



Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	2 November 2018
Subject:	Compliance with the Gifts and Hospitality Protocol
Report by:	City Solicitor
Wards affected:	All
Key decision:	No
Full Council decision:	No

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

- a) That the Committee considers whether or not to make any recommendations for change.
- b) That in the absence of any changes, the report is noted.

3. Background

- a) 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 31st March 2008.
- b) The protocol requires an annual report by the City Solicitor on compliance to enable this committee to make any necessary recommendations for change - this report addresses that requirement.
- c) The Gift and Hospitality Policy is regularly reviewed and was last updated October 2018 (update to Nova Contract details).

4. Reasons for recommendations

A breakdown of the entries in the Gifts & Hospitality system are contained in the appendices to support the following assessments of protocol compliance.

The total number of entries for the period covered by this report (1 September 2017 - 27 September 2018) is 151. A full data set is available on request; specific data reports are enclosed with this report at the appendices.

The main requirements of the protocol are as follows -

**A. Items which may be accepted**

Under the protocol these items must be under £25 in value for gifts and under £40 in value for hospitality (£5 gift limit for staff in Adult Social Care). They must be 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 Directors and meet the requirements of the protocol.

B. Items which must not be accepted

These include:

- those where the value exceeds £25 (gifts) or £40 (hospitality), (£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.

For the period covering this report, the following will be considered in turn:

- Gifts registered over £25 Limit (data at Appendix 1)
- Hospitality registered over £40 Limit (data at Appendix 2)
- Gifts registered over £5 for Adult Services (data at Appendix 3)
- Cash & Vouchers registered (data within Appendix 4)
- Donations registered (data at Appendix 5)

There do not appear to be any other entries that do not adhere to the general principles contained in the protocol.

C. Gifts registered over £25 Limit

- a) The total number of entries registered for gifts over the £25 limit (Appendix 1) is 13; of these:

- i) 8 gifts were rejected;
- ii) 3 gifts were accepted. The reasons were:
 - An adopter gave a gift to a foster carer and this was accepted before it came to the attention of the Director of Children's Services;
 - A member of staff in Learning & Development won an IT device; this was accepted on the basis that it was either donated to the Lord Mayor's Charity or used for work related activity only;
 - A member of staff for Housing received an M & S voucher, the resident gave this as a token of thanks for caring for an elderly relative; it was agreed to use it to purchase cakes & biscuits for other residents in said property.



iii) 2 gifts were donated - see Donated report.

D. Hospitality

- a) The principles for acceptance generally follow those in respect of gifts (except the permitted value is £40).
- b) All entries have been appropriately recorded and actioned (approved or rejected) by the appropriate Director.

E. Hospitality registered over £40 Limit

- a) A breakdown of the system entries where the value has exceeded £40 is contained at Appendix 2:
- b) Of the 8 entries where the value exceeded £40 –
 - i) 3 offers of hospitality were accepted where it was considered appropriate as follows:
 - Wet Wheels Golf Day - no current conflicts with PCC and opportunity to network and support local cause;
 - Brittany Ferries - business meeting to discuss Brexit challenges to Port with counterpart in France;
 - Chartered Institute of Highways & Transportation (CIHT) luncheon - networking opportunity for PFI Manager
 - ii) 5 offers of hospitality were rejected:
 - The offers were in circumstances where the Council had existing contracts and/or it was inappropriate to show preference.

The hospitality was spread across the following directorates of the Council:

- Regeneration (4)
- Children's Services & Education (1)
- Housing & Neighbourhood (1)
- Portsmouth International Port (1)
- Finance & IT (1)

F. Entries for Adult Social Care exceeding £5 limit

- a) A breakdown of the system entries for Adult Social Care gifts exceeding £5 is contained at Appendix 3.
- b) There were 5 entries, all of which were accepted.
- c) Of the 5 entries:
 - i) One entry is for flowers which were accepted in the absence of the manager;
 - ii) Two entries were for small Christmas gifts; the client in both instances insisted on acceptance and the gift was received to refuse offence;



- iii) One small gift of chocolates was left in the office with a card and shared amongst the team;
- iv) One entry concerned flowers purchased by group members for the Club Leader of an Older Persons Social Club. The Leader has explained that in future gifts must not be purchased but the gift was accepted in this instance to refuse offence.

G. Cash and vouchers

A breakdown of entries for Cash and Vouchers is shown at Appendix 4.

A total of 20 entries have been noted on the register, of these:

- a) 18 entries concern gifts of cash or vouchers which have been rejected;
- b) One entry concerns a voucher (£5-£25) given as expression of thanks for work by Portsmouth University. The receiver was not aware that a voucher had been gifted to them until after the event. He will use the voucher to purchase a work related book for use by the team.
- c) One voucher was given for £25 and the resident became upset when the Receiver tried to refuse. It was agreed to use it to purchase cakes & biscuits for the residents of the housing accommodation concerned.

H. Donated gifts

A breakdown of the system entries for donated gifts is contained in Appendix 5.

- a) 9 gifts have been donated in total, as follows:
 - i) 4 to Lord Mayor's Appeal;
 - ii) 1 gift donated to Portsmouth Library Local History
 - iii) 1 gift donated to Hilsea Lodge Home (private day care) to raffle
 - iv) 1 gift donated to Leigh Park Housing Office;
 - v) 1 gift donated to Riders Junior School;
 - vi) 1 gift donated to Friday (Older Persons) Club

5. Equality impact assessment (EIA)

This report does not require an Equality Impact Assessment as it does not propose any new or changed services, policies or strategies.

6. Legal implications

The legal implications are embodied within this report.

6. Director of Finance's comments



There are no financial implications arising from the recommendations contained within this report.

Appendices:

1. All Gifts registered over £25 limit;
2. Hospitality registered over £40 limit;
3. Adult Social Care Gifts over £5 Limit;
4. Cash and Vouchers;
5. Donated Gifts

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Signed by:

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:

Title of document	Location
Data report form Gifts & Hospitality system	Held by System Administrator