

<b>Title of meeting:</b>	Governance & Audit & Standards Committee
<b>Date of meeting:</b>	22 November 2023
<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 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 was last reviewed October 2023.

**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 2022 to 30 September 2023 (via the Gifts & Hospitality system) is 112. Specific data for the Directorates are included within the appendices to this report.

### All Gifts

Directorate	TOTALS (Gifts & Hospitality)	Gifts Accepted	Gifts Rejected	Gifts Donated
Corporate Services	2	2	0	0
Housing, Neighbourhood and Building Services	55	36	15	4
Children Families and Education	2	1	1	0
Culture, Leisure and Regulatory Services	6	5	0	1
Executive	8	1	0	0
Finance & Resources	7	6	0	0
Regeneration	9	1	0	1
Portsmouth International Port	6	1	0	0
Adult Social Care*	17	13	0	3
<b>Sum totals</b>	<b>112</b>	<b>66</b>	<b>16</b>	<b>9</b>

### All Hospitality

Directorate	Hospitality Accepted	Hospitality Rejected	Hospitality Donated
Corporate Services	0	0	0
Housing, Neighbourhood and Building Services	0	0	0
Children Families and Education	0	0	0
Culture, Leisure and Regulatory Services	0	0	0
Executive	2	5	0
Finance & Resources	1	0	0
Regeneration	6	1	0
Portsmouth International Port	4	1	0
Adult Social Care*	1	0	0
<b>Sum totals</b>	<b>14</b>	<b>7</b>	<b>0</b>

#### 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 and Hospitality received within policy (section 4.6)  
 Gifts registered over £25 (\*£5 for Adult Social Care) limit (section 4.7)  
 Hospitality registered over £40 (4.8)

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 and Hospitality received within Policy

The total number of Gifts and Hospitality offered during this reporting period total 90, of which those received as accepted within Policy across all service areas equals 66.

##### Gifts Under £25 (\*£5 for Adult Social Care)

Directorate	TOTAL	Accepted	Rejected	Donated
Corporate Services	2	2	0	0
Housing, Neighbourhood and Building Services	52	36	14	2
Children Families and Education	2	1	1	0
Culture, Leisure and Regulatory Services	6	5	0	1
Executive	0	0	0	0
Finance & Resources	6	6	0	0
Regeneration	1	1	0	0
Portsmouth International Port	1	1	0	0
Adult Social Care*	9	9	0	0
<b>Sum totals</b>	<b>79</b>	61	15	3

Of the three donated gifts, these when to:

- Two to the Lord Mayor's Appeal
- One to Leigh Park Housing Office Christmas raffle.

### Hospitality Under £40 (\*£5 for Adult Social Care)

Directorate	TOTAL	Accepted	Rejected	Donated
Corporate Services	0	0	0	0
Housing, Neighbourhood and Building Services	0	0	0	0
Children Families and Education	0	0	0	0
Culture, Leisure and Regulatory Services	0	0	0	0
Executive	5	1	4	0
Finance & Resources	0	0	0	0
Regeneration	1	0	1	0
Portsmouth International Port	4	3	1	0
Adult Social Care*	1	1	0	0
<b>Sum totals</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>0</b>

#### 4.7. Gifts registered over £25 limit.

The total number of entries registered for gifts over the £25 (\*£5 for Adult Social Care) limit is 12.

Directorate	TOTAL	Accepted	Rejected	Donated
PCC Corporate Services	0	0	0	0
Housing, Neighbourhood and Building Services	3	0	1	2
Children Families and Education	0	0	0	0
Culture, Leisure and Regulatory Services	0	0	0	0
Executive	1	1	0	0
Finance & Resources	0	0	0	0
Regeneration	1	0	0	1
Portsmouth International Port	0	0	0	0
Adult Social Care*	7	4	0	3
<b>Sum totals</b>	<b>12</b>	<b>5</b>	<b>1</b>	<b>6</b>

- a) Five gifts were accepted,
  - i. One by the retiring Chief Executive
  - ii. Four by Adult Social Care staff under exceptional circumstances and to avoid causing offence.
  
- b) Six gifts were accepted and donated to:
  - i. Three were donated to the Lord Mayor's Appeal
  - ii. One to the communal lounge for the residents of Nicholson Gardens
  - iii. One to Royal Albert Day Centre
  - iv. One to Barnardo's Charity

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

Of the 21 entries registered for hospitality, 10 were over the £40 limit.

Directorate	Totals Over £40	Accepted	Rejected	Donated
Executive	2	1	1	0
Finance & Resources	1	1	0	0
Regeneration	6	6	0	0
Portsmouth International Port	1	1	0	0
<b>Sum totals</b>	<b>10</b>	<b>9</b>	<b>1</b>	<b>0</b>

- a) One was accepted by the retiring Chief Executive
- b) Two was accepted based on the role of the officer, that it would be both relevant and appropriate to attend.
- c) One was accepted as is related to Twinning activities.
- d) Four were accepted related to attendance at national awards.
- e) One was accepted as a key networking event.

One offer was rejected by Chief Executive, invited to represent the Council but due to other commitments, was unable to attend.

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

The total number of entries registered for cash and vouchers is 26. Of these:

- a) 11 offers were rejected;
- b) 3 offers were donated (2 to Lord Mayor's Appeal, 1 to Another Charity)
- c) 12 offers were accepted, of which comprise of a variety of chocolates/cakes; flowers; prayer beads and posters.

#### 4.10. Entries for Donated Gifts

The total number of entries registered for donated gifts is 10. Of these:

- 6 have been donated to the Lord Mayor's Appeal;  
 4 items were donated to "Other":
- a) 1 to Royal Albert Day Care
  - b) 1 to Barnardo's Charity
  - c) 1 to communal lounge for the residents of Nicholson Gardens
  - d) 1 to the Leigh Park Housing Office Christmas raffle

#### 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.

Only one Members' gifts and hospitality declarations for the period 1 October 2022 - 30 September 2023 has been received.

The value is estimated to be below the protocol limits, 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 - Corporate Services
- Appendix 2 - Housing, Neighbourhood and Building Services
- Appendix 3 - Children Families and Education
- Appendix 4 - Culture, Leisure and Regulatory Services
- Appendix 5 - Executive
- Appendix 6 - Finance & Resources
- Appendix 7 - Regeneration

- Appendix 8 - Portsmouth International Port
- Appendix 9 - Adult Social Care
- Appendix 10 - Members' gifts and hospitality register

\*Personal data has been redacted from these appendices.

**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 .....

.....  
Signed by:

Chair of Governance & Audit & Standards Committee