
**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

OFFICERS' GIFTS AND HOSPITALITY

Reason for this Report

1. To enable the Committee to consider the Council's rules and guidance in relation to gifts and hospitality received by officers.

Background

2. The Standards and Ethics Committee's terms of reference include the following:
 - a. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services.
 - b. To report to the Council on any matters of concern. To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
 - c. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
3. The Employees' Code of Conduct, paragraph 8(2) states that:

"[Employees must comply with] any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying¹ employees must not accept benefits from a third party unless authorised to do so by their relevant authority."
4. The Committee reviews the Members' Hospitality Register on an annual basis; and has indicated that it would like to review the Council's arrangements for senior officers.

Issues

¹ 'Qualifying employees' is defined to mean all Council employees, except for teachers and firefighters, who are not statutorily bound by the provisions of the Employees' Code of Conduct, although the Code may be applied through their contracts of employment.

5. The Council has issued 'Guidance on Hospitality, Gifts and Other Benefits Received by Officers', which is attached as **Appendix A**.
6. The Guidance makes clear that any gift, hospitality or other benefit, which may place an officer under an improper obligation, or reasonably appear to do so, should always be refused. The guidance goes on to give examples of some scenarios where an improper obligation may arise (please see paragraph 6 of the guidance) and so should be refused.
7. Officers must obtain authorisation before accepting any gift, hospitality or other benefit from a third party organisation. The guidance grants a blanket authorisation for modest gifts and hospitality (please see paragraph 14 of the guidance). In all other cases, express authorisation must be sought from a Director (or above).
8. Any gift, hospitality or other benefit received which has an estimated value in excess of £25 must be registered. The £25 threshold reflects the threshold applied for registration of Members' gifts and hospitality. This threshold value was set on the recommendation of the Standards and Ethics Committee in October 2007, in line with the threshold set at that time for Members' gifts and hospitality by the Standards Board for England. The register is held by Democratic Services on behalf of the Monitoring Officer. The guidance states that the register will be made available for public inspection.
9. The Register of Officers' Gifts and Hospitality held by Democratic Services on behalf of the Monitoring Officer for 2018/19 is attached as **Appendix B**.
10. Under the Freedom of Information Act 2000, every public authority must have a Publication Scheme, setting out the types of information it will proactively publish in the interests of openness and transparency. The model Publication Scheme issued by the Information Commissioner's Office, which has been adopted by Cardiff Council, says we should publish the gifts and hospitality register.
11. The proactive publication of the register for senior officers' gifts and hospitality has been discussed with the Council's Senior Management Team, and officers fully supported this. It is recommended that 'senior officers' for this purpose should be defined to cover Chief Officers, Assistant Directors and above, in line with the rules on personal interests (please see Agenda item 4). The Council's employment lawyer has advised that there is no requirement for legal consultation in relation to publishing this information, provided the officers involved have been informed and given the opportunity to raise any concerns.
12. The Committee is invited to recommend publication of the Register of Senior Officers' Gifts and Hospitality on the Council's website, commencing with publication of the Register for 2018/19 and subsequent years with effect from 1st April 2019.
13. For non-senior officers, that is, Operational Managers and below, it is suggested that the registers should remain available for public inspection, but not proactively published. These officers do not have such significant decision making powers and would not reasonably expect the same degree of public scrutiny and accountability as senior officers. It is suggested that making their

registered entries available for public inspection is sufficient to demonstrate probity and accountability.

14. The Committee is invited to consider and comment on any other changes to the Council's guidance. Members should note that any substantive changes may require consultation with staff and Trade Unions.
15. Members may also wish to note that rules and guidance on the provision of hospitality to third parties is being developed by the Monitoring Officer's staff, in consultation with colleagues in Internal Audit; and a further report on this will be presented to Committee in due course.

Legal Implications

16. Under the Bribery Act 2010 there are a number of offences in relation to offering and accepting bribes intended to induce improper conduct. The Council's guidance aims to protect officers against any such allegations and provide public assurance of probity and propriety in the conduct of Council business.
17. Other relevant legal implications are set out in the body of the report.

Financial Implications

18. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

1. Agree to recommend the publication of the Register of Senior Officers' Gifts and Hospitality for 2018/19 and subsequent years on the Council's website with effect from 1st April 2019; and
2. Consider and provide comments on any other suggested amendments to the Council's guidance on officers' gifts and hospitality.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

27 February 2019

APPENDICES

Appendix A Guidance on Hospitality, Gifts and Other Benefits Received by Officers (with Officers' Registration Form)
http://vmweb22.cardiff.gov.uk/cis/documentsearch.php?search_text=&service_id=0&document_type=ALL&searchmode=EXECUTE&search_ref=1.cm.070

Appendix B Register of Officers' Hospitality, Gifts & Other Benefits 2018/19