

Committee: Standards and General Purposes

Date: 4th November 2021

Wards: All

Subject: Gifts and Hospitality – Members and Officers

Lead officer: Louise Round Assistant Director of Corporate Governance, Managing Director of South London Legal Partnership and Monitoring Officer

Contact officer: Fabiola Hickson, 0208 545 4666, Fabiola.hickson@merton.gov.uk

Recommendations:

- A. That the Committee notes the report;
 - B. That members are reminded of their responsibility to complete declarations of gifts and hospitality including reasons for acceptance;
 - C. To agree that there is no need for members to register the annual offer of tickets for the pantomime at Wimbledon Theatre (although they should continue to register the acceptance of such an offer) or where they are afforded an opportunity to participate in a ballot for paid for tickets for the Wimbledon Tennis Championships: and
 - D. Managers remind staff about their responsibilities under the Employee's Code of Conduct to complete declarations, including reasons for acceptance.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Council's Code of Conduct for Councillors incorporates the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members". Members are required to ensure that gifts and hospitality offered to them are recorded in a register that the Council publishes on line. This report provides information on gifts and hospitality recorded by Members since the last consideration of the register on 5 November 2020.
- 1.2. The Employee's Code of Conduct governs the requirements on officers in relation to the offer and acceptance and declaration of gifts and hospitality. This report provides entries made to the Register of Gifts and Hospitality for officers since the last consideration of the register on 5 November 2020. The new code of conduct came into force on 30 September so for the majority of the period covered, the requirements were governed by the protocol referred to below. The essential requirements remain the same.

2 DETAILS

- 2.1. As regards members, the Council's requirements are set out in the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members" which is attached at appendix 1 for ease of reference. The protocol provides that members must register every individual gift or item of hospitality received that is over £25 in value within 8 days of the date it was received. Even those offers of gifts or hospitality which were been declined should be registered. If all members, or a large number of them, received the same gift or are invited to the same event, they must each make individual notifications. However, The essential requirements remain the same.
- 2.2 During the course of the training run for members on the new Code, it was suggested by some councillors that it should not be necessary to register the offer of tickets to the pantomime at Wimbledon Theatre as this is extended to all councillors and this would seem a sensible suggestion. The same applies to the ability for the opportunity given to councillors to enter a limited ballot for Wimbledon tickets as, should they be fortunate enough to win, they pay full price for the tickets. Inmi order to preserve transparency, a note to this effect will be included on the relevant part of the website.
- 2.3. Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them in the first place and the Protocol sets out a number of considerations to which members should have regard when considering whether to do so. For instance, particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council or which could be construed as an inducement or reward for anything which members may do in their capacity as a member.;

OFFICERS

- 2.3 The Code of Conduct for Employees requires that:
- all offers of gifts must be reported to managers;
 - significant gifts (over £25) must be registered on the departmental register.
 - acceptance of gifts should only occur in very limited circumstances and approved in advance by the manager;
 - all offers of hospitality must be reported to managers;
 - the hospitality (no minimum value) must be registered on the departmental register;
 - there are limited circumstances where acceptance of hospitality may be acceptable

- hospitality received in the course of business meetings and at free training does not need to be registered, but managerial approval is required.

3 REVIEW OF THE REGISTERS

- 3.1. A list of entries made in the register for Members since the last review is attached at appendix 2 and the register for officers is attached at appendix 3.

MEMBERS

- 3.2. The registers show that 15 Councillors made declarations on 32 occasions.
- 3.3. The review of the registers indicates that members are aware of their responsibilities. In the previous year's review, declarations were received from 19 members on 29 occasions. This indicates that group offices and councillors understand their obligations.
- 3.4. The nature of the gifts and hospitality referred to is consistent with what may be expected for a Council and there do not appear to be any entries which are outside of what could be considered in the normal course of Council business and the various roles councillors have.
- 3.5. It is proposed that following this review a reminder of their obligations is cascaded to members and group officers to ensure the system continues to operate in a satisfactory way.

OFFICERS

- 3.6 The inspection by the Monitoring Officer of the register shows that the departmental registers continue to be maintained electronically in the adopted corporate manner in all departments and that the following notifications have taken place:

| | |
|-------------------------------|-------|
| Chief Executive's | (1) 2 |
| Children Schools and Families | (7) 1 |
| Community and Housing | (0) 3 |
| Corporate Services | (1) 0 |
| Environment & Regeneration | (2) 0 |

- 3.7 The previous register for the period 1 November 2019 to the 30th September 2020 contained 12 entries, which are displayed in the brackets above. For the current period from 1 November 2020 to 30 September 2021, there are 6 entries in the register.
- 3.8 Entries are no longer included on the register with regards tennis tickets from the AELTC allocated through the staff ballot.

3.9 The declarations on the register are in accordance with requirements and comprise of entries where the gifts and hospitality accepted were for officers networking or representing the Council or, where low value gifts were received, from the public.

3.10 These continuing low figures may be a result of a genuine decline in gifts and hospitality being offered or it may be due to officers failing to enter these onto the register. In order to ensure that it is not the latter, managers should remind officers of their responsibilities under the Code of Conduct for Employees to complete declarations and to give reasons, if gifts and hospitality are accepted.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None

5 TIMETABLE

5.1. The review of gifts and hospitality takes place on an annual basis.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. Members are required by the Code of Conduct to register offers of gifts, and hospitality. Failure to register may be a breach of the Code of Conduct.

7.2 The receipt or gift of any reward or advantage for an act or omission that suggests favour to any person in their official capacity may constitute a criminal offence under the Bribery Act 2010.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council is conducting its activities has proper regard to issues relating to human rights and equalities and fair treatment of all people is a significant component of ethical governance.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- ✓ Appendix 1- Protocol on the declaration of gifts and hospitality
- ✓ Appendix 2 – extract from the register of declarations of gifts and hospitality for Members
- ✓ Appendix 3- extract from register of declarations of gifts and hospitality for Officers

12 BACKGROUND PAPERS

12.1. None

This page is intentionally left blank