

Title of meeting: Governance & Audit & Standards Committee

Date of meeting: 7th November 2014

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

That the report be noted.

3. Background

The Protocol for Gifts & Hospitality was approved by the Standards Committee on 12 September 2007 subject to a six month review on 31 March 2008. The protocol and "Frequently Asked Questions" were subsequently approved by the Standards Committee on 31 March 2008.

The protocol requires an annual report by the Monitoring Officer on compliance to enable this committee to make any necessary recommendations for change - this report addresses that requirement.

4. Reasons for recommendations

A number of analyses of the entries in the Gifts & Hospitality system are contained in the Appendix to support the following assessments of protocol compliance.

The number of entries for the period covered by this report (29 August 2013 to 30 September 2014) is 193.

The main requirements of the protocol are as follows -

- A. Items which may be accepted under the protocol 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 Heads of Service and meet the requirements of the protocol.
- B. Items which must not be accepted include - those where the value exceeds £25 (gifts) or £40 (hospitality) (note: upper limit was changed halfway through the data period with which this report is concerned), (£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.
- a) As mentioned above there are a number of entries where the value exceeds £25 or £40 (or £5 for Adult Social Care) and there are also a number of entries of cash, or vouchers. These are dealt with separately below.
 - b) There do not appear to be any other entries that do not adhere to the general principles contained in the protocol.
- C. Hospitality – the principles for acceptance generally follow those in respect of gifts (except the permitted value has now increased to £40 - this change was made halfway through the data period).
- a) All entries have been appropriately recorded and actioned (approved or rejected) by the Head of Service.
- D. Analysis of entries where the value has exceeded £25 or £40 (Appendix 5):
- a) Of the 58 entries where the value is exceeded –
 - i) 34 are for offers of hospitality;
 - ii) 5 were rejected;
 - iii) 2 are for team building events, for staff development;
 - iv) 1 was donated to charity (Lord Mayor's Appeal);
 - v) 7 were complimentary Great South Run entries;
 - vi) The remaining 9 were aggregated items as follows:
 - (1) 3 entries concerned a long term working relationship with a contractor; proportionately the gifts were not inappropriate;
 - (2) 4 were accepted to avoid offence where no ulterior motive or influence was identified;
 - (3) 1 was a gift shared amongst the team and proportionately was not inappropriate;
 - (4) 1 was an award for excellent customer service (CDG Wise Award).

E. As regards Adult Social Care where the limit is set at £5, the details are as follows:

- a) 14 entries in total
- b) 7 of the 14 relate to entries under £5
- c) The remaining 7 which exceed £5 can be analysed as follows:
 - i) 2 entries are for the Great South Run;
 - ii) Onward donation – 1
 - iii) Gift spread throughout team so did not exceed limits - 2
 - iv) Non-returnable gift and no personal gain evident - 1
 - v) Rejected - 1

F. Cash and vouchers

- a) An analysis of the system entries for cash or vouchers is contained in the Appendix
- b) For this period there have been no cash gifts
- c) Concerning vouchers there were 18 entries:
 - (1) 9 gifts were charity run entries;
 - (2) 2 gifts were donated to Lord Mayor's Appeal
 - (3) Remaining 7 entries:
 - (a) 3 were rejected;
 - (b) 2 were accepted in connection with ongoing work and staff development;
 - (c) 2 were connected to Portsmouth in the Community.

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. Finance comments

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

Appendices:

1. Breakdown by Strategic Director and Head of Service;
2. Breakdown by Acceptance / Rejection / Donation of gifts;
3. Breakdown by donation to Lord Mayor's Appeal;
4. Breakdown by cash / voucher;
5. Breakdown of gifts over £25 by Strategic Director and Head of Service.
6. Gifts and Hospitality policy on the PCC policy hub.

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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