

**Committee: Standards and General Purposes Committee**

**Date: 28 November 22**

**Subject: Gifts and Hospitality – Councillors**

**Cabinet Member: Councillor Mike Brunt, Chair, Standards and General Purposes Committee**

**Lead officer: Louise Round, Interim Executive Director for Innovation and Change and Monitoring Officer**

**Contact officer: Amy Dumitrescu, Democracy Services Manager**

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**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. That members discuss and approve the amended Gifts and Hospitality Protocol contained at Appendix 2 of the report
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**1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report is the yearly update on the registration by Councillors of gifts and hospitality.
- 1.2 A copy of the register accompanies this report at Appendix 1.
- 1.3 Although updated last November, the protocol on gifts and hospitality which does not form part of the constitution, but which provides further guidance in this area, would benefit from a further update to clarify requirements and processes, which have been improved since the last update. A copy of the proposed updated protocol accompanies this report at Appendix 2.

**2. DETAILS**

- 2.1 The Code of Conduct for Councillors requires that:
  - Councillors do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
  - Councillors register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

- Councillors register with the Monitoring Officer any significant gift or hospitality that they have been offered but have declined to accept.
- 2.2 The protocol requires that
- Councillors declare the value and details of the gift or hospitality received, as well as whether the donor of the gift has or has had in the past or likely to have in the future, dealings with the Council and also if the gift or hospitality has been accepted the reason for that acceptance.
  - Even if all members, or a large number of them, received the same gift or were invited to the same event, they must each make individual notifications.
- 2.3 Councillors are not required to declare hospitality where the Council is the host, or attendance at events where the Council is the organiser.
- 2.4 At its meeting on 4 November 21, the Committee agreed that there was no requirement 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 were afforded an opportunity to participate in a ballot for paid for tickets for the Wimbledon Tennis Championships. A central record of these offers will be kept internally by officers and members. An amended version of the protocol which reflects this decision can be found at Appendix 2 of this report.
- 2.5 Failure to comply with these rules may amount to a breach of the Members' Code of Conduct.
- 2.6 Breaches of the Code may expose members to a risk of a complaint being reported to the Monitoring Officer, who can decide whether there should be an investigation into the allegation.
- 2.7 The press and public have the right to inspect gift and hospitality declaration forms. The Register is also public via the Council's web site at [www.merton.gov.uk](http://www.merton.gov.uk). Councillors and officers may also gain access through the council's intranet.

2.8 The inspection by the Monitoring Officer of the register shows that:

- 26 Councillors made declarations on 59 occasions.
- The review of the registers indicates that members are aware of their responsibilities.
- In the previous year's review, declarations were received from 15 members on 32 occasions. This indicates that group offices and councillors understand their obligations.
- 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.
- 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.

### **3. ALTERNATIVE OPTIONS**

3.1 Committee could decide not to have this information reported to it, though this would not be compatible with its role as the proactive promoter and monitor of ethical standards.

3.2 The Committee could decide not to update the protocol, though the current version does not address some common areas of enquiry.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 None save referred to within the report.

### **5. TIMETABLE**

5.1 The next annual report will be presented to Standards and General Purposes in November 2023

### **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1 None.

## **7. LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 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**

- 8.1 None.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None.

## **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1 Failure by Councillors to address their responsibilities under the Code of Conduct could result in disciplinary action by the Council. Failure of the Council to monitor and promote the observance of the Code could result in an unnoticed lack of compliance by Councillors which might result in complaints, damage to the reputation of the Council, possible adverse impacts upon the quality of the Council's decision making processes and legal challenges to Council actions.

## **11. APPENDIX – THE FOLLOWING DOCUMENT FORMS PART OF THE REPORT**

Appendix 1: Details of the Register for the period 01.11.21-30.09.22  
Appendix 2: Draft amended Gifts and Hospitality Protocol 2022

## **12. BACKGROUND PAPERS**

Current Gifts and Hospitality Protocol.