

# Standards Committee

**Date: Thursday, 22nd November, 2018**

**Time: 6.15 pm**

**Venue: Council Chamber - Guildhall, Bath**

**To: All Members of the Standards Committee**

**Independent Members:** Susan Toland (Chair), Deborah Russell and Dr Cyril Davies

**Parish/Town Councillors:** Tony Crouch, Veronica Packham and Clive Fricker

**Bath and North East Somerset Councillors:** Councillor Sally Davis, Councillor Sarah Bevan, Councillor Nigel Roberts, Councillor Geoff Ward and Councillor Brian Simmons

**Chief Executive and other appropriate officers**

**Press and Public**



**Enfys Hughes**

**Democratic Services**

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394410

Web-site - <http://www.bathnes.gov.uk>

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator.

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Standards Committee - Thursday, 22nd November, 2018**

**at 6.15 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)

7. ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

8. MINUTES OF THE MEETING OF 19TH JULY 2018 - EXEMPT (Pages 7 - 10)

If members wish to discuss the exempt minutes they will have to consider passing the following resolution:-

“that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A) because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.”

9. MINUTES OF THE MEETING OF 20TH SEPTEMBER 2018 (Pages 11 - 14)

10. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 15 - 16)

11. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 17 - 18)

12. REPORT ON GIFTS AND HOSPITALITY (Pages 19 - 34)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

## Agenda Item 8

Document is Restricted

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET**

**STANDARDS COMMITTEE**

**MINUTES OF THE MEETING OF THURSDAY, 20TH SEPTEMBER, 2018**

**PRESENT:-**

**Independent Members:** Susan Toland (Chair),

**Parish Representatives:** Tony Crouch and Veronica Packham

**Bath and North East Somerset Councillors:** Sally Davis, Sarah Bevan, Geoff Ward and Brian Simmons

**Officers:** Maria Lucas (Monitoring Officer), Enfy's Hughes and Jeff Wring (Head of Audit West)

**Independent Person:** Tony Drew

**11 WELCOME AND INTRODUCTIONS**

The Chair welcomed Jeff Wring (Audit Services) to the meeting.

**12 EMERGENCY EVACUATION PROCEDURE**

The Chair invited the Clerk to announce the emergency evacuation procedure.

**13 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies had been submitted from Cyril Davies and Nigel Roberts.

**14 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**15 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

Training session

The Monitoring Officer asked the Chair if a short training session might be possible at the end of the meeting. Having sought the views of those present, who were in agreement, the Chair announced that there would be a training session.

Complaints procedure

The Monitoring Officer explained that as requested by the Standards Committee the Arrangements for considering complaints had been amended to state that if the complaint was about something that happened over 6 months ago there would be little benefit or point in taking action now.

**RESOLVED** all to note.

**16 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)**

There were no items from the public.

**17 ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE**

There were no items from Councillors.

**18 MINUTES OF THE MEETING OF 19TH JULY 2018**

**RESOLVED** that the minutes of 19<sup>th</sup> July 2018 be approved as a correct record and signed by the Chair.

The Monitoring Officer explained in respect of the procedure when dealing with a complaint at a meeting, that unless there was a disagreement about the facts of the case, it was not necessary for the Committee to adjourn provided the meeting clearly minuted the facts they had found in respect of the complaint.

It was agreed that the exempt minutes of 19<sup>th</sup> July 2018 be submitted to the next meeting.

**19 ANNUAL REPORT ON COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND (LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN) COMPLAINTS**

The Monitoring Officer presented the report and explained there were no clear trends. It was noted that there were more complaints upheld in adult social care and education and children but these areas would be anticipated to generate more serious complaints

**RESOLVED** that the Annual Review and determinations made by the Ombudsman be noted.

**20 REPORT ON THE ASSESSMENT OF COMPLAINTS**

The Committee considered the report from the Monitoring Officer. They noted her comments in respect of gifts and hospitality and declaring an interest.

