



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Standards Committee

Date: **Thursday 30 August 2018**

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Time: **4.30 pm**

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Place: **Committee Room**

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For any further information please contact:

**Helen Barrington**

Director of Organisational Development and Democratic  
Services

0115 901 3901

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# Standards Committee

## Membership

**Chair** Councillor Emily Bailey Jay

**Vice-Chair** Councillor Michael Payne

Councillor Alan Bexon  
Councillor Andrew Ellwood  
Councillor Colin Powell  
John Bailey  
Rosalie Hawks  
Patricia Woodfield

## **AGENDA**

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- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 8 February 2018.** 5 - 6
- 3 Declaration of Interests.**
- 4 Gifts and Hospitality 2017/18** 7 - 10  
  
Report of the Director of Organisational Development and Democratic Services
- 5 Review of Gifts and Hospitality Code of Practice for Members and Officers** 11 - 22  
  
Report of the Director of Organisational Development and Democratic Services
- 6 Code of Conduct Complaints** 23 - 30  
  
Report of the Director of Organisational Development and Democratic Services
- 7 Any other item which the Chair considers urgent.**

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## **MINUTES STANDARDS COMMITTEE**

**Thursday 8 February 2018**

Councillor Emily Bailey Jay (Chair)

Councillor Michael Payne  
Councillor Colin Powell

John Bailey  
Rosalie Hawks

Apologies for absence: Councillor Alan Bexon, Councillor Andrew Ellwood and Patricia Woodfield

Officers in Attendance: H Barrington

Independent Persons: John Baggaley, Susan Dewey

### **42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies were received from Councillors Bexon, Councillor Ellwood and Patricia Woodfield.

### **43 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 JUNE 2017.**

#### **RESOLVED:**

Subject to including Councillor Powell as present and Councillor Payne as having sent apologies, the minutes of the above meeting were approved as a correct record.

### **44 DECLARATION OF INTERESTS.**

None.

### **45 REVIEW OF LEGISLATION AND LOCAL GOVERNMENT ETHICAL STANDARDS**

Consideration was given to a report of the Director of Organisational Development and Democratic Services, which had been circulated prior to the meeting, informing members of a government consultation exercise and new ministerial code and inviting the committee to consider a consultation exercise being conducted by the Committee on Standards in Public Life.

#### **RESOLVED:**

- 1) To note the government's proposals to extend the criteria for disqualification of Councillors;
- 2) Following consideration of the Ministerial Code not to make any amendments to the Council's Code of Conduct;
- 3) To delegate authority to the Monitoring Officer in consultation with the Chair of the Committee to prepare the final consultation response to the Committee on Standards in Public Life in accordance with views provided at the meeting; and
- 4) To delegate authority to the Monitoring Officer in consultation with Members of the Committee to respond to consultation documents within the remit of the Standards Committee, in circumstances where it is not practicable for the consultation document to be dealt with at a committee meeting.

**46 CODE OF CONDUCT COMPLAINTS**

Consideration was given to a report of the Director of Organisational Development and Democratic Services introduced a report, which had been circulated in advance of the meeting, informing members of complaints received between 20 June 2017 and 30 January 2018.

**RESOLVED:**

To note the report.

**47 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.55 pm

Signed by Chair:  
Date:



## **Report to Standards Committee**

**Subject:** Gifts and Hospitality 2017/18

**Date:** 30 August 2018

**Author:** Director of Organisational Development and Democratic Services

### **1. Purpose of the Report**

To inform members of the Standards Committee of gifts and hospitality received between 1 April 2017 and 31 March 2018.

### **2. Background**

- 2.1 As members of the Standards Committee are aware the Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. Historically, each council department held it's own register of gifts and hospitality in which details of gifts and hospitality offered to Officers were registered. However, since 2012 the register has been held centrally in an electronic folder.
- 2.2 The register of gifts and hospitality for Members is also held in the electronic folder and is updated on the Monitoring Officer's behalf by Democratic Services. Members will be aware that there is an ongoing requirement in the Code of Conduct to register any future gifts and hospitality.
- 2.3 During 2017/18, across the Council officers, 36 offers of gifts or hospitality were accepted and 1 was refused. Most common gifts were boxes of chocolates and bottles of wine. There were 4 instances of hospitality offered consisting of dinner at a conference. A breakdown of the gifts and hospitality offered appears at Appendix 1. Service Managers have previously been asked to remind all staff of the need to register all gifts and hospitality offered, whether accepted or not. It is intended a further reminder is issued during the year.
- 2.4 The Mayor recorded 2 offers of gifts comprising 8 bottles of wine in total, which were donated to the Mayor's Charity. Other elected Members recorded 2 offers of gifts (blackberry bush given for taking part in the Netherfield Garden Competition) during 2017/18. Members were reminded in May 2017 of the need to notify Democratic Services of the need to register gifts and hospitality offered and further reminders will be issued on an annual basis.

