

COUNCIL

DATE	25 th May 2023
REPORT OF	The Monitoring Officer
SUBJECT	Annual Review of the Constitution
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

A report setting out amendments and modifications to the Council's constitutional and governance arrangements for the Municipal Year 2023/24.

RECOMMENDATIONS

1. That the Scheme of Delegation, as currently set out in the Constitution together with the amendment proposed at paragraph 2.2 of this report, be approved for the Municipal Year 2023/24 subject to any changes required by (i) operation of law or (ii) owing to the direct effect of Cabinet or Committee decisions, in which case authority is delegated to the Monitoring Officer to make such changes, in consultation with the Leader of the Council (in respect of executive arrangements) and the Chair of any relevant Committee or Panel (non-executive arrangements) as the case may be.
2. That the revised areas of focus for the Council's scrutiny panels, as set out at Appendix 1 of the report now submitted, be approved.
3. That the amended terms of reference for the Audit and Governance Committee, as set out at Appendix 2 of the report now submitted, be approved.
4. That the updated functions of the Humber Leadership Board, as set out at paragraph 3.3 of the report now submitted, be approved for inclusion in Article 4 of the Constitution.
5. That paragraph 13.2 of the Representation on Outside Bodies Protocol be amended to require Members to report to the appropriate scrutiny panel on an annual basis, initially in the form of a briefing paper for that purpose.
6. That the updated Gifts and Hospitality code of conduct for councillors, as set out at Appendix 3 of the report now submitted, be approved.
7. That Article 4 (Decision Making) of the Constitution be updated as set out at paragraph 6.1 of the report now submitted with regard to the duration of decisions.

8. That an “Officer Decision Record – Variation” be formulated as set out at paragraph 6.2 of the report now submitted.
9. That the Council’s scrutiny procedure rules relating to questioning of Cabinet members be updated as set out at paragraph 7.1 of the report now submitted.
10. That the proposed amendment to Standing Orders, as set out in Section 8 of the report now submitted, be referred to the Standards and Adjudication Committee to consider any recommendations to be made back to Council.
11. That authority be delegated to the Monitoring Officer, in consultation with the Group Leaders, to make any amendments of a minor nature to the Constitution from time to time.

REASONS FOR DECISION

To ensure that the Council’s governance arrangements are fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 The annual review of the Constitution is intended to ensure that the Council’s governance arrangements are fit for purpose and meet the needs of the prevailing political arrangements.

2. SCHEME OF DELEGATION

- 2.1 The scheme of delegation, in so far as it relates to the discharge of executive responsibilities, is approved by the Leader. Nonetheless, Council is asked to approve the scheme of delegation, in full and subject to the Monitoring Officer being given delegated authority to make such consequential in-year changes required by operation of law or to give effect to Cabinet and/or Committee decisions, in consultation with the Leader (executive arrangements) and the relevant Committee Chair (non-executive arrangements) as the case may be. The scheme of delegation was updated by the Monitoring Officer, in consultation with the Group Leaders, in December 2022 to reflect the recent changes in senior management arrangements and to ensure consistent use of officer titles.
- 2.2 The only further changes proposed this year to the Council’s Scheme of Delegation relates to placements for children and adults. At present, the only constitutional reference to placements is as follows:

“The Council expects that decisions to award contracts to the value of £100k and above under the contract procedure rules to be recorded, save those contracts relating to placements for individuals care and support.”

It is advised that extending the scheme of delegation would bolster this and close a gap. Therefore, it is suggested that the officer scheme of delegation for the Director of Children’s Services and the Director of Adult Social Services be extended to include:

“To authorise and effectively monitor placements of any kind related to an individual’s care and support.”

