

**Title of meeting:** Governance & Audit & Standards Committee

**Date of meeting:** 6<sup>th</sup> November 2015

**Subject:** Compliance with the Gifts and Hospitality Protocol

**Report by:** City Solicitor

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

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**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 the 31 March 2008. The protocol and "Frequently Asked Questions" were subsequently approved by the Standards Committee on the 31<sup>st</sup> March 2008. 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.

**4. Reasons for recommendations**

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

The number of entries for the period covered by this report (1 October 2014 to 23 October 2015) is 136 (Appendix 1).

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 Directors 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), (£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 is £40).
- a) All entries have been appropriately recorded and actioned (approved or rejected) by the appropriate Director.
- D. Analysis of entries where the value has exceeded £25 or £40 (Appendix 2):
- a) Of the 18 entries where the value exceeded £25 –
    - i) 15 concerned hospitality invites of which:-
      - 9 were rejected and 6 were accepted.
    - ii) It should be noted that the 6 acceptances were all offers of hospitality and therefore met with protocol and concerned the following:-
      - (1) One working lunch with Biffa - developing waste contract;
      - (2) One student volunteer awards dinner attended to champion volunteering in Portsmouth;
      - (3) Three dinners attended by Harbour Master as representative of Port;
      - (4) One dinner with Portsmouth Property Association attended by relevant director.
    - iii) 2 were authorised as proportionate gifts where refusal would offend;
    - iv) 1 concerned an invite to a football match which was rejected.
  - b) Of the 8 entries where the value exceeded £40 -

- i) 5 were rejected;
- ii) Of the 3 accepted, 2 were industry events and 1 was a Great South Run entry for PCC.

E. As regards Adult Social Care where the entries exceed the £5 limit (Appendix 3):

- a) There were 5 entries in total.
- b) 4 were accepted and 1 was donated.
- c) Of the 4 accepted gifts:
  - i) 2 gifts were accepted due to the working relationship with the volunteer staff, no ulterior motive apparent;
  - ii) 1 gift was accepted to avoid offence;
  - iii) 1 gift was shared with the team.

F. Cash and vouchers

- a) An analysis of the system entries for cash or vouchers is contained in Appendix 4.
- b) For this period there have been 3 cash gifts, of which:
  - i) Two cash gifts were donated to the Lord Mayor's Appeal, of these:
    - (1) One gift was for £100. The donor was contacted to return the gift but asked for it to be donated to the Lord Mayor's Appeal.
    - (2) One gift was for £5 which was also donated to the Lord Mayor's Appeal.
    - (3) One cash gift of £5 was rejected.
- c) There have been 3 gifts of vouchers, of which:
  - i) One was a voucher entry for the Great South Run, which was accepted;
  - ii) One gift voucher was accepted as proportionate to specific help given;
  - iii) One gift voucher was donated to Portsmouth Food Bank.

G. Donated gifts

- a) An analysis of the system entries for donated gifts is contained in Appendix 5.
- b) 14 gifts have been donated in total as follows:
  - i) 11 to Lord Mayor's Appeal;
  - ii) 2 to the Carer's Centre;
  - iii) 1 to Portsmouth Food Bank.

**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. All Gifts by Department Report;
2. All Gifts by Value Report;
3. Adult Social Care Gifts over £5 Limit;
4. Cash and Vouchers;
5. Donated Gifts Report

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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:

<b>Title of document</b>	<b>Location</b>
Data report form Gifts & Hospitality	Held by System Administrator

system	

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

.....  
Signed by: