

Report of the Monitoring Officer

Register of Gifts and Hospitality

Summary

1. This report seeks Members' views on guidance relating to the register of gifts and hospitality.

Background

2. Under the new standards arrangements there is no longer a legal requirement to register the receipt of gifts and hospitality. However, both the City Council's Code and the model code for Parish Councils do include such requirements. Historically very few (if any) notifications have been made by Parish Councillors. From time to time issues have arisen within the City Council as to whether gifts and hospitality should properly be recorded. It seems appropriate for the Committee to give guidance on this issue.
3. The City Council's code requires Members to notify the Monitoring Officer of:

"Any person from whom you have received the offer of a gift or hospitality with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected or co-opted member of the Council".

The NALC model code requires the notification of:

"any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office"

4. Some questions which have come up in the past or could in the future and suggested answers are as follows:

- 1) Q. *Do I have to register gifts from friends?*
- A. *No. The Code only applies to gifts you receive by virtue of your Office of Councillor.*
- 2) Q. *Do the Lord Mayor and Sheriff have to register gifts and hospitality they receive?*
- A. *Where the invitation hospitality is clearly being extended to the office holder for the time being hospitality does not need to be registered. Similarly gifts made to the City and to be retained by the Council need not be registered. Any gifts to be retained by the Lord Mayor should be registered. Gifts and hospitality offered to the Sheriff, his Lady or the Lady Mayoress do not need to be registered.*

The answer as drafted reflects the fact that the Sheriff may or not be a Councillor. Members may wish to consider whether different advice should be given where the Sheriff is, in fact, a Councillor.

- 3) Q. *Does the Leader have to register hospitality he receives to events to which he is invited as the Leader?*
- A. *Yes, as do other Cabinet Members and Committee Chairs.*

The Leader will be invited to attend events because of his position. The Lord Mayor may have attended the same event in his official capacity. Current practice would be for the Leader to register such hospitality. There is an argument that the logic which states that the Lord Mayor does not have to register this hospitality should apply equally to the Leader. However, given the decision making powers that lie with the Leader and Cabinet Members it is suggested that there should be no relaxation of the general rule in these cases.

- 4) Q. *I have been provided with hospitality arising from an outside body appointment. Should I register it?*
- A. *If you have received hospitality because you are a member of another body then it is not attributable to your role as a Councillor. It does not need to be registered. You need to be careful to ensure that any*

eligible member of the outside body is or would be treated in the same way. You also need to ensure that you comply with any requirements of the outside body in respect of accepting such hospitality. You should also, of course, have registered your membership of the outside body.

- 5) Q. *How should I assess the value of hospitality?*
- A. *You should consider how much a person could reasonable expect to pay for an equivalent function. If in doubt you should err on the side of caution and register the hospitality.*
- 6) Q. *Do I have to register hospitality received at official dinners or business lunches?*
- A. *You do not need to register hospitality provided by the Council such as at a civic reception. Reasonable hospitality provided by a third party which is directly ancillary to business should not normally need to be registered. In most cases reasonable hospitality will not be valued in excess of £50 in any event although that figure may properly be exceeded if, for example, the business requires an overnight stay or a series of meetings takes place. However, more significant hospitality such as a meeting at a sports event should be registered.*
- 7) Q. *Does £50 apply to one gift or to the total value of gifts?*
- A. *If a series of gifts is received from the same source within a short period of time then the cumulative value should be registered. The same would apply to hospitality. If in doubt guidance should be sought from the Monitoring Officer.*
- 8) Q. *Do I have to register gifts or hospitality which I have refused?*
- A. *The City Council's Code requires the registration of hospitality which has been offered but refused. The NALC model only requires hospitality to be registered where it has been accepted.*

Recommendations

5. Members are recommended to approve the model questions and answers as guidance to Councillors and consider whether any further guidance may be required.

Reason: To ensure that Members and the public can be clear as to the Joint Standards Committee's expectations.

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Report
Approved

Date 12/11/12

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

None