

<b>SUBJECT:</b>	Protocol on Gifts and Hospitality
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift
<b>REPORT AUTHOR</b>	Joanna Swift
<b>WARD/S AFFECTED</b>	None

## 1. Purpose of Report

To seek the Committee's views on how best to raise members' awareness of the revised protocol on receipt of gifts and hospitality which was agreed by Full Council on 16 May.

### RECOMMENDATION

That members note the revised Protocol on Gifts and Hospitality attached at Appendix 1 and consider proposals for ensuring members are made aware of its requirements

## 2. Reasons for Recommendations

To ensure high ethical standards are maintained and members are aware of their responsibilities.

## 3. Content of Report

- 3.1 The principles of conduct in public life expect members to act with openness, selflessness, integrity and honesty. These principles underpin the Council's statutory duty to promote and maintain high standards of behaviour amongst its elected members, as well as the Code of Conduct. The acceptance of gifts and hospitality can impact on the perception that members (and by association, the Council) act in the public interest and not for personal advantage or gain. Adopting rules dealing with acceptance of gifts and hospitality is therefore not just an administrative issue.
- 3.2 The Council's Code of Conduct provides that receiving gifts or hospitality with an estimated value of at least £50 is a personal interest and details of the person organisation from whom the gift or hospitality is received must be declared in the members' register of interests. The monitoring officer must be notified of the personal interest within 28 days and the name of the person or organisation giving the gift or hospitality will be added to the register which is published on the Council's website.
- 3.3 In addition to the requirement in the Code of Conduct the Council has adopted a separate Protocol on receipt of gifts and hospitality attached at Appendix 1. This has been updated as part of the recent review of the Council's Constitution to make reference to the Bribery Act 2010 and also links to the Joint Anti-fraud, Bribery and Corruption Policy which is attached at Appendix 2 for ease of reference.

- 3.4 It is important to note that under the Bribery Act it is a criminal offence to request, agree to receive or accept a bribe. Bribery is defined as the offering **or receiving** of a financial or other advantage in connection with the improper performance of a function which is expected to be performed impartially or in good faith. This definition does therefore cover the actions of councillors undertaking their council duties. The Act also defines corruption as the dishonest influencing of actions or decisions. Paragraph 4 of the Joint Anti-fraud, Bribery and Corruption Policy reminds members of their obligations under the 7 principles of conduct in public life and of the importance of registering and declaring pecuniary and personal interests.
- 3.5 The Protocol sets out general principles which members should apply when deciding whether it would be proper to accept any gift or hospitality which can, of course, range from promotional materials such as branded pens and calendars, to working lunches with outside organisations and unsolicited gifts. The Protocol provides examples of circumstances when the receipt of small value gifts or hospitality may be accepted by members and a procedure for recording and obtaining specific consent from the monitoring officer for the acceptance of other gifts and hospitality.
- 3.6 The Council's internal auditors have recently carried out an audit into how the Council deals with the receipt of gifts and hospitality at both member and officer level. Any findings or recommendations from this audit will be reported verbally if received before the meeting. It is however timely for the Committee to consider how the recently update protocol should be brought to members attention. Initially the monitoring officer proposes to include an item in the weekly Members' Bulletin and to arrange for the consent forms to available to members on the intranet. Comments and suggestions from the Committee on other actions to ensure the Protocol is brought to wider attention would be welcome.

#### **4. Consultation**

Not applicable.

#### **5. Options**

The Committee can consider options on how best to publicise the Protocol.

#### **6. Corporate Implications**

Financial – As set out in the report

Legal – As set out in the report

Risks issues – As set out in the report.

Equalities - No specific implications

#### **7. Links to Council Policy Objectives**

Whilst there are no direct links to the Council's main policy objectives openness and transparency in relation to the receipt of gifts and hospitality is a matter of good governance and is important in preserving the confidence of local communities.

**8. Next Steps**

To undertake publicity about the Protocol as agreed by the Committee.

<b>Background Papers:</b>	None except those referred to in the report.
---------------------------	--