**3. Proposal**

It is proposed that the Committee notes the report.

**4. Financial Implications**

None.

**5. Appendices**

Appendix 1 – Breakdown of gifts and hospitality received by officers 2017/18.

**6. Background papers**

None identified.

**7. Recommendation**

It is recommended that the Committee notes the report.



Nature of Gift or Hospitality	Note/Comment
Blackberry bush	Thank you gift for taking part
Lunch at IRRV conference	Subsistence meal whilst at a conference
Lunch at IRRV conference	Subsistence meal whilst at a conference
Evening dinner at IRRV conference	Subsistence meal whilst at a conference
Evening dinner at IRRV conference	Subsistence meal whilst at a conference
8x China mugs each containing chocolate bar. Received in the post with promotional literature	
4x small notebook 8x A4 notepads 1x box of biscuits 1x box of chocolates	Shared with team
Dog treats	
Scarf	Donated to Mayor's Charity
Box of chocolates	Shared with team
Promotional rape seed oil	Donated to Mayors Charity
Small box of chocolates	Shared with team
Approx. 60 promotional pens 'Pentana'	Distributed to covalent users
Box of Heroes chocolates	Shared with staff
Tub of celebrations chocolates	Shared with staff
Cheesecake	Shared with staff
Vegetables	Shared with on-site staff
£25 gift voucher & fridge magnet	Gift voucher sent to Mayors Charity Fridge magnet kept
Mince pies Chocolate cake	Shared with staff
Box of biscuits	Shared with staff
Bottle of wine	
Bottle of wine	
Bottle of wine	
Tub of Celebrations chocolates	Shared with staff
Bottle of wine	Initially the wine was refused but was left on reception
3x bottle of whiskey	Gift given to member of staff acting in a self-employed capacity. For transparency sake, entered into the Register and 1 bottle donated to Mayor's Charity
Box of Quality Street chocolates	Shared with team
1L bottle of Jack Daniels whiskey	Donated to the Mayor's Charity
2x bottles of wine in gift boxes	Donated to the Mayor's Charity
6 Cadbury's Cream eggs	Shared with team
3 Easter eggs	Delivered with an order – no one to refuse
Box of chocolates	
Box of chocolates	
Box of Thornton's chocolate	
Box of Quality Street chocolate	
Chocolate	
Box of chocolate	

Hamper	Customer Insistent and donated to the Mayor's Charity.
Small box of chocolate	
2x small packets of biscuits	Came with delivery
Go Pro Camera	Refused



## **Report to Standards Committee**

**Subject:** Review of Gifts and Hospitality Code of Practice for Members and Officers

**Date:** 30 August 2018

**Author:** Director of Organisational Development and Democratic Services

### **1. Purpose of the Report**

To seek approval for proposals to carry out a review of the Gifts and Hospitality Code of Practice for Members and Officers.

### **2. Background**

- 2.1 As members of the Standards Committee are aware the Council has a Gifts and Hospitality Code of Practice for Members and Officers (Appendix 1) to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. The Code has been in existence for several years and is in need of review and update.
- 2.2 The Standards Committee receives an annual report detailing the gifts and hospitality offered to employees and Members during the previous financial year.
- 2.3 In addition to the Gifts and Hospitality Code, the Code of Conduct for Members and co-opted Members includes a number of obligations to ensure that their integrity cannot be brought into question by the acceptance of gifts or hospitality. The standards regime was subject to a thorough review by Standards Committee during 2016 and it was recommended that the Code of Conduct should be amended so as to require Members to declare gifts and hospitality in excess of £50 instead of £25. This was to reflect the cost of inflation.