3. TERMS OF REFERENCE

Scrutiny

3.1 The areas of focus for the five scrutiny panels are contained within Article 8 of the Constitution and have been reviewed by officers to clarify remits and to ensure that they remain up to date. The revised terms of reference are attached at Appendix 1 to this report but they key changes are as follows:

- Health visiting and school nursing to move from Children and Lifelong Learning to Health and Adult Social Care.
- Homelessness and flood risk management to move from Economy to Communities (as agreed by the Executive and Scrutiny Liaison Board in August 2022).
- The term ‘neighbourhood operations’ within the Communities areas of focus being replaced with ‘waste strategy and collections’ and ‘street scene’.

Audit and Governance Committee

3.2 At its meeting on 20th April 2023, the Audit and Governance Committee agreed that its terms of reference, as laid out in the Constitution be amended to include a statement setting out the purpose of the committee as defined in section one of its annual report. The amended terms of reference are attached at Appendix 2 to this report.

Humber Leadership Board

3.3 The Humber Leadership Board updated its terms of reference in 2020 but the functions of the board have not been updated within the Council’s Constitution. The Board’s key functions are as follows:

1. Facilitate cooperation and collaboration between the Humber local authorities on cross Estuary working on the following themes:
 - a) Clean Growth
 - b) Ports including a potential Freeport
 - c) Shared management of Estuary assets
 - d) Co-ordinating joint marketing of the Humber for inward investment in relevant sectors
2. Enable collective decision-making on issues that require sub-regional agreement from the constituent authorities.

3. Ensure local democratic and financial accountability, working with both the Hull & East Riding and Greater Lincolnshire LEPs and the use of public funding streams which are allocated by Government to the LEPs.
4. Act as the formal link between local authorities in the Humber on activity relevant to the above themes.

4. OUTSIDE BODIES

- 4.1 As defined in the Representation on Outside Bodies Protocol, Members who represent the Council on outside bodies are required to report back to the Council on the activities of the organisation. In order to strengthen these arrangements, it is suggested that paragraph 13.2 of the protocol be amended to require Members to report to the appropriate scrutiny panel on an annual basis, initially in the form of a briefing paper for that purpose.

5. GIFTS AND HOSPITALITY

In line with the Members' Code of Conduct adopted by this Council from 1st January 2023, the Gifts and Hospitality code of conduct for councillors has been updated. This reflects the increase in the threshold for registration of gifts and hospitality to £50. Any such declarations will be held in a Register of Gifts and Hospitality which will be required to be open to public inspection. The updated Gifts and Hospitality code of conduct for councillors (with tracked changes) is attached at Appendix 3 to this report.

6. DECISION MAKING

Duration of Decisions

- 6.1 In exceptional cases reliance is sometimes placed on longstanding delegations or decisions but there may be occasions when we need to accept that things move on. The introduction of a 'shelf life' on decisions will assist a consistent position across the organisation, with a two year span deemed reasonable. Appropriate warnings and cautions will be included on the internal Cabinet Tracker to flag to decision makers the impending cut off point. This would require an amendment to Article 4 – Decision Making as follows:

4.11 Duration of Decision

A decision (or delegation) of whatever nature shall be deemed to have a maximum life span of two years from the date made or published (if liable to publication) prior to implementation. Unless the decision (or delegation) has been implemented in part or in full in the meantime, then a refreshed decision (or delegation) will have to be sought.

Variation (or Cessation) of Decisions

- 6.2 There is no recognised route to vary or cease a decision if circumstances dictate. Sometimes a circuitous route is taken in the absence of clear

direction, wasting time and resource. A clearer route to the delegated decision maker is warranted, with appropriate portfolio holder consultation. If required by the portfolio holder, a referral may be made back to Cabinet or otherwise at his/her discretion. This would require an "Officer Decision Record – Variation" to be formulated, citing the original mandate and reasons for variation with clear enablement to refer back to original decision maker where required; otherwise to record variation with subsequent publication as usual.

7. SCRUTINY PROCEDURE RULES

- 7.1 The Council's scrutiny procedure rules allow the questioning of members of Cabinet about their decisions and matters within their remit and there is a standing item on scrutiny panel agenda for this purpose. Linking to the recently adopted Code of Conduct it is suggested that the following control be inserted:

Such questions must not, in the Monitoring Officer's reasonable opinion, be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council.

8. STANDING ORDERS

- 8.1 The following changes to the Council's Standing Orders are proposed in order to provide clarity and consistency:

8.1.1. Deadlines

It would be helpful to have clearer consistency around deadlines set out in standing orders to avoid confusion and to set clear expectations around timeliness of submissions in order to permit any irregularity/misinterpretation to be resolved in advance to avoid any submission being ruled out of order. The proposed wording around control of such submissions links back to the recently adopted Code of Conduct.

Amendment to Standing Order 10.3 as follows (insertions marked in bold print):

A Member may only ask a question under Standing order 10.2 if either:

- (a) the question has been submitted in writing at least 3 working days **(for example, by 11.59pm on the Monday if the meeting is on a Thursday)** prior to the Council meeting to the Chief Executive or the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive or the Monitoring Officer by noon on the day of the meeting.

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a

submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

Amendment to Standing Order 11.1 (insertions marked in bold print):

Except for Motions which can be moved without notice under Standing Order 12, notice of every motion, signed by the proposer and seconder and any other member giving the notice, must be submitted to the Chief Executive and/or the Monitoring Officer no later than 6 working days (excluding the day of receipt and the day of the meeting) before the date of the meeting **(for example, by 11.59pm on the Tuesday if the meeting is on a Thursday).**

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

8.1.2 The Leader's Statement

There has been challenge at previous Council meetings around the form of Leader's Statement, which has always been the prerogative of the Leader.

Amendment to Standing Order 2.2 v (insertions marked in bold print):

receive any announcements from the Mayor and then a statement from the Leader of the Council, such statement to be for a duration of no longer than 15 minutes, updating Council in respect of:

- key issues of significance to the social, economic or environmental well-being of the area
- Special Urgency decisions taken in accordance with the Constitution
- the implementation of Motions previously resolved at the preceding Council meeting(s)"

Such statement (or any part thereof) shall be delivered verbally or in writing at the absolute discretion of the Leader.

8.1.3 Amendments to Standing Orders

The standing order (21.2) relating to amendments to standing orders is silent as to how any amendment will be dealt with. Further, the constitutional remit of the Standards and Adjudication Committee is similarly silent as to it specifically dealing with a proposed constitutional change.

Amendment to Standing Order 21.2:

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next

ordinary meeting of the Standards and Adjudication Committee.

To add: **Once considered, the Standards and Adjudication Committee shall make recommendations back to Full Council at the next convenient meeting.**

Subsequently, to insert at Article 10 – The Standards and Adjudication Committee - 10.03 Role and Function:

(q) To receive and consider referrals from Full Council as to the addition, variation or revocation of any standing orders at Article 5 Appendix 1 of the Constitution.

- 8.2 As per the Council's Constitution, such change to the Council's Standing Orders would, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee.

9. AMENDMENTS OF A MINOR NATURE

From time to time, amendments to the Constitution of a minor nature are required. These can be to provide clarity over a particular matter without changing its meaning or intention as well as to confirm minor changes arising from decisions taken by individual panels/committees of the Council. Examples of matters dealt with under these delegated powers during the previous year include the following:

- Contract Procedure Rules - an amendment to the Contracts Finder Threshold in the Contract Procedure Rules from £25,000 to £30,000 as a result of Procurement Policy Note issued by the Cabinet Office.
- Code of Corporate Governance – updated as per decision of the Audit and Governance Committee 2nd February 2023
- Members' Code of Conduct and associated references – updated as per decision of Council 15th December 2023.

It is proposed that authority continue to be delegated to the Monitoring Officer, in consultation with the Leaders of the political groups, to make such changes.

10. MATTERS FOR FURTHER REVIEW

Governance of the Integrated Care System is currently the subject of discussion and a report on this will be submitted to a future meeting of Council should any constitutional changes be required.