**RESOLVED** that the report on the assessment of complaints be noted.

**21 WORKPLAN FOR THE STANDARDS COMMITTEE**

It was suggested that the date of the May 2019 meeting be changed due to the elections. The Democratic Services Officer would liaise with the Chair and Monitoring Officer and look for a date in June.

**RESOLVED** to note the workplan.



## 22    **TRAINING SESSION - CODE OF CONDUCT**

The Code of Conduct scenarios had been circulated to members to consider. The meeting discussed the answers to the scenarios, the issues raised and relevant recent case law.

The scenarios and answers would be circulated to members of the Committee.

The meeting ended at 6.55 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	22 <sup>nd</sup> November 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on Assessment of Complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex 1 – Report on assessment of complaints		

## **1 THE ISSUE**

- 1.1 The Committee is asked to consider Annex 1 (Report on assessment of complaints) and discuss any issues arising.

## **2 RECOMMENDATION**

- 2.1 That the Committee consider the report and make any recommendations required.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 None.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Council is required to have in place adequate arrangements to assess complaints and deal with any further actions required.

## **5 THE REPORT**

- 5.1 An up-dated table providing information on the complaints received since the last report was sent to the Standards Committee in September 2018 is attached as Appendix 1 for the consideration of the Committee.

## 6 RATIONALE

6.1 To update the Standards' Committee on complaints received since September 2018.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

8.1 Not applicable.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Maria Lucas, Head of Legal &amp; Democratic Services, Monitoring Officer &amp; Council Solicitor (01225) 395171</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Standards Committee - Assessment of Complaints November 2018

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
04-15 Dunkerton PC	18.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
05a-15 Dunkerton PC	29.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	Breach	Complete
05b-15 Dunkerton PC	29.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
05c-15 Dunkerton PC	31.07.15	P Cllr	P Cllr	Bullying/Intimidation. Disclosure of confidential information. Potential criminal offence. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
06-15 BANES	17.05.15	MoP	Cllr	Disrespectful behaviour.	Initial assessment by MO and IP	23.09.15	No breach	Complete
07-15 BANES	01.06.15	MoP	Cllr	Disrespectful behaviour.	Initial assessment by MO and IP	29.06.15	No breach	Complete
08-15 BANES	23.06.15	O	Cllr	Inappropriate behaviour.	Initial assessment by MO and IP	08.07.15	Breach - apology made	Complete
09-15 Chew Stoke PC	20.07.15	P Cllr / MoP	P Cllr	Non disclosure of DPI.	Not proportionate for police to allocate further resources due to the limited public interest. Independent investigation.	1.3.16	Breach/NFA	Complete
10-15 Paulton PC	18.08.15	P Cllr	P Cllr	Non disclosure of DPI	Referred to police. Not proportionate for police to allocate further resources due to the limited public interest.	Standards Hearing 31.03.16	Breach	Complete
11-15 BANES	28.08.15	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	29.09.15	No breach	Complete
12-15 BANES	18.10.15	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	18.02.15	No breach	Complete
13-15 Shoscombe PC	05.11.15	P Cllrs	P Cllr	Bullying/Intimidation	Initial assessment that as cllr is no longer a councillor, no jurisdiction for complaint to be further investigated	20.12.15	No further investigation required	Complete
01-16 BANES	24.12.15	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP - cllr to send apology to Somerset Guardian	11.02.16	No breach	Complete
02-16 Hinton Blewett PC	04.01.16	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP	21.03.16	No further action	Complete
03-16 Paulton PC	25.01.16	P Cllrs	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
04-16 Paulton PC	25.01.16	P Cllrs	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
05-16 Paulton PC	19.01.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
06-16 Paulton PC	19.01.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
07-16 BANES	26.01.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	25.03.16	No breach	Complete
08-16 BANES	26.01.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	25.03.16	No breach	Complete
09-16 Paulton PC	02.02.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
10-16 BANES	25.02.16	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	25.03.16	No breach	Complete
11-16 a,b,c High Littleton PC/BANES	25.08.16	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP	17.10.16	No further action	Complete
12-16 a,b BANES	05.09.16	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	24.10.16	Breach/NFA	Complete
13-16 BANES	01.09.16	Cllr	Cllr	Non disclosure of interest	Initial assessment by MO and IP	24.10.16	Breach/NFA	Complete
14-16 BANES	26.08.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	24.10.16	No further action	Complete
15-16 BANES	07.12.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	7.2.17	No further action	Complete