### **3. Proposal**

- 3.1 Given the fact that the Code of Conduct is the principal document which governs the standards and behaviour expected of Members and co-opted Members and is subject to sanctions for non-compliance, it is suggested that a further Code for Members specifically governing gifts and hospitality is not required. Instead it is proposed that:

- a) a guidance note be produced which sets out when it is acceptable to accept gifts and hospitality and what action Members need to take when

they accept offers. A suggested initial draft is attached at Appendix 2 for discussion; and

b) a separate Gifts and Hospitality Policy for Employees be introduced.

- 3.2 Should the Standards Committee agree with this approach it is proposed that a working group be set up to produce a revised guidance note for Members and co-opted Members for Standards Committee approval. The Gifts and Hospitality Policy for Employees would need to follow the established process for policy implementation and would be subject to approval via Joint Consultative and Safety Committee and Appointments and Conditions of Service Committee.

#### **4. Financial Implications**

None.

#### **5. Appendices**

Appendix 1 – Gifts and Hospitality Code of Practice for Members and Officers

Appendix 2 – Draft Gifts and Hospitality Guidance for Members and Co-opted Members

#### **6. Background papers**

None identified.

#### **7. Recommendation**

It is recommended that the Committee:

- a) agrees to set up a working group to produce a revised Gifts and Hospitality guidance note for Members and co-opted Members for Standards Committee approval; and
- b) provides comments on the draft guidance document at Appendix 2.

## **GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS**

### **1. General**

- i. The principles set out in this code apply equally to gifts and hospitality given to relatives of Members and Officer.
- ii. This code is being issued in order to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. This code will be taken into consideration should a question arise as to whether any gift or hospitality was properly accepted. If Members and Officers are in any doubt as to whether they might accept a gift or hospitality they should decline it. This code is intended to supplement the advice given in the National Code of Local Government Conduct and to replace and advice of guidance previously issued by the Council.
- iii. Failure by Officers to comply with this code may be subject to the Authority's disciplinary procedures.

### **2. Legal Position**

- i. With regard to Members, paragraphs 27-29 of the National Code of Local Government Conduct issued by the Secretary of State pursuant to S.31 of the Local Government and Housing Act 1989 contain advice on the acceptance of gifts and hospitality. The Code is reproduced in full in the Standing Orders booklet issued to all members. Failure to comply with the Code may be taken as evidence of maladministration by the Ombudsman on complaint being made.
- ii. With regard to Officers, Section 117(2) of the Local Government Act 1972 provides that an Officer of a Local Authority shall not, under the colour of his or her office of employment, accept any fee or reward whatsoever other than his or her proper remuneration. The expression 'any fee or reward' includes such things as unauthorised commissions, gifts or presents. Any person who contravenes this commits a criminal offence and is liable to disciplinary proceedings.
- iii. The Prevention of Corruption Acts (and more specifically the Public Bodies Corrupt Practices Act 1889) make it an offence for any person "corruptly" to solicit or receive any gift, loan, fee, reward or advantage as an inducement or reward for any member, officer or servant of a Public body doing, or forbearing to do, anything with which the Public body is concerned. There is a presumption that if any money or gift is paid or given by a person holding or seeking to obtain a contract with the Council, then that payment or gift is corrupt unless the contrary is proved. It should also be noted that a person acts "corruptly" if the fee or reward is given or solicited deliberately and as part of a bargain for a favour (including past favours). Members and officers should bear this in mind in applying the Code of Practice on Gifts and Hospitality and recording their reasons for acceptance of any hospitality.

### **3. Gifts**

- i. The acceptance of gifts is a dangerous practice. As a general rule any offers of gifts, especially from organisations or persons who do work for, or might provide goods or services to the Council, or who need some decision from the Council (eg on planning application) should be tactfully refused.
- ii. Exceptions to this general rule would include modest gifts of a promotional character, including such things as calendars, diaries, articles for use in the office, etc, or a small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- iii. Gifts outside of this description must be politely and firmly refused. If you find refusal difficult you should draw attention to the Council's policy by way of explanation for your refusal. Where such gifts are sent or simply left, they should, if the sender can be identified, be returned. Otherwise the gifts should be recorded and made secure. Arrangements will then be made for them to be officially appropriated to the benefit of the Council or charity. Officers should always advise the appropriate Head of Service or Director if a 'larger' gift is offered at any time. Each Department should make arrangements to record such offers.
- iv. It is important that the Council is entitled to be the beneficiary of 'preferential' trading terms NOT individuals. Where possible any such inducement should be translated into cash discounts available at the Authority.

