

Ethical Standards and Member Development Committee

8 September 2017

Members' Gifts and Hospitality Annual Review

1. Summary Statement

- 1.1 This report outlines the statutory provisions relating to the Members' Gifts and Hospitality and provides an opportunity for members to review the Register.
- 1.2 Guidance is available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution. This guidance was last reviewed by the Committee in March 2015 as part of the review of the Code of Conduct.
- 1.3 The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £100.00. The Register of Members' Gifts and Hospitality is available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members are also recorded on the Committee Management Information System [CMIS] on the Council's web site and can be accessed at any time from the internet.
- 1.4 The Registers are periodically reviewed by the Director - Monitoring Officer.
- 1.5 The Committee last inspected the Register of Interests in September 2016 and its work programme provides for an annual review of the Register. The paper Register will therefore be available at the meeting for members to peruse.
- 1.6 Regular reminders are sent to Members to update their entries.

Further details are attached for your information.

2. Recommendation

- 2.1 That the Ethical Standards and Member Development Committee notes the contents of this report and makes any relevant recommendations to the Director - Monitoring Officer after consideration of the Members' Gifts and Hospitality Register.

Maria Price
Service Manager – Legal

Contact Officer:
Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. Strategic Resource Implications

- 3.1 There are no resource implications arising from this report.

4. Legal and Statutory Implications

- 4.1 The Localism Act 2011 (and Regulations made under the Act) did not include any provisions requiring Members' or co-opted Members' to register Gifts and Hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members' and co-opted Members'.
- 4.2 The Members' Code of Conduct describes the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £100.00 as other registerable interest of the member.
- 4.3 The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality. Maintaining a Protocol on Gifts and Hospitality also assists the Council to comply with the requirements of the Bribery Act 2010. Under the Bribery Act 2010 all employees and Elected Members' are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances.

5. Implications for the Council's Scorecard Priorities

- 5.1 The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.

6. Background Details

- 6.1 The Monitoring Officer maintains a public register of councillors' and co-opted members' interests and also a record of any gift or hospitality received with an estimated value of at least £100.00. The Council has adopted a Protocol for Members on Gifts and Hospitality in its Constitution.
- 6.2 As a public register the Council must ensure that this record is available for inspection by the public at all reasonable hours. The Register of Gifts and Hospitality still exists in paper form but the Council's protocols permit members also to declare gifts and hospitality on their general declarations of interest forms. All declarations of gifts and hospitality are recorded on each individual member's record on the Committee Management Information System on the Council's web site and can be accessed at any time from the internet. Those entries are cross referenced to a schedule in the paper register which records the total number of declarations made and by whom.
- 6.3 The definition of other registerable interest which must be declared under the Code of Conduct includes: "the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.00"
- 6.4 The Members' Code of Conduct requires members to disclose their interests at Council meetings where the business under consideration relates to, or is likely to affect, the donor of any gift or hospitality to the member of £100.00 or more.

6.5 Members should register the interest as soon as possible after acceptance of the gift or hospitality and in any event, no later than 28 days after acceptance. Failure to register within the 28 day period is a breach of the Code of Conduct. The registration should include the source and nature of the gift or hospitality. Members are not required under the Code to register any gifts or hospitality with the value of less than £100.00, nor are they required to register any gifts or hospitality that they do not accept. The Protocol is wider than the Code.