## KEY

P Cllr - Parish Councillor. MoP - Member of the Public. Cllr - BANES Councillor  
O - Officer

## Standards Committee - Assessment of Complaints November 2018

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
1.17 Chew Stoke PC	5.1.17	MoP	P Cllr	Bullying	Initial assessment by MO and IP	1.3.17	No further action	Complete
2.17 BANES	1.3.17	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	2.5.17	Breach / NFA	Complete
3.17 BANES	12.04.17	MoP	Cllr	Disrepute	Initial assessment by MO and IP	16.06.17	No Breach	Complete
04-17 BANES	08.05.17	MoP	Cllr	Disrepute (breach of the Council's Code of Conduct on pre-election publicity)	Initial assessment by MO and IP	31.05.17	No further action	Complete
05-17 BANES	01.07.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	30.11.17	No breach	Complete
06-17 BANES	01.07.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	06.09.17	No breach	Complete
07-17 BANES	20.09.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	30.11.17	No breach - further action	Complete
08-17 BANES	22.09.17	MoP	Cllr	Inappropriate behaviour/non-disclosure of interest	Initial assessment by MO and IP	30.11.17	No breach - further action	Complete
09-17 BANES	09.10.17	CX	Cllr	Non disclosure of interest	Initial assessment by MO and IP / Investigation	Standards Hearing 18.01.17	Breach	Complete
10-17 BANES	06.10.17	MoP	Cllr	Disrepute (Inappropriate behaviour - misuse of council resources)	Initial assessment by MO and IP	08.12.17	No breach	Complete
11-17 BANES	16.10.17	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	26.02.18	No breach	Complete
12-17 BANES	13.12.17	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	26.02.18	No breach	Complete
13-17 SSPC	10.11.17	MoP	P Cllr	Disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	23.04.18	No breach	Complete
01-18 HBPC a & b	07.02.18	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP / Investigation	Standards Hearing 19.07.18	Breach / NFA	Complete
02-18 HBPC	26.02.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	08.03.18	withdrawn	Withdrawn (closed)
03-18 BaNES	07.03.18	Cllr	Cllr	Bringing council into disrepute	Initial assessment by MO and IP	09.04.18	Breach / NFA	Complete
04-18 BPC a	06.04.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
04-18 BPC b	06.04.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
05-18 BPC	01.05.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
06-18 HBPC	02.06.18	P Cllr	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	23.07.18	Breach	Complete
07-18 BANES	08.06.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	31.07.18	No breach/NFA	Complete
08-18 BANES	09.07.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	02.08.18	No breach/NFA	Complete
09-18 BANES (various)	31.07.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	12.11.18	No breach/NFA	Complete
10-18 BANES (various)	31.07.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	12.11.18	Breach/NFA	Complete
11-18 BANES	24.08.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	07.10.18	No breach/NFA	Complete
12-18 Paulton PC	24.09.18	Parish Clerk	P Cllrs	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP			Ongoing
13-18 (a) & (b) Batheaston PC	01.10.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP			Ongoing
14-18 BANES	30.08.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP			Ongoing
15-18 (a) & (b) & (c) & (d) - BANES	12.10.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP			Ongoing
16-18 BANES		MoP	Cllr	disrepute (Inappropriate behaviour)				Ongoing

## KEY

P Cllr - Parish Councillor. MoP - Member of the Public. Cllr - BANES Councillor  
O - Officer

