

<b>Title of meeting:</b>	Governance & Audit & Standards Committee
<b>Date of meeting:</b>	3 March 2020
<b>Subject:</b>	Compliance with Gifts & Hospitality protocol
<b>Report by:</b>	City Solicitor
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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## **1. Purpose of report**

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

## **2. Recommendations**

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

## **3. Background**

- 3.1. The protocol for Gifts and Hospitality was approved by Standards Committee on 12 September 2007 subject to review and full approval on 31 March 2008. The protocol and Frequently Asked Questions have subsequently been regularly reviewed.
- 3.2. 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.
- 3.3. The Gifts & Hospitality policy is regularly reviewed and was last updated in 2018.

## **4. Reasons for recommendations**

- 4.1. A breakdown of entries in the Gifts & Hospitality system are contained in the appendices to support the following assessments of protocol compliance.
- 4.2. The total number of entries for staff for the period 1 October 2018 - 30 September 2019 (via the Gifts & Hospitality software) is 158. 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:**

4.3. 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 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 there must not be a frequent occurrence of repeat gifts.

4.4. Items which may not be accepted

These include:

- Where the value exceeds the limits noted above
- Gifts of cash (including vouchers)
- Gifts from persons with whom the Council is in contract negotiations (or could be) and those where we regulate or monitor services

4.5. 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)
- Adult Social Care registered over £5 limit (data at Appendix 3)
- Registrations of Cash and Vouchers (data at Appendix 4)
- Donated Gifts (data at Appendix 5)
- Registrations made by Portico Shipping Limited (Appendix 6)

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

*Note that Registrations by Members are contained at Appendix 7 but these are subject to a separate protocol - see paragraph 4.12.*

4.6. Gifts registered over £25 limit

The total number of entries registered for gifts over the £25 limit (Appendix 1) is 15. Of these:

4.6.1. 5 gifts were rejected

4.6.2. 8 gifts were donated - see Donated Gifts

4.6.3. 2 gifts were accepted on the following grounds:

4.6.3.1. One gift was a Christmas Hamper; it was considered the gift would not influence the officer and the food would deteriorate if the matter was further deliberated (Regeneration);

4.6.3.2. One entry concerns the gift of 4 tickets to Red Sauce Theatre performance at New Theatre Royal. This was accepted on the basis that this theatre company are a community group who were involved in the D-Day celebrations (Culture).

#### 4.7. Hospitality registered over £40 limit

The total number of entries registered for hospitality over the £40 limit (Appendix 2) is 7. Of these:

4.7.1. 3 offers of hospitality were accepted on the following grounds:

- 4.7.1.1. Networking with developers and consultants regarding affordable housing. No conflict of interest with the company. (Regeneration)
- 4.7.1.2. Networking opportunity regarding vessels that come into the port (Portsmouth International Port)
- 4.7.1.3. Smart Cities World Congress event, tickets provided by Amey Plc with whom the Council has no contractual relationship (Regeneration).

4.7.2. 4 offers of hospitality were rejected where it would have been inappropriate to attend or officers were unable to attend.

#### 4.8. Entries for Adult Social Care exceeding £5 limit

The total number of entries registered for Adult Social Care over the £5 limit (Appendix 3) is 3. Of these:

- 4.8.1. One was donated to the Lord Mayor's Appeal - see Donated Gifts
- 4.8.2. One was rejected in accordance with the policy.
- 4.8.3. One was accepted as refusal would have caused offence (Housing).

#### 4.9. Entries for Cash and Vouchers registered

The total number of entries registered for cash and vouchers (Appendix 4) is 22. Of these:

- 4.9.1. 5 items were donated - see Donated Gifts
- 4.9.2. 14 items were rejected in line with the policy
- 4.9.3. 3 items were accepted on the following grounds:

- 4.9.3.1. 2 gift vouchers were initially accepted and show as such on the report but the notes at the respective entries confirm that the gifts were subsequently returned to the donor in line with policy (Housing)
- 4.9.3.2. One gift of cash was initially accepted but the notes at the data entry confirm that the gift was subsequently donated to the Lord Mayor's Charity (Housing).

#### 4.10. Entries for Donated Gifts

The total number of entries registered for donated gifts (Appendix 5) is 18. Of these:

- 4.10.1. 14 have been donated to the Lord Mayor's Appeal;
- 4.10.2. 1 gift was donated to the Portsmouth History Centre (Culture)
- 4.10.3. 1 gift was given to a residential home to raffle (Finance)

- 4.10.4. 1 gift was given to a residential home for the communal area (Housing)
- 4.10.5. 1 gift was given to a residential home (second-hand bric-a-brac unable to be donated to Lord Mayor's Appeal (Housing)).

4.11. Portico Shipping Limited

Portico Shipping Limited is on a separate network to the Council and therefore not able to make entries on the Council's Gift and Hospitality system. Portico keeps its own register and 2 gifts have been received during the past year. These entries are listed at Appendix 6.

4.12. Gifts & Hospitality registered for Members

Members are required to declare any gifts or hospitality from any single donor over the value of £50 as set out in the Members Code of Conduct (sections 4.1e and 12.5).

Members' declarations for the period 1 November 2018 to 31 October 2019 are summarised in Appendix 7.

**5. Integrated impact assessment**

The Integrated Impact Assessment is included for this report in Appendix 8, the outcome of which is neutral or no impact.

**6. Legal implications**

The City Solicitor's comments are embedded within this report.

**7. Director of Finance's comments**

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

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Signed by:

**Appendices:**

- Appendix 1 - Gifts over £25 limit\*
- Appendix 2 - Hospitality over £40 limit
- Appendix 3 - Adult Social Care over £5 limit\*
- Appendix 4 - Registrations of cash and vouchers\*

Appendix 5 - Donated Gifts\*

Appendix 6 - Registrations made by Portico Shipping Limited\*

Appendix 7 - Members' gifts and hospitality register

Appendix 8 - Integrated Impact Assessment

\* personal data has been redacted from these data sets.

**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 from Gifts & Hospitality software system	Held by System Administrator