

Agenda item: 

**Decision maker:** Governance & Audit & Standards Committee

**Subject:** Compliance with the Gifts and Hospitality Protocol

**Report by:** City Solicitor

**Wards affected:** All

**Key decision (over £250k):** No

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**1. Purpose of report**

To update members on any issues regarding compliance with the Gifts and Hospitality protocol and to advise on remedies.

**2. Recommendations**

That the report be noted and Members consider an increase in the current level up to which gifts may be accepted, currently £25.

**3. Background**

The Protocol for Gifts & Hospitality was approved by the Standards Committee on 12 September 2007 subject to a six month review on the 31 March 2008. The protocol and "Frequently Asked Questions" were subsequently approved by the Standards Committee on the 31<sup>st</sup> March 2008. The protocol requires an annual report by the Monitoring Officer on compliance to enable this committee to make any necessary recommendations for change - this report addresses that requirement.

**4. Protocol compliance**

A number of analyses of the entries in the Gifts & Hospitality system are contained in Appendix 1 to support the following assessments of protocol compliance. The number of entries for the period covered by this report (18<sup>th</sup> February 2011 to 28<sup>th</sup> August 2013) is 541.

The protocol is also attached to this report as Appendix 2.

The main requirements of the protocol are as follows -

- A. Gifts which may be accepted under the protocol must be under £25 in value (£5 for staff in Adult Social Care) and given without ulterior motive. There should not be any danger of misinterpretation by the public and they must not have become a frequent occurrence.
- a) There are a number of entries where the value exceeds the limits outlined above and these are dealt with specifically below.
  - b) All other entries have been approved by Heads of Service and meet the requirements of the protocol.
- B. Gifts which must not be accepted include - those where the value exceeds £25 (£5 for Adult Social Care), gifts of cash (this has been interpreted to also include vouchers), gifts from persons with whom the council is in contract negotiations (or could be) and those where we regulate or monitor services.
- a) As mentioned above there are a number of entries where the value exceeds £25 (or £5 for Adult Social Care) and there are also a number of entries of cash, or vouchers. These are dealt with separately below.
  - b) There do not appear to be any other entries that do not adhere to the general principals contained in the protocol.
- C. Hospitality – the principals for acceptance generally follow those in respect of gifts.
- a) All entries have been appropriately recorded and actioned (approved or rejected) by the Head of Service.
- D. Analysis of entries where the value has exceeded £25 (Appendix 1, page 8)
- a) Of the 75 accepted entries where the value exceeds £25 –
    - i) 38 are for offers of hospitality
    - ii) 8 are for study trips, part of staff development
    - iii) 4 were donated to charity
    - iv) The remaining 25 were aggregated items, 5 of which were accepted on behalf of a service rather than being accepted in a personal capacity. 16 of the entries related to staff representing Portsmouth City Council in the Great South Run and Caen 10km Road Race.
- E. As regards Adult Social Care where the limit is set at £5, the details are as follows (Appendix1, page 6)
- a) 34 entries in total
  - b) 23 of the 34 relate to entries under £5
  - c) The remaining 11 which exceed £5 can be analysed as follows
    - i) Onward donation – 4
    - ii) Accepted on behalf of service rather than in a personal capacity – 5
    - iii) Retained by recipient or shared with colleagues - 3
- F. Cash and vouchers

- a) An analysis of the system entries for cash or vouchers is contained in Appendix 1, page 5.
- b) Total value where the amount has been specified is – cash £50.00 and vouchers £180.00
  - i) Cash
    - (1) Donated to Lord Mayor charity – £20.00
    - (2) Donated to other charity - £15.00
    - (3) Retained - £15.00
  - ii) Vouchers
    - (1) Donated to Lord Mayor charity - £35.00
    - (2) Retained - £120.00
    - (3) Rejected – Unknown as amount not specified

In light of the number of hospitality events attended by staff, which have had a value in excess of the current limit, £25.00 that have been appropriate and approved by Head of Service, Members may decide that it is timely to review the limit currently in place for accepting gifts and hospitality. This limit has been in place for some time now.

There were two gifts entered in the register, which were accepted by the receiver but not approved by the Head of Service. One receiver has since left PCC and the other accepted the gift on behalf of a service.

## **5. Equality impact assessment (EIA)**

This is a report on the operation of the protocol; an EIA is not therefore relevant.

## **6. Head of finance's comments**

Not relevant to this report.

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Signed by:

## **Appendices:**

Appendix 1 – various analyses of entries in the Gifts & Hospitality system  
 Appendix 2 – Protocol for staff on Gifts & Hospitality, Bequests and Sponsorship

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Data report form Gifts & Hospitality system	Held by System Administrator

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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 Signed by: