

**STANDARDS COMMITTEE**

On 30 September 2002

**Report title: Registering Gifts and Hospitality to Members****Report of: Monitoring Officer****1. Purpose**

To formalise the Register of Gifts and Hospitality, make it available for public inspection and give guidance to members on their obligations under the Code of Conduct to declare gifts and hospitality received.

**2. Recommendations**

- For the monitoring officer to make available for public inspection the Register of Gifts and Hospitality and to publicise this fact in the local press.
- To adopt the pro-forma for declaring the acceptance of gifts and hospitality (Appendix 1)
- To adopt the Guidance on Acceptance of Gifts and Hospitality (Appendix 2)

**Report authorised by: Deputy Monitoring Officer****Contact officer: John Suddaby****Telephone: 0208 489 3974****3. Executive summary**

In accordance with the Council Code of Conduct, members have to register gifts and hospitality over the value of £25 with the Monitoring Officer.

This report raises the question of whether the resulting register should be open to public scrutiny. It also provides draft guidance and a draft registration form to assist members to make their declarations.

#### **4. Access to information:**

Local Government (Access to Information) Act 1985  
Local Government Act 2000, Haringey Code of Conduct.

### **5. Report**

#### **5.1 Statutory Background**

The Model Code of Conduct for members and voting co-opted members of Haringey adopted by the Council in April of this year under the Local Government Act 2000, requires members and co-opted members to register gifts and hospitality in the following terms:

#### *"Registration of Gifts and Hospitality*

17. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality."

Members who fail to inform the monitoring officer of gifts/hospitality over the value of £25 which are received by them in their official capacity as members are in breach of the Haringey Code of Conduct.

### **2. Setting up a Register of Gifts and Hospitality**

It is proposed to set up a Register of gifts and hospitality received by members to contain their declarations in this respect as made to the monitoring officer. To assist members to make the appropriate declarations it is proposed to supply them with a pro-forma upon which to make any relevant declarations (Appendix A) and at the same time to supply them with guidance notes (Appendix B).

### **3. Publication of Register**

There is no legal requirement for any such Register of Gifts and Hospitality to be available for public scrutiny. Granting public access to the register would, however, be consistent with one of the main aims of the new ethical framework which is to increase public confidence in the probity of elected members in public authorities.

Accordingly, it is proposed that the Register of Gifts and Hospitality is made available for public inspection at the Civic Centre by visitors on appointment and that the monitoring officer advertise this availability in the local press.

### **Recommendations**

- For the monitoring officer to make available for public inspection the Register of Gifts and Hospitalities and to publicise this fact in the local press.
- To adopt the pro-forma for declaring the acceptance of gifts and hospitality (Appendix 1)
- To adopt the Guidance on Acceptance of Gifts and Hospitality (Appendix 2)

## APPENDIX 1

### **Guidance Notes on the Acceptance and Registration of Gifts and Hospitality by Elected and Voting Co-opted and Independent Members of Haringey Council**

#### **Your Obligations under the Code**

Under Haringey Council Code of Conduct for members you must, within 28 days of their receipt, inform the monitoring officer of all gifts and hospitality received by you of a value over £25. Registration is the first and foremost means of defending yourself against any allegation of being improperly influenced by the receipt of a gift or hospitality.

#### **Should all gifts/hospitality that you have received be registered ?**

You only have to register gifts and hospitality worth over £25 that you receive in connection with your official duties as a member. You do not need to register gifts and hospitality which are not related to your role as a member, eg, Christmas gifts from you family and friends. However, you should always consider whether any gifts and hospitality received could be seen as being connected to your role as a member. If you are in doubt about the intention of a gift or some hospitality you should speak to the monitoring officer.

You don't have to register gifts or hospitality that are worth £25 or less. You are advised, however, to consult the monitoring officer in borderline cases and where for example the circumstances surrounding the gift or hospitality appear to warrant it.

#### **May all gifts/hospitality offered be accepted providing that they are registered?**

Much depends on the gift and the circumstances surrounding it and also on whether you accept it as a gift to yourself or on behalf of the Council and donate it, for example, to the Mayor's fund.

- A general rule is that gifts or hospitality should only be accepted where the nature of the gift or hospitality is proportionate to the benefit of the authority.

The acceptance of hospitality is often an integral part of the duties of a member, however you should be clear about the benefit that may result to the authority in accepting it and also consider the context in which it occurs to identify any factors which would point against acceptance.

- You are advised not to accept gifts of any value for yourself which relate to or arise out of your position as a member.

You may accept gifts on behalf of the Council and ensure that they are donated to one of the Council's good causes e.g. the Mayor's Fund. However, you must be aware in so doing that circumstances may arise where even the acceptance of gifts on behalf of the Council may be considered improper.

## **Should a series of gifts, which in total are worth over £25, be registered?**

If you receive a series of gifts in connection your role as a member (each worth less than £25) that add up to more than £25, it would be good practice to inform the monitoring officer about these.

- It is recommended that, in all matters concerning gifts and hospitality, you should always consider how things would look to an impartial person who was in full possession of the facts and when in doubt consult the Monitoring Officer.

## **Do gifts or hospitality, which have been offered but not accepted have to be registered?**

- The Code of Conduct only requires you to register with the Monitoring Officer gifts or hospitality that you have received. However, you are recommended to notify the monitoring officer of all offers of gifts (of more than £25) whether accepted or not.

This is because by doing so you provide yourself additional protection in the event of unfounded allegations.

## **If I comply with my duty to register gifts or hospitality does this offer a complete protection against any allegations of wrongdoing associated with my accepting them?**

Your declaration to the monitoring officer of any gifts or hospitality received over £25 is an important protection for you but does not absolve you from the responsibility of deciding whether the gift or hospitality is one that should be accepted in the first place.

The Local Government Act 2000 has not altered the law relating to corruption offences which specifically applies to members and officers. Under the law it is a criminal offence for a member or officer of a local authority or an agent on their behalf, corruptly to solicit or receive any gift or advantage in relation to a matter in which the local authority is concerned\*. The offences created carry a maximum sentence of 7 years' imprisonment and it should be noted that any custodial sentence of 3 months or more whether actual or suspended will disqualify the member from public office.

The Courts may draw an adverse inference from an accused's silence or failure to provide rebutting information when questioned by the police on such a corruption offence. Reference to a declaration of acceptance of the gift or hospitality made to the monitoring officer would be an important way of rebutting any such inference.

\*Section 1 of Public Bodies Corrupt Practices Act 1889, as supplemented by the Prevention of Corruption Act 1906.

APPENDIX 2

**REGISTRATION FORM FOR GIFTS AND HOSPITALITY**

*Please register the offer/acceptance of a gift or hospitality by filling in the form below, sign and date it and return it to the Monitoring Officer, Legal Services, Level 8 Alexandra House, Station Road, Wood Green N22 7TR*

**The Haringey Council code of conduct requires you to notify the Monitoring Officer of any gifts and hospitality worth more than £25 that you receive in connection with or relating to your work as an elected or co-opted member of the Council and to do this within 28 days of receiving them.**

Name .....

Position .....  
*(state ward or position as co-opted member)*

1. Please set out brief description of gift or hospitality offered

.....  
.....  
.....

2. What is the approximate value of gift or hospitality offered? .....

3. Who offered you the gift or hospitality? .....

4. Did you accept their offer? .....

*If the offer of gift or hospitality was accepted please state:*

5. What date did you receive the gift or hospitality? .....

6. Did you retain the gift yourself or did you donate it to the Mayor's Fund or other organisation?

.....*(please specify)*

Signed .....

Dated .....