**STANDARDS COMMITTEE WORKPLAN 2018 – 2019**

<b>Date of meeting</b>	<b>Title</b>	<b>Report author/responsible officer</b>
<b>Thursday 20<sup>th</sup> September 2018 (substantive)</b>		
	Annual review letter 2016/2017  Annual Report on Local Government Ombudsman complaints	Maria Lucas  Maria Lucas
<b>Thursday 22<sup>nd</sup> November 2018 (provisional)</b>		
<b>Thursday 24<sup>th</sup> January 2019 (substantive)</b>		
<b>Thursday 21<sup>st</sup> March 2019(provisional)</b>	<b>Previously 21<sup>st</sup> March then 14<sup>th</sup> and back to 21<sup>st</sup> as clash with Council</b>	

<b>Thursday 20<sup>th</sup> June 2019 (substantive)</b>	<b>Changed due to elections</b>	
	Annual report of the Standards Committee	
<b>Thursday 18<sup>th</sup> July 2019 (provisional)</b>		
<b>Thursday 19<sup>th</sup> September 2019 (substantive)</b>		
	Annual Report on Local Government Ombudsman complaints	
<b>Thursday 21<sup>st</sup> November 2019 (provisional)</b>		

**Every meeting –** Report on the assessment of complaints  
Workplan



Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	22 <sup>nd</sup> November 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on gifts and hospitality	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Gifts and hospitality – Register of interests / Code of Conduct</p> <p>Appendix 2 – officers</p> <p>Appendix 3 - Tees Valley - Gifts and hospitality policy</p>		

## **1 THE ISSUE**

The Committee is asked to consider the Council's current documentation on gifts and hospitality and whether any further action is required.

## **2 RECOMMENDATION**

**2.1 That the Committee consider the current position and make any recommendations required to Council.**

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 None.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

The Council is required to have in place adequate arrangements to address the issue of the declaration of gifts and hospitality.

## 5 THE REPORT

- 5.1 A recent complaint has highlighted the fact that the Council does not appear to have a separate policy on gifts and hospitality. The complainant has requested that the Standards Committee consider adopting a gifts and hospitality policy similar to that of the Tees Valley Council. (Appendix 3).
- 5.2 The current documentation for councillors on the disclosure of gifts and hospitality is set out in Appendix 1. The current advice for officers is attached at Appendix 2.
- 5.3 The Standards Committee is asked to consider the current position and whether the advice for councillors should be strengthened and amended to reflect that provided to officers.

## 6 RATIONALE

- 6.1 To ensure the Council's Constitution reflects best practice..

## 7 OTHER OPTIONS CONSIDERED

- 7.1 None.

## 8 CONSULTATION

- 8.1 Not applicable.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Maria Lucas, Head of Legal &amp; Democratic Services, Monitoring Officer &amp; Council Solicitor (01225) 395171</i>
<b>Background papers</b>	<i>None.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Appendix 1

### Register of Interests form

<b>8. Disclosure of Gifts and Hospitality</b>
8.1 You must reveal the name of any person or organisation from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a member of the Council.

<b>Date of receipt of Gift/Hospitality</b>	<b>Name of Donor</b>	<b>Reason and Nature of Gift/Hospitality</b>

*You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £50 by informing the Monitoring Officer with the information as set out above.*

## Code of Conduct

### II. Register of Gifts and Hospitality

DO

1. Within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

## **Appendix 2**

### **Financial Regulations (Excluding all Schools) And Budget Management Scheme**

#### **Section 20 – ‘Employee’ Interests, Gifts and Hospitality**

##### **Why is this important?**

The public is entitled to expect conduct of the highest standard from Local Government employees. Public confidence in the integrity of such persons will be shaken by the least suspicion, however ill-founded, of influence being exerted on Council business, through financial (or other) inducements or conflicts of interests. The purpose of this section of the regulations is to ensure that all employees (and other individuals engaged in official Council business) have a clear understanding of their responsibilities when they have an interest or receive / give gifts and hospitality related to their Council position.

Failure to declare interests, gifts and hospitality could be a breach of legislation. Section 117 of the 1972 Local Government Act requires individuals to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. It is also an offence to request, agree to receive, or accept a bribe and there is a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

A corporate offence is created where there is a failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place "adequate procedures" designed to prevent bribery by or of persons associated with the organisation.

