

Title of meeting: Governance & Audit & Standards Committee

Date of meeting: 23 November 2022

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 October 2022.

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 2021 to 30 September 2022 (via the Gifts & Hospitality software) is 135. 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)

A lever-arch folder held by the City Solicitor of Adult Social Care (from Care homes) of gifts below within policy of below £5 received throughout the year, from those without access to Gifts and Hospitality system (provided quarterly).

There do not appear to be any other entries elsewhere 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

4.6.1. The total number of entries registered for gifts over the £25 limit (Appendix 1) is 11. Of these 4 gifts were refused, 7 gifts were accepted/donated as follows:

- a) Five gifts were accepted and donated to the Lord Mayor's Appeal and;
- b) One gift was accepted from a closing down company and donated to Events Team for use at the kite festival (kite making kits) and;
- c) One gift was accepted as a retirement gift, as refusal would offend.

4.7. Hospitality registered over £40 limit

Of the 16 entries registered for hospitality, 3 were over the £40 limit (Appendix 2).

- 4.7.1. Two offers were accepted by Regeneration, on the grounds of:
 - a) Attending property awards and;
 - b) To improve working relationships between contractor and project team.
- 4.7.2. One offer was rejected by Portsmouth International Port, due to other commitments.

4.8. Entries for Adult Social Care exceeding £5 limit

The total number of entries registered for Adult Social Care is 21, of which those over the £5 limit (Appendix 3) is 11. Of these:

- 4.8.1. 6 items were donated (see also Donated Gifts);
 - a) 2 items were initially accepted and subsequently donated to the Lord Mayor's Appeal.
- 4.8.2. 4 items were rejected;
- 4.8.3. 1 item were accepted of which was small value gift and to refuse could have distressed the client and was shared by the team

4.9. Entries for Cash and Vouchers registered

The total number of entries registered for cash and vouchers (Appendix 4) is 30. Of these:

- 3.1.1. 13 offers were rejected;
- 3.1.2. 7 offers were donated (5 to Lord Mayor's Appeal, 2 to "Other")
- 3.1.3. 10 offers accepted, of which:
 - a) 7 offers were accepted (incorrectly categorised) all gifts within policy.
 - b) 1 offer was accepted and was donated to Lord Mayor's Appeal.
 - c) 2 offers were accepted as refusal would cause offence

4.10. Entries for Donated Gifts

The total number of entries registered for donated gifts (Appendix 5) is 22. Of these:

- 4.10.1. 17 have been donated to the Lord Mayor's Appeal;
- 4.10.2. 5 items were donated to "Other"; broken down:
 - a) 1 to Rough sleepers Hub
 - b) 1 to Wessex Cancer Trust
 - c) 1 to SANDS charity
 - d) 1 to British Heart Foundation
 - e) 1 to Afghan Settlement families

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 2021 - 30 September 2022 are summarised in Appendix 6. Two entries have been logged for the period, one below the protocol limits and the other of unknown value, so has been declared.

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:

Peter Baulf - City Solicitor and Monitoring Officer