### **4. Hospitality**

- i. When to accept hospitality is very much a matter of judgement given the particular circumstances.
- ii. These guidelines are directed at any hospitality offered by firms or contractors and not hospitality offered when a Member or Officer is attending a function organised by a local authority or professional body.
- iii. You must exercise the utmost discretion in accepting 'outside' hospitality of any kind.
- iv. In general terms it will usually be more acceptable to join in hospitality offered to a group than to accept something unique to yourself. Contact established at a social level can often be helpful in pursuing the Council's interest. What is important is to avoid any suggestion of improper influence and to avoid giving others the opportunity reasonably to impute improper influence.
- v. Meals provided to allow parties to discuss business, or following, or prior to, such a discussion are usually acceptable. A useful test will often be whether you would provide refreshments if the venue were reversed. Examples of hospitality which is likely to be unacceptable would be paid holidays, complimentary tickets to sporting events, use of company flats or hotel suites, or special concessionary rates which

are not openly, and as a matter of practice, available equally to other organisations.

- vi. Any hospitality offered should be notified to the Chief Executive in the case of Members and Directors, to the appropriate Director in the case of Heads of Service and staff reporting direct to Directors, and to the appropriate Head of Service in the case of other staff and recorded in the registers kept by them for that purpose. In the case of Officers, the acceptance of any hospitality should (wherever possible) first be authorised by the appropriate Director or Head of Service or (in the case of a Director) by the Chief Executive. If an offer of hospitality is accepted, the reason why it is appropriate to accept should be recorded in the register.
- vii. The hospitality registers will be made available to the public for scrutiny on request. The registers will be inspected annually on behalf of the Monitoring Officer and may be reported to the Standards Committee.

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# **Gifts and Hospitality Guidance for Members and co-opted Members**

Version: 1.1

Author: Helen Barrington

Date of Issue: August 2018 (draft)

## **GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS AND CO-OPTED MEMBERS**

### **1. General Introduction**

Gedling Borough Council is a public authority and it is essential that:

- The Council can demonstrate the highest standards of probity in general and specifically in relation to its dealings with third parties.
- The public can be confident that decisions of whatever nature are made for good and proper reasons and are not influenced inappropriately by the interests of individual Members, their relatives or friends.

### **2. Code of Conduct**

Gedling Borough Council's Code of Conduct ("the Code") contains a number of obligations which Members and co-opted Members must comply with to ensure that their integrity cannot be brought into question by the acceptance of gifts or hospitality. These are as follows:

*4. You must observe the following general principles:*

#### ***Selflessness***

*You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.*

#### ***Integrity***

*You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.*

#### ***Objectivity***

*In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit...*

*7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

*8. You must:*

*(a) not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;*

*9 (2) You must:*

(a) *exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member.*

### **3. Legal position**

The Bribery Act 2010 provides that it is a criminal offence for a Member (either personally or through a third party whether for the Member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such advantage has not been corruptly obtained.

### **4. When is it acceptable to accept offers of gifts and hospitality?**

You are advised to treat with caution any offer of gifts or hospitality that are made personally to you in your capacity as an elected member/representative of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the member's independence should not be compromised e.g. planning or licensing approvals or the award of contracts.

As a general rule, if it is likely that a member of the public would think that a specific gift or incidence of hospitality is inappropriate, then it probably is and should not be accepted.

#### **4.1 Gifts**

The acceptance of gifts is a dangerous practice and could expose you to criminal sanctions. An offer from an individual or organisation seeking to do business with or provide services to the Council or in the process of applying for permission or some other decision from the Council is unlikely ever to be acceptable and should be tactfully refused.

Exceptions to this general rule are set out below, but depend on the particular circumstances:

- Gifts of a token value given to a wide range of people e.g. a promotional material, including such things as calendars, diaries, pens and key rings.
- Small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- Gifts of low value, where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council.

Cash or monetary gifts should always be refused without exception.

#### **4.2 Hospitality**

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or

with whom they hope to do business in the future. Such hospitality could convey the impression that your judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted.

