

	
STANDARDS COMMITTEE	22 JANUARY 2009
Report of the Interim Head of Civic Democratic and Legal Services	

REVIEW OF HOSPITALITY REGISTERS

Summary

1. A review of officer and member hospitality registers is an outstanding item on the Standards Committee's work programme. This report provides some analysis of the member's hospitality register and an explanation of work that has been done in relation to the registration of hospitality for officers. This report only relates to members of the City of York Council and not to members of parish councils.

Background

Members

2. The Member Code of Conduct requires members to register all gifts and hospitality valued at over £25.00. Although the Code does not appear to limit this but it has been generally accepted that this requirement only refers to gifts and hospitality received whilst acting as a councillor. The register has to include information on the source of the gift or hospitality and registration has to take place within 28 days of receiving it.
3. In addition, since the Code was revised in 2007 any gift or hospitality so registered is also a personal interest. Like other interests in the register of interests, a member automatically has a personal interest in a matter under consideration if it is likely to affect someone who gave a member a gift or hospitality that is registered. If that is the case, the existence and nature of the gift or hospitality, the person who gave it and how the business under consideration relates to that person must be declared. Consideration also needs to be given to whether this is also a prejudicial interest.
4. The obligation to declare an interest following receipt of a gift or hospitality ends after 3 years.
5. The Interim Monitoring Officer has recently written to all members reminding them of their obligations under the Code in relation to gifts and hospitality.

Officers

- 6 The guiding principle of the Council's policy on officers being offered gifts and hospitality is:

"The public is entitled to demand of a local government officer conduct of the highest standard and public confidence and his or her integrity would be shaken were the least suspicion to arise that s/he could in any way be influenced by improper motives".

- 7 A copy of the policy is attached at Annex 1

Options

- 8 The Standards Committee is asked to comment on the information in this report.

Analysis

Members

- 9 The register of interests for all members of City of York Council is held both manually and on the Council's website. This includes declarations of gifts and hospitality.
- 10 About half the members of the council have entered gifts and hospitality. A few have entered gifts and hospitality offered but not accepted. Although this is not required by the legislation, this is considered to be best practice.
- 11 Most of the declarations relate either to tickets to the race course or to the Theatre Royal. There is also some hospitality declared from the York City Football Club. Most of the declarations are relatively limited although there are declarations from previous Lord Mayors which indicate that they receive tickets for each and every race meeting for nine years after their term of office as Lord Mayor ended.
- 12 There is nothing in principle wrong with accepting gifts and hospitality when it is registered although members do need to take care that they are not seen to be accepting too many as they may then face criticism that they are seeking personal benefit from their elected role. The main issue is for those members to remember that these declarations constitute personal interests and have to be declared. Depending on the issue, it is likely that the tickets offered to previous Lord Mayors (if accepted, even if subsequently given to someone else) would amount to a prejudicial interest in relation to any matter concerning the race course.
- 13 Administratively members are responsible for maintaining their own up to date register. Officers are informed when it is updated and a hard

copy is printed off and maintained within Democratic Services. Officers need to ensure that entries are being completed properly and that all members are amending their register on a regular basis.

Officers

- 14 Responsibility for the management of the officers' register of gifts and hospitality rests with individual departments. Internal Audit is responsible for reviewing all the Council's control mechanisms. In accordance with the agreed audit plan for 2009/10, an Internal Audit review of Staff Registers of Interests and Gifts and Hospitality 2009-10 has recently been completed. Work started on 18 November 2009 and was completed on 16 December 2009. The audit looked at the registers for the main establishments in each directorate.
- 15 The report on the audit found that there are examples of good practice but weaknesses were also identified. The forthcoming organisational restructure will provide an opportunity to reassign responsibilities and ensure consistency across the directorates although some issues will require immediate action to ensure controls are effective.
- 16 The main issues arising are:
- a. There is no officer responsible for updating and maintaining the registers for the Chief Executive's directorate
 - b. Updated declarations are not provided by relevant staff
 - c. A list of officers holding registers should be maintained centrally
 - d. Annual reviews of registers do not take place
 - e. Out of date formats are used for recording gifts and hospitality
 - f. Annual reminders of gifts and hospitality policy should be issued to all staff
 - g. The policy regarding high value gifts should be clarified
- 17 The audit report has an action plan to address the concerns which will be taken forward at officer level. The Audit and Governance Committee maintains an overview of the work of Internal Audit.

Corporate Priorities

- 18 The Standards Committee's overview of the Council's hospitality registers contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

Implications

- 19 All relevant implications of the proposals have been considered. There are no implications in any of the areas.

Risk Management

20 The register of gifts and hospitality for both members and officers forms part of the ethical governance framework of the Council and failure to maintain these registers appropriately may have an adverse impact on the Council's reputation. Appropriate action has been taken in respect of the audit review of the staff register. Oversight of the member register is maintained by officers in Democratic Services and members have been reminded of their responsibilities.

Recommendations

21 That the Standards Committee comments on the issues raised by this report.

Reason: In order to carry out its role in maintaining high standards of conduct.

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	Report Approved	√	Date 07/01/10
Specialist Implications Officer(s) <i>None.</i>			
Wards Affected: <i>List wards or tick box to indicate all</i>			√

Background Papers:

There are no documents which are required to be listed which have been used in the preparation of this report.

Annexes

Annex 1: Guidance to Officers on Gifts and Hospitality