

STANDARDS COMMITTEE – 18TH JULY 2007

PROTOCOL ON GIFTS AND HOSPITALITY

Report of the: Monitoring Officer

Status: For Consideration and Approval

Executive Summary: Gifts and hospitality worth £25 or over must now be included in the Member's Register of Interests. This means that such gifts and hospitality is now a personal interest and must be declared at any meeting where a matter relating to that interest is discussed. Guidance on the acceptance and registration of gifts and hospitality is set out in the Protocol on Gifts and Hospitality (the Protocol) as set out in the Appendix to this report.

This report supports the Key Aim of effective management of Council resources

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Committee Services – Mrs. Christine Nuttall

Recommendation: **It be RESOLVED that** the Standards Committee is requested to consider and approve the Protocol.

Background

- 1 Under the revised Model Code of Conduct (the Code) gifts and hospitality worth £25 or over must now be included in the Member's Register of Interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed

Introduction

- 2 In light of this new provision in the Code it is thought necessary to formulate the Protocol relying on the provisions of the Code that should provide valuable guidance to Members in respect of such registration.

Guidance from the Standards Board for England (the Board)

- 3 In the Board's guidance entitled "The Code of Conduct for Members dated May 2007" the key points on acceptance and registration of gifts and hospitality are as follows: -
 - "You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a member, and the source of the gifts or hospitality.

- You must register the gift or hospitality and its source within 28 days of receiving it.
- Like other interests in your Register of Interests, you automatically have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**.
- Once three years have passed since you registered the gift or hospitality in your Register of Interests, your obligation to disclose that interest to any relevant meeting ceases.

4 The Board's guidance sets out further cautionary advice which states: -

- *Is the gift or hospitality connected to my official duties as a member?*

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your monitoring officer or your parish clerk where appropriate.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

- *What if I do not know the value of a gift or hospitality?*

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered".

This guidance is encompassed within the Protocol along with additional guidance and a form to enable Members to register their gifts and hospitality which can then be annexed to the Member's Register of Interests.

Key Implications

Financial

It is not envisaged that there are any direct additional financial consequences associated with changes to the Code and implementation of the Protocol.

Legal, Human Rights etc.

Part 2 of The Local Authorities (Model Code of Conduct) Order 2007 Paragraph 8 (1) (viii) states that: - You have a personal interest in any business of your authority where the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Resource (non-financial)

It is inevitable that following the adoption of the Code, some Officer time will be spent in circulating a revised Member's Register of Interests to which the registration of gifts and hospitality applies.

Value For Money

The Protocol provides valuable guidance to Members on the need to register certain gifts and hospitality and a form to facilitate such registration that will fulfil the statutory requirements.

Conclusions

The requirement to register gifts and hospitality in the Member's Register of Interests is a new provision of the Code. Previously there was merely a duty to notify such gifts and hospitality to the Monitoring Officer, rather than to disclose an interest where a matter under consideration affected a person or body who had provided the member with a relevant gift or hospitality. The main effect of bringing gifts and hospitality within interests is to provide statutory authority for the publication of the register of gifts and hospitality, which has now become part of the Member's Register of Interests.

In light of such changes Members are given guidance in the Protocol in respect of the provisions in the Code and a form that that can be annexed to the Member's Register of Interests which will enable such registration to take place in a format that will fulfil the statutory requirements

Sources of Information:	The Local Authorities (Model Code of Conduct) Order 2007
	Guidance from the Association of Council Secretaries and Solicitors
	The Board's "The Code of Conduct Guide for Members May 2007"

Contact Officer(s):	Christine Nuttall – ext. 7245
----------------------------	-------------------------------

Director of Corporate Resources

Dr. Pav Ramewal

RISK ASSESSMENT STATEMENT

The personal reputation of a Member and that of the Authority could be seriously jeopardised by the inappropriate acceptance of a gift or hospitality. In addition non registration of a gift or hospitality could result in a breach of the Code and in certain circumstances violation of the criminal law.