##### **Objectives of guidance and rules governing possible conflicts of interest:**

The key objectives are:

- Ensure that the interests of the public remain paramount;
- Officers are impartial and honest in the conduct of their official business;
- Public monies are used to the best advantage of the Council, always ensuring value for money.

It is important that all potential conflicts of interests are properly identified and recorded and that a record of appropriate action taken is made. This will assist in maintaining public confidence and assist in achieving the Council's commitment to tackle fraud and corruption within or external to the organisation.

##### **Key Responsibilities for Employees engaged on Council business:**

1. All employees must be aware of the Employees Code of Conduct.
2. On starting employment / engagement (consultant or agency worker) on Council work or at any time during the period of employment / engagement individuals must declare 'interests' using the electronic Register of Interests.
3. The Register of Interests will be maintained to enable employees to submit on-line declarations. Interests will include:
  - Organisation Membership (not open to the public without formal

membership and commitment of allegiance and which has secrecy about rules or membership or conduct)

- Other employment / business
- Land Interest
- Financial Interest
- Family / Friends

4. During the course of their duties, employees may receive offers of gifts and hospitality of one form or another and it is important that employees are able to recognise what is, and what is not, acceptable. The following guidelines should be adhered to:

- Acceptance or refusal of gifts and hospitality must be recorded in Gifts & Hospitality Electronic Register. Each register entry will be subject to management approval and periodic Audit inspection.
- Gifts which may be sent / offered to employees by outside contractors or organisations should be returned politely with a suitable official letter, and details recorded in the Register.
- Gifts can only be accepted when they are of nominal value, functional, items suitable for business use, e.g. diaries, calendars, and pens.
- On no account should an employee accept either secondary employment or a financial payment from any person, body or organisation, with which the Council is involved, e.g. contractors, developers, consultants.
- Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, social functions, in connection with their official duties shall be at the Council's expense.
- Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.
- Where offers of hospitality are made, i.e. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the Council, and the hospitality would not expose the Council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the relevant Director's approval in advance, and must be recorded in the Register of Gifts and Hospitality.
- Offers of hospitality in the form of purely social events and sporting occasions should on **no account** be accepted when these are from organisations with which the Council has commercial links. However, invitations to social events from non-commercial organisations with which the Council has a partnership arrangement will be acceptable, but must have the Director's advance approval, and must be recorded in the Electronic Register. Offers of hospitality refused must, in addition, be recorded in the Register.
- Regular social contact, i.e. drinks in a public house, with representatives of organisations which supply, or hope to supply, goods or services to the Council must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they "pay their way" and that the costs of such contact are not met in full by the other party.
- For their own protection, officers may wish to consider recording such

events in the Electronic Register.

- Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups for their members, employees shall not avail themselves of the services of contractors employed by the Council for acquiring services, materials, labour or plant at cost, trade or discount prices.

5. Suspected irregularities concerning conflicts of interest, giving and acceptance of gifts & hospitality must be reported without delay to the Chief Audit Executive and Monitoring Officer, and where appropriate, to the Chief Executive and the appropriate Cabinet Member.

6. Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.

7. These promotional offers normally take the form of a free gift, a holiday offer or vouchers towards goods. Promotional offers should **ONLY** be used for the benefit of the Council, and the Director concerned will decide how such offers are to be used.

8. All promotional offers accepted and declined and the course of action determined by the Director must be recorded in the Electronic Register.

## **Gifts and Hospitality – A Code of Conduct for Councillors**

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the Authority as acting in the public interest or as acting for the personal advantage of friends or for what personal benefit Councillors themselves can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the Prevention of Corruption Acts and other legislation and guidance. These requirements are then supplemented by the procedures which have been adopted by this Authority to provide a clear set of rules for the protection of both Councillors and the Authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality;
- (b) the procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it; and
- (c) the procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the Authority.

