

Committee: Standards and General Purpose

Date: 7th November 2019

Wards: All

Subject: Gifts and Hospitality – Officers

Lead officer: Fiona Thomsen, Interim 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 notes the report.
 - B. Managers remind staff about their responsibilities under the Employee's Code of Conduct to complete declarations, including reasons for acceptance.
 - C. Managers be reminded about donating any gifts received to the Mayor's Charity.
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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 8 November 2018.

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 | 3 |
| Children Schools and Families | 3 |
| Community and Housing | 1 |
| Corporate Services | 3 |
| Environment & Regeneration | 5 |

- The previous register for the period 1 November 2017 to the 30 September 2018 contained 13 entries. For the current period 1 November 2018 to 30 September 2019, the register contains 15 entries.
- The entries no longer include tennis tickets from the AELTC managed under the staff ballot.
- The declarations are in accordance with requirements and are 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 or in the case of Children Schools and Families from two external organisations.

2.2.1 These continuing 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 is 1 declaration (in Community & Housing) 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. This was followed up with the manager concerned stressing the importance of a reason for acceptance to be given. A reason for acceptance has subsequently been given and recorded.

2.2.2 As can be seen above the highest number of entries is for Environment & Regeneration, followed by the Chief Executive's, Children, Schools and Family and Corporate Services, all of which have 3 entries.

2.2.3 With regards Environment & Regeneration, an offer of hospitality was declined and gifts were donated to the Mayor's charity. The offers of hospitality that were accepted, related to organisations that have close local links to the Borough, one of which has an international profile, and it is inevitable that there will be networking and representation of the Council. The same is for the offers of hospitality to the Chief Executive's office, which appear on the register for the period covered by this review.

- 2.2.4 In relation to Children, Schools and Families, there was an acceptance of hospitality which was related to representing the Council. The other two declarations, were gift baskets from companies and these were distributed amongst particular teams. It may be prudent to suggest to managers in Children Schools and Families that officers should consider whether it would be appropriate to donate gifts to the Mayor's Charity in these circumstances. It is noted that for Environment & Regeneration and Corporate Services, donations of similar types of gifts were made to the Mayor's Charity. It is recommended that there should be consistency across all of the departments with regards food hampers, gift baskets, money and gift vouchers, in that such gifts should be donated to Mayor's Charity.
- 2.2.5 It should also be noted that in previous reviews Community & Housing had zero entries save for the last review where they had two. This year's review shows one entry. Historically Community & Housing have consistently had a low number of entries on the register. Managers in this department should be vigilant in reminding their staff of their obligations. This is also the case for all managers throughout the Council, especially in relation to new staff who are entering the organisation.
- 2.2.6 In last year's review there was an entry under Environment & Regeneration in relation to CHAS 2013 Ltd, which is a council owned company operating in a commercial market. The absence of any entries relating to either of the Council owned companies may be due to that no offers of gifts or hospitality have been offered in the period covered by this review. However, it may be prudent for these companies to consider how they provide assurance to the Council that their staff are considering whether to accept the receipt of gifts and hospitality.

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 next annual report will be due in October 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1.1 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