

Committee: Standards and General Purpose

Date: 5th November 2020

Wards: All

Subject: Gifts and Hospitality – Members and Officers

Lead officer: Louise Round Assistant Director of Corporate Governance, Managing Director of South London Legal Partnership and Monitoring Officer

Contact officer: Fabiola Hickson, 0208 545 4666, Fabiola.hickson@merton.gov.uk

Recommendations:

- A. That the Committee notes the report.
 - B. That members are reminded of their responsibility to complete declarations of gifts and hospitality including reasons for acceptance.
 - C. 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. The Council's Code of Conduct for Councillors incorporates the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members". Members are required to ensure that gifts and hospitality offered to them are recorded in a register that the Council publishes on line. This report provides information on gifts and hospitality recorded by Members since the last consideration of the register on 7 November 2019.
- 1.2. The Employee's Code of Conduct governs the requirements on officers in relation to the offer and acceptance and declaration of gifts and hospitality. This report provides entries made to the Register of Gifts and Hospitality for officers since the last consideration of the register on 7 November 2019.

2 DETAILS

- 2.1. As regards members, the Council's requirements are set out in the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members" which is attached at appendix 1 for ease of reference. The protocol provides that members must register every individual gift or item of hospitality received that is over £25 in value within 28 days of the date it was received. Even those offers of gifts or hospitality which were been declined should be registered. If all members, or a large number of them, received the same gift or are invited to the same event,

they must each make individual notifications.

- 2.2. Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them in the first place and the Protocol sets out a number of considerations to which members should have regard when considering whether to do so. For instance, particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council or which could be construed as an inducement or reward for anything which members may do in their capacity as a member.;

OFFICERS

- 2.3 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.

3 REVIEW OF THE REGISTERS

- 3.1. A list of entries made in the register for Members since the last review is attached at appendix 2 and the register for officers is attached at appendix 3.

MEMBERS

- 3.2. The registers show that 19 Councillors made declarations on 29 occasions.
- 3.3. The declarations can be summarised in the following categories:

- Events such as dinners to meet organisations and network – 4
- AELTC Wimbledon 2020 Commemorative towels– 16
- Sporting events – 1
- Mayors charity events – 4

- Borough events – 3
- Invitations to attend theatres and events of cultural organisations connected to the borough - 1

- 3.4. The review of the registers indicates that members are aware of their responsibilities. In the previous year’s review, declarations were received from 23 members on 54 occasions. This indicates that group offices and councillors understand their obligations.
- 3.5. The nature of the gifts and hospitality referred to is consistent with what may be expected for a Council and there do not appear to be any entries which are outside of what could be considered in the normal course of Council business and the various roles councillors have.
- 3.6. It is proposed that following this review a reminder of their obligations is cascaded to members and group officers to ensure the system continues to operate in a satisfactory way.

OFFICERS

- 3.7 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 and that the following notifications have taken place:

Chief Executive’s	(3) 1
Children Schools and Families	(3) 7
Community and Housing	(2) 0
Corporate Services	(2) 1
Environment & Regeneration	(4) 3

- 3.8 The previous register for the period 1 November 2018 to the 30th September 2019 contained 14 entries, which are displayed in the brackets above. For the current period from 1 November 2019 to 30 September 2020, there are 12 entries in the register.
- 3.9 Entries are no longer included on the register with regards tennis tickets from the AELTC allocated through the staff ballot. As a result of the championship being cancelled this year because of the Covid-19 pandemic, the Council did receive a donation of towels from the AELTC and these were distributed to a large number of staff. The Council received 5000 towels, of which 1000 were given to care homes. 2920 towels have been distributed to staff who were each given two towels meaning 1410 staff received them (although this number also includes some councillors). Rather than require the staff in receipt of the towels to make separate registrations, the report that went to CMT on the 13th October 2020 is being treated as a corporate declaration on behalf of all those staff who have received towels.

- 3.10 The declarations on the register are in accordance with requirements and comprise 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.
- 3.11 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 remind officers of their responsibilities under the Code of Conduct for Employees to complete declarations and to give reasons, if gifts and hospitality are accepted.
- 3.12 As can be seen above the highest number of entries is from CSF. Within those entries there appears to be a difference of approach when gifts are accepted, with some being retained, or shared among the teams, whereas in one instance, the gift was donated to the Mayor's charity, as has been the practice in E&R. The Code of Conduct does not require this but it may be worth the Department considering whether to adopt a consistent approach.
- 3.13 In previous reviews there have been entries under E&R 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 mean 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 staff are considering whether to accept the receipt of gifts and hospitality.
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4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None

5 TIMETABLE

- 5.1. The review of gifts and hospitality takes place on an annual basis.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Members are required by the Code of Conduct to register offers of gifts, and hospitality. Failure to register may be a breach of the Code of Conduct.
- 7.2 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. None

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

- Appendix 1- Protocol on the declaration of gifts and hospitality
- Appendix 2 – extract from the register of declarations of gifts and hospitality for Members
- Appendix 3- extract from register of declarations of gifts and hospitality for Officers

12 BACKGROUND PAPERS

- 12.1. None

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