

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of the Standards Committee to be held on 9 November 2010.

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Subject:

Protocol for Members on Gifts and Hospitality

Summary statement:

Members are invited to consider proposed amendments to the Protocol for Members on Gifts and Hospitality and the circulation of the amended document to all members of Council.

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Improvement Area:



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 Members are invited to consider proposed amendments to the Protocol for Members on Gifts and Hospitality and the circulation of the amended document to all members of Council.

2. Background

- 2.1 In June 2010 Internal Audit undertook an assessment of the procedures in place to provide assurance that the Members Gifts and Hospitality system is effectively managed. As a result of the Audit a number of recommendations were made which included the following:
 - (i) All members should be provided with a copy of the rules and guidance for Gifts and Hospitality.
 - (ii) All members should be reminded of the requirement to report all gifts and hospitality accepted with an estimated value of £25 or more to the Monitoring Officer within 28 days.
 - (iii) All members should be reminded that the Monitoring Officer can help them make a decision on whether an offer of a gift or hospitality is acceptable and/or reportable.
 - (iv) All members should be reminded of the requirement to report all inappropriate gifts and hospitality to the Monitoring Officer.
- 2.2 As a result of the recommendations the Monitoring Officer undertook to review the protocol for members on Gifts and Hospitality contained in the Constitution to update the protocol as appropriate to provide more extensive and clear guidance to members on the requirements.
- 2.3 An updated protocol showing the changes is attached at Appendix 1 for consideration by members.
- 2.4 In addition the Monitoring Officer has drafted a letter to all members to be sent with a copy of the updated protocol setting out the key points for consideration by all members.
- 2.5 Under Article 14.5 of the Constitution the Monitoring Officer is authorised to make such amendments to the Constitution and related documents as may be necessary to reflect and take account of changes in legislation, guidance, Council policy, decisions of the Council and the Executive and drafting changes and/or improvements, where such amendments do not constitute a change of substance. The proposed amendments reflect improvements to the Protocol and can therefore be implemented under the delegated authority of the Monitoring Officer.

- 2.6 Members are therefore invited to consider the proposed amendments to the Protocol and the letter for circulation to members and indicate their approval or any further amendments required.

3. Legal appraisal

- 3.1 It is important to ensure that the Constitution and Protocols contained therein are up to date and understandable for all members. This will contribute towards ensuring legal compliance with the Code of Conduct.

4. Other Implications

- 4.1 There are no, Equal Rights, Sustainability, Community Safety, Human Rights Act, Trade Union, Financial or Resource implications arising from this report.

5. Not for Publication documents

- 5.1 None.

6. Recommendations

- 6.1. That members consider the amendments to the Protocol for Members on Gifts and Hospitality and the draft letter and suggest any further amendments or approval.

7. Reason for Recommendation

- 7.1. To ensure that the Protocol for Members on Gifts and Hospitality reflects and takes account of the recommendations from Internal Audit and is improved to assist in compliance with the requirements.

8. Appendices

- 8.1. Appendix 1 – Proposed Amendments to the Protocol Members on Gifts and Hospitality
Appendix 2 - Draft letter to all members of Council

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