Examples of hospitality which may be acceptable are set out below but depend on the particular circumstances, for example, who is providing the hospitality, why you are there and the nature of the dealings between the Council, you and the provider of the hospitality:

- A working meal provided to allow parties to discuss or to continue to discuss business. A useful test is whether you would provide refreshments if the venue was reversed;
- An invitation to attend a dinner or function of a Society, Institute, public body or other non-commercial body with whom the Council has contact;
- Attending a free drinks reception at a networking event; or
- Invitations to attend functions where you represent the Council (opening ceremonies, public speaking events, conferences).

The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements;
- Offers of complimentary sporting events, film premiers, theatre productions or concert performances for you/your family or free travel;
- Use of company flats or hotel suites;
- Special concessionary rates not available to others;
- Paid for corporate invites for evenings out with representatives from a company or firm who have dealings with the Council or who are likely to have dealings in the future.

You are advised to err on the side of caution and if in any doubt as to the integrity of the offer / invite, you should consult the Monitoring Officer or politely refuse.

## **5. Who should I notify when I accept an offer of gifts and hospitality?**

You must notify the Monitoring Officer in writing of any gifts or hospitality accepted by you in connection with your position as an elected member/representative of the Council with an estimated value of at least £50 within 28 days of the receipt of the gift or hospitality.

You do not have to register other gifts and hospitality, such as birthday gifts from family. You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £50 or more.

Any gifts or hospitality notified to the Monitoring Officer by you will be included in the Register of Gifts and Hospitality. This register is subject to scrutiny by the Standards Committee.

Gifts that are clearly made to the Council do not need to be registered, neither to gifts made directly to the Mayor's charity.

**6. Do I need to do anything else when I have accepted an offer of gifts and hospitality?**

Where you have accepted a gift or hospitality with an estimated value of at least £50, you will have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect the interests of the person/business providing that gift or hospitality.

You must declare the interest but may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest

Any gifts or hospitality declared in a meeting by you will be included in the minutes of that meeting.

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## **Report to Standards Committee**

**Subject:** Code of Conduct Complaints

**Date:** 30 August 2018

**Author:** Director of Organisational Development and Democratic Services

### **1. Purpose of the Report**

To inform members of the Standards Committee of complaints received between 30 January 2018 and 20 August 2018.

### **2. Background**

- 2.1 A summary of the complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the table at Appendix 1. Since 30 January 2018, the Monitoring Officer has received no new code of conduct complaints.
- 2.2 Members of the Standards Committee will recall that at the time of the last committee meeting, one complaint was outstanding and awaiting initial assessment. This complaint has been determined and a summary of the decision appears at Appendix 2.

### **3. Proposal**

It is proposed that the Committee notes the report.

### **4. Resource Implications**

None.

### **5. Recommendation**

It is recommended that the Committee notes the report.

### **6. Appendices**

Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

Appendix 2 – Summary of complaint determined between 30 January 2018 and 20 August 2018 (not for publication).

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# APPENDIX 1

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
13/01	30/09/13	GBC	Member of public	No action	12/11/13
14/01	06/01/14	GBC	Member of public	Other Action (issue revised guidance on pre-determination)	05/02/14
14/02	18/07/14	GBC	Member of public	No action	12/08/14
14/03	18/07/14	GBC	Member of public	No action	12/08/14
14/04	21/07/14	Woodborough PC	Member of public	Informal resolution (apology)	26/08/14
15/01	05/05/15	GBC	Member of public	No action	09/06/15
15/02	15/09/15	Bestwood St. Albans PC	Member of public	No action	15/10/15
15/03	15/10/15	Bestwood St. Albans PC	Clerk	Local resolution (apology and procedural recommendation to Parish Council)	24/11/06
15/04	15/10/15	Bestwood St. Albans PC	Clerk	No action	26/11/15
16/01	08/03/16	Bestwood St. Albans PC	Clerk	Refer for investigation Investigation discontinued and case closed	05/05/16 38/07/17
16/02	17/03/16	Bestwood St. Albans PC	Member of public	No action	13/05/16
16/03	18/03/16	Bestwood St. Albans PC	Member of public	Informal resolution (training)	01/06/16
16/04	29/05/16	Bestwood St. Albans PC	Member of public	Other action (various procedural recommendations to Parish Council)	17/08/16
STD000299	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000301	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17

STD000302	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000530	06/11/17	GBC	GBC Councillor	Informal resolution (apology)	15/12/17
STD000668	04/01/18	GBC	Member of public	No action – outside scope of Code	14/02/18

By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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