
GIFTS AND HOSPITALITY

To: **Constitutional Review Working Party – 2 September 2014**

By: **Committee Services Manager**

Classification: **Unrestricted**

Summary: **To review the level at which Councillors should declare gifts and hospitality.**

For Decision

1.0 Introduction and Background

1.1 Councillors must currently declare any gift or hospitality or series of gifts or hospitality from the same donor that totals over £100. This level was set in line with the “Kent Code” which was a Kent wide draft code of conduct that was created in response to the changes needed as a result of the Localism Act 2011.

2.0 The Current Situation

2.1 When Councillors and members of the Standards Committee were last surveyed regarding the code of conduct one of the questions asked whether the £100 level at which gifts and hospitality had to be declared was too high and if so at what level it should be set at. Of the 28 responses to the questionnaire 15 wanted it decreased, 7 wanted it to remain the same, 1 wanted it increased and 5 did not answer the question. When asked regarding the level that it should be set at: 1 person said that any gift should be registered, 1 person said £10, 4 people said £25, 4 people said £50, 2 people said £100 and 1 person said £200.

2.2 We have also received indication from some Group Leaders that they would like to see a reduction in the level at which Councillors have to declare gifts and hospitality.

2.3 For comparison purposes Democratic Services have also conducted a small survey of neighbouring Councils to assess the levels at which they have set their level for the declaration of gifts and hospitality. The results of which are shown in Table 1 below. It is perhaps no surprise to find all using the £100 threshold, as that level was suggested in the draft Kent Code referred to above.

2.4 Table 1

Authority	Declaration of gifts and hospitality level
Ashford Borough Council	£100 or series amounting to £100
Canterbury City Council	£100 or series amounting to £100
Dover District Council	£100 or series amounting to £100
Shepway District Council	£100 or series amounting to £100

3.0 The view of the Monitoring Officer

- 3.1 It would seem that the level at which Members are required to declare gifts and hospitality comes from the Kent Model Code which was adopted by the majority of Kent authorities. That said it is for members to consider whether they think the level is appropriately set and if not to set a new level.
- 3.2 When setting the level it is worth Members considering the consequences. If the level is set too high then some low level gifts are not declared and whilst these might not seem important they may appear to the public to be of sufficient value to be viewed as significant. Similarly setting the level too low may place an onerous burden on Members to declare very small gifts on a regular basis.
- 3.3 The key point of this is the need to be both transparent and accountable and it is often not the actual value of a gift but the perception of it that can appear to the outside observer to be inappropriate.

4.0 Options

- 4.1 The Constitutional Review Working Party's views are sought on the whether they feel that the level at which gifts and hospitality should be declared by Councillors should be amended, and if so, what the new level should be.
- 4.2 If the Constitutional Review Working Party are inclined to recommend changes be made to the level at which gifts and hospitality are registered by Councillors, Democratic Services will present to the Standards Committee a draft amended version of both the Council's Code of Conduct and the Planning Protocol to reflect those proposed changes.

5.0 Corporate Implications

5.1 Financial and VAT

- 5.1.1 There are no financial or VAT implications to this report.

5.2 Legal

- 5.2.1 All Councillors have given written undertakings in accordance with Localism Act that they will observe the Council's Code of Conduct.
- 5.2.2 Failure to notify the Monitoring Officer of the receipt of a gift or hospitality is a breach of the Code of Conduct. An alleged breach of the Code can be the subject of a complaint to the Standards Committee which could result in the matter becoming the subject of the investigation and enforcement processes which could lead to the imposition of sanctions.

5.3 Corporate

- 5.3.1 The Council's code of conduct is a vital document in upholding the probity of the Council. Considering whether to reduce the level at which gifts and hospitality have to be registered also shows that the Council takes transparency seriously.

5.4 Equity and Equalities

5.4.1 There are no equity and equalities issues arising from this report.

6.0 Recommendation(s)

6.1 The Constitutional Review Working Party's views are sought on the issue.

7.0 Decision Making Process

7.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

Future Meeting if applicable: Standards Committee Council	Date: 16 September 2014 2 October 2014
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Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Glenn Back, Democratic Services & Scrutiny Manager

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Matthew Sanham – Corporate Finance Manager
Legal	Steve Boyle – Interim Legal Services Manager & Monitoring Officer