

Title of meeting: Governance & Audit & Standards Committee

Date of meeting: 20 November 2020

Subject: Compliance with Gifts & 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 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 & 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 2020.

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 2019 - 30 September 2020 (via the Gifts & Hospitality software) is 157. 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 (Appendix 1)
Hospitality registered over £40 (Appendix 2)
Adult Social Care registered over £5 limit (Appendix 3)
Registrations of Cash & Vouchers (Appendix 4)
Donated Items (Appendix 5)

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

Note that registrations by Members are contained in Appendix 6 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 6. Of these

4.6.1. 3 gifts were accepted on the following grounds:

- 4.6.1.1. One gift was initially accepted but subsequently donated to the Lord Mayor's Appeal;
- 4.6.1.2. One gift was accepted as the donor is a known regular user of the Portsmouth History Centre and refusal was considered to cause offence;
- 4.6.1.3. One gift was a hospitality dinner to raise money for The D-Day Story; this provided a unique opportunity to meet potential donors and advocate for the museum.

4.6.2. The 3 remaining gifts were donated to a Housing Scheme, Lord Mayor's Appeal and Landport Community Garden.

4.7. Hospitality registered over £40 limit

The total number of entries registered for hospitality over the £40 limit (Appendix 2) is 21. Of these

4.7.1. 19 offers were accepted, which breaks down by service area as follows:

- 4.7.1.1. 2 offers for Finance
- 4.7.1.2. 11 offers for the Port
- 4.7.1.3. 3 offers for Regeneration
- 4.7.1.4. 2 offers for Culture
- 4.7.1.5. 1 offer for Public Health

Finance: both offers concerned hospitality on a visit to the Port of Antwerp to consider municipal owned ports on behalf of the Council.

Port:

1 entries concerned the Port of Antwerp as above;
4 entries concerned attendance at awards ceremonies where a contractor to the Port was shortlisted for an award;
2 entries concerned a networking opportunity;
1 entry was accepted but in the event was not attended as the officer was unwell
1 entry was accepted as it concerned potential new business into the Port;
2 entries concerned anniversary celebrations of a customer to the Port.

Regeneration:

1 entry concerned a networking charity event;
1 entry concerned a luncheon hosted by the appropriate professional body;
1 entry concerned a staff meal out - the restaurant owner offered the occasion as complimentary and staff made a cash donation in response.

Culture:

2 entries concern a D-Day event which was appropriate as the receivers are staff who manage the D-Day Story;

Public Health:

The entry concerns a free place in the 2020 Local Area Research Intelligence Association. The entry was allocated via prize draw and concerned an opportunity to improve research and intelligence practice.

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 8. Of these:

4.8.1. 3 items were donated (see Donated Gifts);

- 4.8.2. 1 item was rejected;
- 4.8.3. 4 items were accepted;
 - 4.8.3.1. 1 entry concerned a small value gift and to refuse could have distressed the client
 - 4.8.3.2. 1 entry concerned a book sent to the Council by a previous systems consultant to the Council
 - 4.8.3.3. 1 entry concerned a small gift in circumstances where the client insisted although an attempt to decline was made;
 - 4.8.3.4. 1 entry concerned a box of luxury chocolates which were donated to care home residents.

4.9. Entries for Cash and Vouchers registered

The total number of entries registered for cash and vouchers (Appendix 4) is 18. Of these:

- 4.9.1. 14 offers were rejected;
- 4.9.2. 4 offers were donated where attempts to reject were rebuffed.

4.10. Entries for Donated Gifts

The total number of entries registered for donated gifts (Appendix 5) is 21. Of these:

- 4.10.1. 12 have been donated to the Lord Mayor's Appeal;
- 4.10.2. 3 items were donated to an unspecified charitable fund;
- 4.10.3. 2 item was donated to the PCC Food Bank;
- 4.10.4. 2 item was donated to a housing scheme
- 4.10.5. 1 item was donated to Landport Community Garden
- 4.10.6. 1 item was shared amongst the staff team as the client was distressed that the item could not be accepted.

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. If Members would like to see a copy of Portico's register they should enquire directly to the Finance Manager responsible for Portico.

4.12. Gifts and Hospitality 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 Councillors Code of Conduct section 4.1e and the Code of Conduct in respect of councillors and planning applications section 12.5.

Members' declarations for the period 1 October 2019 - 30 September 2020 are summarised in Appendix 6. Three hospitality entries have been logged for the period from three different local organisations, within the protocol limits.

5. Integrated impact assessment

An integrated impact assessment is not required as the recommendations do not directly impact on service or policy delivery. Any changes made arising from this report would be subject to investigation in their own right.

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: City Solicitor

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 - Members' gifts and hospitality register

*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:

Title of document	Location

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

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Signed by: