



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Audit and General Purposes Committee Thursday 23 July 2020
Report Number	Agenda Item No. 5
Subject	Councillor Gifts and Hospitality
Wards affected	All
Accountable member	Councillor Norman MacRae, Chair of the Standards Sub-Committee Email: norman.macrae@westoxon.gov.uk
Accountable officer	Keith Butler, Monitoring Officer Tel: 01993 861521 Email: keith.butler@westoxon.gov.uk
Summary/Purpose	To consider possible arrangements for the registration by councillors of gifts and hospitality accepted by or offered to them in their capacity as a member of the District Council.
Annex	Proposed arrangements for the registration of Gifts and Hospitality by Councillors
Recommendations	(a) That Council be recommended to approve the proposed arrangements relating to the registration of gifts and hospitality by members set out in the Annex to the report, to be effective from 1 September 2020; and (b) That in the event of the Council adopting the proposals, the Monitoring Officer be requested to notify the arrangements to all councillors and to devise an appropriate means for the reporting and recording of gifts and hospitality by members.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No
Consultees/ Consultation	None

1. BACKGROUND

- 1.1. This report addresses a recommendation in an internal audit report that *“consideration is given to the re-introduction of a gifts and hospitality register for members”*.

2. MAIN POINTS

- 2.1. In 2012, legislative changes via the Localism Act 2011 removed the statutory requirement for Members to declare/register gifts and hospitality accepted by them. This requirement was consequently removed here at West Oxfordshire, as was the corresponding register of gifts and hospitality.
- 2.2. Although not a statutory requirement, the practice evolved that if a Councillor was in receipt of a gift or hospitality they could notify me (as Monitoring Officer) and it would be held “for the record”. In practice, there have been very few, just as there were very few registrations when such registration was mandatory prior to 2012.
- 2.3. The audit referred to above concluded that *“although not a statutory requirement, it would be good practice to keep a gifts and hospitality register of those declarations that are made by Members. This will also allow for any advice given to be recorded. This information would then be available should there be an investigation or allegation of a Member being unfairly influenced by any offer of gifts or hospitality”*.
- 2.4. The point about undue influence is key – under the pre-2012 provisions, the receipt of a gift or hospitality was automatically regarded as what was then known as a “personal interest”, for a period of three years. In practice, there were not many registrations, and the concept of a personal interest is, in any event, no longer enshrined in the legislation, but there could still be circumstances where a conflict of interest is created, such that a councillor would be advised not to take part in the making of a relevant decision.
- 2.5. The [Annex](#) specifies the details of what is proposed, should the Council choose to re-introduce the requirement.
- 2.6. To reflect the audit recommendation, this report recommends the adoption of a scheme. The recommended date for this to become effective is intended to allow some time for implementation.

3. FINANCIAL IMPLICATIONS

- 3.1. This report has no financial implications.

4. LEGAL IMPLICATIONS

- 4.1. The report has no legal implications.

5. ALTERNATIVES/OPTIONS

- 5.1. The Committee is free to recommend either that no action is taken on this matter, or alternatives to the details suggested in the [Annex](#).

6. BACKGROUND PAPERS

- 6.1. None

Arrangements for the registration of Gifts and Hospitality by Councillors

Notes for Councillors

1. Offers of Gifts or Hospitality should never be solicited by any Member of the Council.
2. The registration/notification of gifts and hospitality should be completed by councillors within 28 days of receipt of any gift or hospitality over the value of £25, where that gift and/or hospitality is related to their capacity of being a member of the council. The Monitoring Officer will provide a means of registering items.
3. Registrations will be retained by the Monitoring Officer for the duration of the Councillor's membership of the Council, and will be open to public inspection during normal office opening hours.
4. The registration will include a comments field which should be used to indicate if an offer was only accepted after consultation and, if so, with whom, as well as any other information which the registrant believes should be recorded and be in the public domain.
5. Where a gift or hospitality is accepted and then passed on to another person, the ultimate destination should also be recorded. The ultimate recipient should also confirm receipt.
6. Where any offer of any Gift or Hospitality is made to a number of Members which is accepted, all Members must complete their own registration – it is not sufficient for one councillor to fill in a composite form as there needs to be an audit trail in each case so that allegations of non-disclosure and breach of the registration requirements can be avoided.
7. You may decide you want to make a notification in circumstances where you have been offered a gift or hospitality but declined to accept it. This is not a requirement but if you do decide to do this then your reasons for not accepting the offer should be included.
8. The Monitoring Officer will, on request, give advice as to whether it is appropriate to accept a particular offer of a gift or hospitality. Councillors should err on the side of caution, and always take into account the possible public perception and the perceived reasons for the offer. It is generally unlikely that acceptance will be appropriate if it could appear to relate to a planning matter.
9. You must declare any gifts and hospitality at any meeting of the authority at which you are present, where a relevant matter is being considered, and you should seek advice from the Monitoring Officer as to whether the accepted gift or hospitality is sufficient to create a conflict of interest which would prevent your participation in the matter.