of gifts and hospitality including details of value, reasons for acceptance or refusal, and the source of the gift. The Code of Practice provides detail as to why such disclosure is important and how it supports openness and transparency.
- 1.6 In general terms, the changes proposed to the Code of Practice are not significant but reflect organisational changes and structure changes as well as providing a clearer narrative as to the reasons for the Code of Practice and clarity as to whom the Code applies to. The Code reflects what is in the current Members' Code of Conduct, but also reminds Members to ensure all gifts and hospitality are disclosed for recording on the central register of gifts and hospitality. It should be noted that if Council adopts the revised Code of Conduct, this does require Members to refuse gifts and hospitality which would give rise to real or substantive personal gain or give rise to a reasonable suspicion (if accepted) that the Member may treat the giver more favourably in their business/interaction with the Council.

2 Proposal

- 2.1 It is proposed that the Committee supports the amendments to the Gifts and Hospitality Code of Practice for Officers and Members at appendix 1, in so far as the amendments relate to Members.

3 Alternative Options

- 3.1 An alternative option would be not to approve the changes in respect of Members; however, the changes have been agreed in respect of officers already and ACSC did consider the Code in so far as it related to Members as well.

4 Financial Implications

- 4.1 There are no financial implications arising from this report.

5 Legal Implications

- 5.1 With regard to Officers, Section 117(2) of the Local Government Act 1972 provides that an Officer of a Local Authority shall not, under the colour of his or her office of employment, accept any fee or reward whatsoever other than his or her proper remuneration. The Bribery Act 2010 makes it an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, it is a criminal offence for employees to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other public function, regardless of what decision is made.
- 5.2 The Code of Conduct requires Members to notify the Council's Monitoring Officer in writing of any gift, benefit, or hospitality with a value in excess of £50 which they have accepted as a member from any person or body other than the authority within 28 days of receipt. Under the Code of Practice, Members are also required to record gifts and hospitality on the gifts and hospitality register, in addition, refusal of gifts offered should also be recorded.
- 5.3 The Council has a Gifts and Hospitality Code of Practice for Members and Officers which has been approved historically by Standards Committee and ACSC, but which should be kept under review. This current review and the changes proposed has been approved by ACSC following consultation.

6 Equalities Implications

- 6.1 There are no direct equality implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 - Gifts and Hospitality Code of Practice for Officers and Members (with tracked changes shown).

9 Background Papers

- 9.1 None.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer