

<b>Meeting Date</b>	30 October 2019
<b>Report Title</b>	Disclosure of gifts and hospitality for Members
<b>Cabinet Member</b>	Cllr Roger Truelove, Leader and Cabinet Member for Finance
<b>SMT Lead</b>	David Clifford, Monitoring Officer
<b>Lead Officer</b>	Gary Rowland, Lawyer - Corporate Governance
<b>Recommendations</b>	1. To discuss the issues raised in the report and recommend proposals to Standards Committee.

## **1 Purpose of Report and Executive Summary**

- 1.1 The purpose of this report is to seek proposals from the Committee as to an appropriate addition to the Members Code of Conduct regarding the receipt of gifts and hospitality by Members. These proposals will be put to the Standards Committee prior to a decision being made by Full Council. The Committee are also asked to consider bringing the disclosable gift value for Members in line with the disclosable gift value for Officers as well as a potential increase to the value.

## **2 Background**

- 1.2 The requirement for gifts and hospitality to be disclosed by Members was removed by the previous administration in 2012 following the introduction of the Localism Act 2011. Informal Cabinet have expressed a desire to reintroduce the requirement. In order to implement this, an addition to the Constitution is required specifically to the Member's Code of Conduct.
- 1.3 One option for the Committee to consider is that the Council adopts the wording currently set out in Kent County Council's and Tunbridge Wells Borough Council's Constitutions under the Member's Code of Conduct. The wording is as follows:
- You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
  - Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a meeting, you must disclose at the commencement of the meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or

hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.

- You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

2.3 The disclosable gift value currently set out in the Officer's Code of Conduct is £25 or more. In order to bring the Officer's Code in line with the Member's Code, an increase of the disclosable value to £100 should be considered. The £25 value has been in force when the requirement to disclose was previously removed in 2012.

2.4 It is worth noting that a change to the Code of Conduct will have an effect on some Parish Councils within the Borough. Any Parish Council currently adopting the Council's current Code of Conduct for Members will need to ensure that they adopt the amended version once approved by Full Council. A system will need to be implemented to ensure those Parish Council's affected adopt the amended Code of Conduct to ensure multiple versions of the Code are not in circulation.

## **2 Proposals**

2.1 The Committee are asked to review and discuss the information in the report and make recommendations to the Standards Committee.

## **4 Alternative Options**

2.2 The Committee could decide to recommend that the existing arrangement be kept in place.

4.2 The Committee could decide to propose alternative wording to that set out in section 2.2.

## **5 Consultation Undertaken or Proposed**

2.3 Consultation on the process has taken place between the Monitoring Officer and Mid Kent Legal Services.

## **6 Implications**

6.1 Due to the nature of the recommendation, there are unlikely to be any wider implications.

## **7 Appendices**

None