This Code does not apply to the acceptance of any facilities or hospitality which may be provided by you or by this Authority.

### **1. General Principles**

**In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:**

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer or prospect of an offer, of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

Further, the Authority's Code of Conduct for Members provides that you must act in the public interest, serving the Authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

**(b) You should only accept a gift or hospitality if there is a commensurate benefit to the Authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the Authority, such as an opportunity to progress the business of the Authority expeditiously through a working lunch, or to canvass the interests of the Authority and its area at a meeting. Acceptance of a gift is less likely to confer such an advantage. But unless the benefit to the Authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the Authority's Code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit of the Authority, would be a breach of the Code.

**(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the Authority and to you as a Councillor as actual impropriety. The Authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Authority favours any particular person, company or section of the community, or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) Occasions when the Authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- (ii) Determination of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;
- (iii) Funding decisions, when the Authority is determining a grant application by any person or organisation.



- (d) **Never accept a gift or hospitality which puts you under an improper obligation.**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others know that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Authority.

- (e) **Never solicit a gift or hospitality.**

## 2. Consent Regimes

### (a) **General consent provisions**

For clarity, the Authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) Civic hospitality provided by another public authority.
- (ii) Modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits.
- (iii) Tickets for sporting, cultural and entertainment events which are sponsored by the Authority.
- (iv) Small gifts of low intrinsic value below £25.00, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise.
- (v) A modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the Authority if you meet accidentally in a public house, café or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable.
- (vi) A modest working lunch not exceeding £10.00 a head in the course of a meeting in the offices of a party with whom the Authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request Officers to settle the detailed arrangements, and Officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10.00 a head.

- (vii) Modest souvenir gifts with a value below £25.00 from another public Authority given on the occasion of a visit by or to the Authority.
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the Authority. Councillors should not make such arrangements themselves, but request Officers to settle the detailed arrangements, and Officers are under instruction to make it clear that any such hospitality for Councillors and Officers is to be no more than commensurate with the nature of the visit.
- (ix) Other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure. The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Mayor's Assistant together with a written statement identifying the information set out in Paragraphs 2(b) below. The Mayor's Assistant will then write to the person or organisation making the gift thanking them on the Councillor's behalf for the gift and informing them that it has been donated to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

**(b) Special consent provisions**

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraphs 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure.

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality;
- (ii) who the invitation or offer has been made by or on behalf of;
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the Authority in which they have been involved;
- (iv) any work, permission, concession or facility which you are aware of that the person or organisation making the offer or invitation may seek from the Authority; and
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper.

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the Authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with paragraph 3, below.

### **3. Reporting**

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25.00 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the Authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25.00, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

### **4. Gifts to the Authority**

Gifts to the Authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition; an offer to carry out works; or the sponsorship of a function which is organised or supported by the Authority.

You should not solicit any such gift on behalf of the Authority except where the Authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example the sponsorship of public musical and theatrical performances or developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of this Authority, you must first consider whether it is appropriate for the Authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the Authority under any improper obligation, whether there is a real benefit to the Authority which would outweigh any dis-benefits). If you do not have delegated Authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated Authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Authority to accept the gift, you should consult the Monitoring Officer directly.

## 5. Definitions

- (a) "Gift or hospitality" includes:
  - (i) the free gift of any goods or services;
  - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;
  - (iii) the opportunity to obtain any goods or services which are not available to the general public; or
  - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:
  - (i) your estimate of the cost to the person or organisation of providing the gift or consideration; or
  - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

**TEST VALLEY BOROUGH COUNCIL**

Declaration of Gifts and Hospitality received

I, (full name)....., a

Member of Test Valley Borough Council

**GIVE NOTICE** that I wish to record the receipt of the following gift(s) and/or hospitality

Date of receipt of Gift / Hospitality	Name of Donor	Reason and Nature of Gift / Hospitality	Value of Gift / Hospitality

**Signed** .....

**Dated** .....

This page is intentionally left blank