

**TITLE OF REPORT: GIFTS AND HOSPITALITY POLICY FOR OFFICERS**

REPORT OF THE CORPORATE LEGAL MANAGER AND MONITORING OFFICER

**1. SUMMARY**

- 1.1 Proposed changes are required to this Policy, in light of updated legislation in the Localism Act 2011 and Bribery Act 2010 and subsequent approved changes to the Code of Conduct for Councillors in July 2012. The proposed changes are shown by tracking on the draft document.

**2. FORWARD PLAN**

- 2.1 Not applicable.

**3. BACKGROUND**

- 3.1 Following Council's adoption of the new Councillor's Code of Conduct in July 2012 (following legislative changes made under the Localism Act 2011), the Members' Protocol for Gifts and Hospitality required amendment. Changes were also required to include new statutory references such as the Bribery Act 2010.
- 3.2 Some changes have been made to include some words and phrases to make the protocol more symbiotic with the Bribery Act. The opportunity has also been taken to clarify and simplify the wording of the Protocol.
- 3.3 There were also consequential tidying up changes arising from the new Code of Conduct for Councillors.
- 3.4 As a result of the above, the Gifts and Hospitality Policy for Officers will also require further amendment, to align with this new draft Protocol and reflect new legislative changes.
- 3.5 The current policy was approved by Cabinet in December 2011, but it was flagged at the time that it would most likely require some further amendment, following the revision of the Members' Protocol.

The current proposed consequential revisions, as indicated by the tracked changes on the draft at Appendix 1, include:

- Changes to the statutory references.
- Alignment with the Members' Protocol, in particular Paragraphs 1(c) and 6 (b), to provide simplification and clarification to the current wording.
- Changes from an under £25 to an under £50 threshold for small gifts/hospitality, to reflect the proposed changes in the Members' Protocol.

- 3.6 The proposed revisions are not considered to materially change current arrangements.
- 3.7 The amended draft policy has been circulated to Unison, members of the Staff Consultation Forum and Senior Managers for comment, prior to this meeting. The responses received are contained at Appendix 2. Where appropriate, further amendments were made to the draft, as indicated.
- 3.8 It is anticipated that the new policy, once approved, will take effect on 1 January 2013. Officers will be notified once the new policy comes into force. Officers have already been reminded of the current policy in the run-up to the Christmas period.

#### **4. LEGAL IMPLICATIONS**

- 4.1 The statutory requirements are incorporated in the draft documents.
- 4.2 The proposed authorisation process for the amended policy is as follows:
- Senior Management Team (SMT) - 25 September 2012
  - Consultation with the Joint Staff Consultative Committee (JSCC) – 19 December 2012
  - Subsequent approval by the Leader under her delegated powers, subject to the comments received at the JSCC.

#### **5. FINANCIAL AND RISK IMPLICATIONS**

- 5.1 None identified.

#### **6. HUMAN RESOURCE IMPLICATIONS**

- 6.1 Any required staff consultations should take place before the policy is recommended for approval.

#### **7. EQUALITIES IMPLICATIONS**

- 7.1 There is no current evidence available to show that the amended draft policies may have an inequitable effect on groups with protected characteristics, nor is it the view that they do have such an effect.

#### **8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 8.1 None.

#### **9. RECOMMENDATIONS**

- 9.1 That JSCC provide comments on the revised draft document for onward consideration by the Leader.

**10. REASONS FOR RECOMMENDATIONS**

10.1 To align with updated statutory provisions.

**11. ALTERNATIVE OPTIONS CONSIDERED**

11.1 Not relevant.

**12. APPENDICES**

**Appendix 1 - Draft Amended Gifts and Hospitality Policy for Officers**  
**Appendix 2 - Responses received from Unison, SCF and Senior Managers**

**13. CONTACT OFFICERS**

Anthony Roche, Corporate Legal Manager and Monitoring Officer ( Ext 4588)

Margaret Martinus, Senior Lawyer and Deputy Monitoring Officer ( Ext 4268)

**14. BACKGROUND PAPERS**

None.

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