

<b>Title of Report:</b>	<b>Amendments to Appendix D (Gifts and Hospitality) and E (Procedure for Local Determination of Allegations) to Part 13 (Codes and Protocols) of the Constitution</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	04 March 2013
<b>Forward Plan Ref:</b>	Will feed into C2771

**Purpose of Report:** To consider any changes to the way Members need to deal with offers of Gifts and Hospitality and the procedure for determining complaints made under the Standards Regime.

**Recommended Action:** To discuss the amendments that may be required to be made to Appendix D (Gifts and Hospitality) and E (Procedure for Local determination of local Allegations) as set out in Part 13 (Codes and Protocols) of the Councils Constitution for the Governance and Audit Committee and Full Council to agree.

**Reason for decision to be taken:** To ensure that the Council's Constitution accords with legislation and changes to other parts of the Constitution.

**Other options considered:** None

**Key background documentation:** Localism Act 2011

The proposals will also help achieve the following Council Strategy principles:

☒ **CSP7 - Empowering people and communities**

☒ **CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by: ensuring that the constitution is up to date and accords with the relevant legislation

<b>Member Details</b>	
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<b>Date Member agreed report:</b>	Emailed on 24 December 2013

Contact Officer Details	
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## Implications

<b>Policy:</b>	Will require Part 13 (Codes and Protocols) of the Constitution to be amended
<b>Financial:</b>	None – will be undertaken within existing resources
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	Will require changes to the Constitution in accordance with relevant Local Government Acts
<b>Property:</b>	None
<b>Risk Management:</b>	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

# Executive Summary and Report

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## 1. Introduction

- 1.1 West Berkshire Council's Code of Conduct for Councillors was adopted by Full Council at its meeting on 10th May 2012 and came into effect from 1st July 2012. A scheduled review of the Code of Conduct and the underpinning processes was undertaken in the second half of 2013 by both the Standards Committee and the Governance and Audit Committee. The ensuing amendments were adopted at the December 2013 Council meeting.
- 1.2 It is therefore now necessary to re-write Appendix E (Procedure for Local Determination of Allegations) to reflect the revised governance arrangements and procedures for dealing with complaints made against district, town and parish councillors.
- 1.3 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.4 A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Appendix D (Gifts and Hospitality) to Part 13 (Codes and Protocols) of the Constitution.
- 1.5 The existing protocol for dealing with gifts and hospitality by Members did neither accord with legislative changes nor current nor best practice and it has therefore also been substantially re-written.
- 1.6 The Independent Persons have been consulted in the suggested changes. Mr James Rees commented that "the provision that an offer of gifts must be cleared by the Monitoring Officer in advance is a little uncomfortable as, in real life, there must be occasions when it will be difficult for the Councillor concerned to refuse a gift without causing offence or without having the opportunity to refuse the gift. The first situation is covered in the draft. I am not sure about the second."
- 1.7 Mr John Bingham commented that "Appendix D - gifts and hospitality - Rule'1' would put the recipient under some pressure particularly at, say, the conclusion of a complicated discussion which may bring great benefits to the council. In thinking about the remainder of the 'rules' one can understand the need for restrictions, I just feel, there should be, perhaps, a little more lee-way."

## 2. Proposals

- 2.1 The Standards Committee are asked to consider and comment on the revised procedure and protocol before recommending the documents to the Governance and Audit Committee for consideration and to full Council for adoption.

### **3. Equalities Impact Assessment Outcomes**

3.1 This item is not relevant to equality.

### **4. Conclusion**

4.1 The Standards Committee is asked to comment on and where appropriate amend the rewritten Appendix D (Gifts and Hospitality) and E (Procedure for Local Determination of Allegations) to Part 13 (Codes and Protocols) of the Constitution.

### **Appendices**

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Appendix A – Gifts and Hospitality

Appendix B – Procedure for Local Determination of Allegations

### **Consultees**

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**Local Stakeholders:** N/a

**Officers Consulted:** Andy Day, Sarah Clarke, Moira Fraser,

**Trade Union:** Not consulted.