

North East Derbyshire District Council

Standards Committee

14 December 2017

Gifts and Hospitality Annual Report 2017

Report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To advise the Committee of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to members and officers of the District Council during the period January 2017 to December 2017.

1 Report Details

- 1.1 The Council's Constitution, Part 5 specifies detailed arrangements for the registering of gifts and hospitality made to members and officers. A copy of the provisions of the Constitution in respect of gifts and hospitality are attached as **Appendix 1 and 2** to this report. Details of the entries in the Council's Gifts and Hospitality Register for the period January 2017 to December 2017 is attached as **Appendix 3** to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 It is important that there is a clear process for the recording and reporting of gifts and offers of hospitality offered to members and officers of the Council.
- 2.2 The annual reporting of offers of gifts and hospitality made to members and officers ensures that the Council's performance on this matter is monitored on a regular basis and that any changes in procedure can be introduced if necessary.

3 Consultation and Equality Impact

- 3.1 The annual reporting of offers of gifts and hospitality made to members and officers should, together with other measure undertaken by the Council, support the clarity of the reporting process.

4 Alternative Options and Reasons for Rejection

- 4.1 There were no alternative options considered and rejected. The report is submitted for information only.

5 Implications

5.1 Finance and Risk Implications

5.1.1 There are no financial implications arising directly from the content of this report.

5.2 Legal Implications including Data Protection

5.2.1 The Council previously had a zero tolerance approach in respect of the value of gifts and hospitality, such that all offers had to be declared, regardless of the value. Following a recommendation of Standards Committee, Council as part of its review of the Constitution, set a threshold of £25 for the declaration of gifts and hospitality.

5.3 Human Resources Implications

5.3.1 There are no Human Resources implications arising directly from the content of this report.

6 Recommendations

6.1 That the Standards Committee notes the content of this Annual Report for the period January 2017 to December 2017 in respect of offers of gifts and hospitality made to members and officers.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Extract from the Council's Constitution: Protocol on gifts and hospitality
2	Extract from the Council's Constitution
3	Schedule of Gifts and Hospitality January 2017 to December 2017.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Not applicable	
Report Author	Contact Number
Donna Cairns, Governance Manager (Acting)	(01246) 217753

AGIN 5(d) (STANDARDS 1214) 2017/Gifts & Hospitality/AJD

EXTRACT FROM THE COUNCIL'S CONSTITUTION

Page 199

PART 5 OF THE CONSTITUTION

Protocol on gifts and hospitality

This protocol has been adopted by the Council to give guidance to *Councillors* and officers about registering gifts and hospitality.

- 1 This Protocol relates to offers of gifts, favours or hospitality worth £25 or more that are made, given, or afforded to you in your capacity as a Member/officer whether you accept it or not. It is not intended to cover the ordinary social relationships which people enjoy with friends, provided that the friend is not applying to the Council for anything, seeking to do business with the Council, or involved in an ongoing business relationship with the Council.
- 2 Depending on the nature and value of the gift, favour or hospitality, it may be advisable for officers to consult their line manager and/or the *Monitoring Officer* for advice, in accordance with the officer code of conduct.
- 3 You must declare either in writing or electronically to the *Monitoring Officer* within 28 days of being offered or receiving it any gift or hospitality worth £25 or more. Such a declaration will be recorded in a register which will set out the date of declaration, the date on which the Member/officer received the hospitality, the name of the Member/officer, the nature of the gift or hospitality and, if a gift, what was done with it. The register will be signed or authorised electronically by the *Monitoring Officer*.

Hospitality

- 1 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them personally.
- 2 If there is a genuine need as a legitimate part of an employee's job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Senior Officer or Senior Manager for advice.
- 3 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during a tendering period.
- 4 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.
- 5 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other Council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the Council may be called into question.
- 6 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 7 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.
- 8 A register is maintained by the *Monitoring Officer* which is open to inspection by the Standards Committee of the Council. This register should be used by any employee of the Council who accepts any gift, favour or hospitality made to them of the value of £25 or more and accepted by them personally or on behalf of the Council.

Sponsorship - Giving and Receiving

- 1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Local Government activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Senior Officer or Senior Manager of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

