

STANDARDS COMMITTEE

14 MARCH 2016

REPORT OF THE MONITORING OFFICER

A.2 MEMBERS' GIFTS AND HOSPITALITY POLICY

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the approval of the Members' Gifts and Hospitality Policy.

EXECUTIVE SUMMARY

The Council's Monitoring Officer's has an on-going responsibility to ensure Tendring District Council follows best practice and adopts relevant guidance, policies and protocols in respect of decision making and Code of Conduct related matters.

The Members' Code of Conduct requires declaration of non-pecuniary interests at meetings where the business to be discussed and decided upon, is likely to affect a person from whom a Member has received a gift and/or hospitality with an estimated value of at least £50. In addition, the Code requires compliance with the Council's Gifts and Hospitality Policy.

The Policy aims to provide a clear set of Rules for the protection of both Councillors and the Council and sets out the General Principles to be applied when deciding whether it would be proper to accept any gift or hospitality; and the Procedure for declaring any gift or hospitality received.

RECOMMENDATION(S)

It is recommended that:

1. Subject to any proposed amendments requested by the Standards Committee, that the Members' Gifts and Hospitality Policy, as set out in the Appendix to this report is approved and adopted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Protocol also builds on the Council's good governance arrangements and promotes the maintenance of integrity, both real and perceived within the Council's decision making as well as high standards of conduct.

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

Finance

None associated with the content of this report.

Risk

The Council must ensure that any Codes and Protocols which provide guidance for Councillors are up to date with current policy, legislation, good practice and national guidance. Up to date guidance will prevent confusion and legal challenges by way of judicial review to decisions based on failure to declare interests, predetermination or bias.

LEGAL

Section 2 of the Bribery Act 2010 ('the Act') makes it a criminal offence for a person to request, agree to receive, or accept a financial, or other advantage, to improperly perform or not perform, whether by her/ himself or another, a relevant function or activity. In the context of the Council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially, or in a particular way by a person performing it in a position of trust.

This Policy follows best practice and assists the Council to fulfil its statutory duty to promote and maintain high standards of conduct for both Members and Officers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following:

Crime and Disorder/Equality and Diversity/Health Inequalities/Area.

Wards Affected: All

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Members' Code of Conduct was adopted by Council in November 2013 and makes specific reference to complying with the Gifts and Hospitality Policy. This has recently been updated for Officers and it is now appropriate to also adopt a specific policy for Members.

The proposed Policy aims to provide a clear set of Rules for the protection of both Councillors and the Council and sets out the General Principles to be applied when deciding whether it would be proper to accept any gift or hospitality; and the Procedure for declaring any gift or hospitality received.

The Policy also includes at (b)(viii) a list of circumstances, which the Standards Committee is requested to agree are appropriate for Members to choose to accept gifts and hospitality. Declarations are still required in accordance with the Policy.

It is each Member's own individual responsibility to observe the proposed Policy, but the Monitoring Officer and Members' Support Officers will assist where possible. The Standards Committee is requested to endorse the use of a standard form for the purposes of registering acceptance of gifts and hospitality over £50, which will be

available on the Council's website.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A1 – Members' Gifts and Hospitality Policy

Appendix A2 – Standard Form for Registering Acceptance of Gifts and/or Hospitality over £50 in value