

<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 adoption of a Protocol on the receipt of gifts and hospitality.

### RECOMMENDATION

**That members consider and agreed the Protocol on Gifts and Hospitality attached at Appendix 2 for adoption by Full Council.**

### 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 affect 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 or 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, a reference to gifts and hospitality is included in the Council's Guidance for all members on planning matters. Both of these documents are included in the Council's Constitution which was last updated in 2015. In June 2016 the Council adopted the Joint Anti-fraud, Bribery and Corruption Policy which is attached at Appendix 1 for ease of reference and is also relevant to a protocol on receipt of gifts and hospitality.

- 3.4 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 It is proposed to bring these various sources of advice and guidance on gifts and hospitality together into a protocol which is attached at Appendix 2. This sets out general principles which members should apply when deciding whether it would be proper to accept any gift or hospitality which can 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 adopting detailed guidance from members.

#### **4. Consultation**

Not applicable.

#### **5. Options**

The Committee can decide to retain or amend the existing advice to members on gifts and hospitality.

#### **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**

The Protocol would be recommended to Full Council on 19 July for formal adoption.

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