

# Agenda Item 9

## Committee: Standards and General Purpose

Date: 08.11.18

Wards: All

### Subject: Gifts and Hospitality – Officers

Lead officer: Paul Evans, Assistant Director Corporate Governance and Monitoring Officer

Lead member: Councillor Peter McCabe, Chair, Standards and General Purposes Committee

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#### Recommendations:

- A. That the Committee considers the extract from the register
  - B. That managers remind staff about their responsibilities under the Employee's Code of Conduct to complete declarations, including reasons for acceptance
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#### 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To report entries made to the Register of Gifts and Hospitality for officers since the last consideration of the register on 9 November 2017

#### 2 DETAILS

- 2.1 The Code of Conduct for Employees requires that:

All offers of gifts must be reported to managers;

Significant gifts (over £25) must be registered on the departmental register.

Acceptance of gifts should only occur in very limited circumstances and approved in advance by the manager;

All offers of hospitality must be reported to managers;

The hospitality (no minimum value) must be registered on the departmental register;

There are limited circumstances where acceptance of hospitality may be acceptable

Hospitality received in the course of business meetings and at free training does not need to be registered, but managerial approval is required.

- 2.2 The inspection by the Monitoring Officer of the register shows that:

- The departmental registers continue to be maintained electronically in the adopted corporate manner in all departments.

- Notifications and registrations have taken place in the departments as follows:

### **Registrations**

Chief Executive's	1
Children Schools and Families	3
Community and Housing	2
Corporate Services	3
Environment & Regeneration	4

- The register for the period 1 November 2017 to the 30th September 2018 contained 13 entries.
- The entries no longer include tennis tickets from the AELTC managed under the staff ballot.
- The declarations are in accordance with requirements made up of entries where the gifts and hospitality accepted were for officers networking or representing the Council or, where low value gifts were received, from the public.
- It was noted at the last annual review that the report for 1<sup>st</sup> August 2016 to 1<sup>st</sup> August 2017 contained a relatively low number of entries and that the register may not have captured all the gifts and hospitality that may have been accepted or declined.
- The entries for 1 November 2017 and 30 September 2018 is marginally higher. These low figures may be a result of a genuine decline in gifts and hospitality being offered or it may be due to officers failing to enter these onto the register. In order to ensure that it is not the latter, managers should ensure that officers are aware of their responsibilities under the Code of Conduct for Employees to complete declarations and to give reasons if gifts and hospitality are being recorded as having been accepted. It is noted that in this year's entries there are 3 declarations ( one in CSF, one in C&H and one in E&R) where no reason has been given for accepting a gift and this highlights the need to ensure all officers are aware it is not sufficient to declare having accepted the gift but provide reasons for doing so.
- CSF, CS and E & R are this year's highest recipients.
- One of the E & R entries relates to CHAS, which is a council owned trading company, which operates in a commercial market. The hospitality was appropriately accepted on the approval of the Chair of the Board of the Company. This confirms that staff working in Council owned trading companies do consider whether to accept the receipt of such gifts and hospitality further to the Council's systems to give the appropriate assurances.

- As stated in previous reports, notwithstanding that the nature of the work carried out by CSF, is likely to attract the giving of gifts, it may be prudent to suggest to managers that staff are informed that accepting gifts where the identity of the donor is known should only be on the basis that offence is not caused. This reason for accepting gifts appears in the entries. However, it may also be prudent that officers should consider whether it would be appropriate to donate gifts (whether anonymous or not) to the Mayor's Charity. It was noted that unlike previous years, there was very little donated to the charity. The one item which was donated was a woollen scarf donated by an officer in E&R. This is in contrast to C&H, where a Christmas hamper was donated anonymously and the gift was accepted and no reason given why.
- The entries for CS were in relation to functions and meals where attendance would be of a benefit to the Council.
- It should also be noted that in the last review C & H had zero entries and in this review they have 2. Historically C&H have consistently had a very low number of entries on the register and the comments above about managers reminding their staff of their obligations may be especially pertinent to ensure that all officers in that department satisfy these obligations.

### **3 ALTERNATIVE OPTIONS**

- 3.1. None – it is for the Standards and General Purposes Committee to decide not to have this information reported to it, though this would not be compatible with its role as the proactive promoter and monitor of ethical standards.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. None

### **5 TIMETABLE**

- 5.1. The register is updated whenever a declaration is made

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The receipt or gift of any reward or advantage for an act or omission that suggests favour to any person in their official capacity may constitute a criminal offence under the Bribery Act 2010.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council is conducting its activities has proper regard to issues relating to human rights and equalities and fair treatment of all people is a significant component of ethical governance.

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. None

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 Failure by officers to address their responsibilities under the Code of Conduct could result in disciplinary action by the Council. Failure of the Council to monitor and promote the observance of the Code could result in an unnoticed lack of compliance by managers which might result in complaints, damage to the reputation of the Council, possible adverse impacts upon the quality of the Council's decision making processes and legal challenges to Council actions.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1

**12 BACKGROUND PAPERS**

12.1. None