11. RISKS AND OPPORTUNITIES

The annual review of the Constitution acts as a mechanism to test and refresh the Council's governance arrangements.

12. OTHER OPTIONS CONSIDERED

The recommendations in this report are intended to reflect the need to modify the Council's governance arrangements to support elected members in the

discharge of their various roles and responsibilities and ensure that the Constitution is accessible to the public.

13. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

These matters are reported to the Council as required by the Constitution and to support the continued good governance of the Council.

14. FINANCIAL CONSIDERATIONS

There are no financial considerations to be taken into account as a result of the recommendations within this report.

15. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the recommendations within this report.

16. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change or environmental implications arising from the recommendations within this report.

17. CONSULTATION WITH SCRUTINY

Not applicable.

18. FINANCIAL IMPLICATIONS

As stated above, there are no financial implications arising directly from the recommendations in this report.

19. LEGAL IMPLICATIONS

As set out in the main body of the report.

20. HUMAN RESOURCES IMPLICATIONS

There are no direct human resources implications arising from the recommendations in this report.

21. WARD IMPLICATIONS

The Council's governance arrangements impact on all wards.

22. BACKGROUND PAPERS

The Council's Constitution.

23. CONTACT OFFICER(S)

Paul Windley
Democratic and Scrutiny Team Manager
Email: paul.windley@nelincs.gov.uk

SIMON JONES
MONITORING OFFICER

Appendix One – Scrutiny Panel Areas of Focus

Terms of Reference

The Scrutiny Panels are responsible for scrutinising any matters affecting North East Lincolnshire within their remit. The areas of focus for each Panel include:

<p>Children and Lifelong Learning Scrutiny Panel</p>	<ul style="list-style-type: none"> • Safeguarding children • Children’s social care • Fostering and adoption • Looked after children and residential care • Corporate parenting • Children and young people leaving care • Children with disabilities • Integrated family support (Including early intervention and prevention) • Early years and childcare • Family hubs • Education, standards, attainment and school improvement • Special educational needs and inclusion • Access and educational welfare services • Children’s health commissioning • Child and adolescent mental health services (CAMHS) • Children's complex health care • Teenage pregnancy • Employability and skills
<p>Health and Adult Social Care Scrutiny Panel</p>	<ul style="list-style-type: none"> • Matters relating to the Health and wellbeing strategy • Health improvement • Public health (prevention agenda) • Adult social care • Integrated health and social care arrangements (referrals from and to the Integrated Care Board/Partnership and the Health and Wellbeing Board) • Health and social care providers in North East Lincolnshire (including voluntary, community and social enterprise sector) • Safeguarding adults • Health visiting • School nursing

Economy Scrutiny Panel	<ul style="list-style-type: none"> • Matters pertaining to the Economic strategy • Economic development • External funding and inward Investment (including renewable energy) • Regeneration projects • Local enterprise and growth • Regeneration Partnership performance monitoring • Local Plan • Transport and traffic regulations (including parking) • Business and education partnerships • Strategic housing • Asset management (including business centres) • Energy and climate change • Empty and derelict property
Tourism and the Visitor Economy Scrutiny Panel	<ul style="list-style-type: none"> • Tourism • Visitor economy and retail offer • Libraries, museums and culture • Local heritage • Leisure and sport • Beach safety
Communities Scrutiny Panel	<ul style="list-style-type: none"> • Safer and stronger communities • Crime and community safety • Youth justice/youth offending • Equality, diversity and inclusion • Community cohesion • Voluntary and community sector • Town and Parish Council liaison • Public protection • Customer services • To discharge community governance review responsibilities under the Local Government and Public Involvement in Health Act 2007 • Waste Strategy and collections • Street Scene • Parks and open spaces • Bereavement services • Public protection (trading standards, licensing, port health, environmental health) • Housing related support • Homelessness • Emergency planning and civil contingencies • Flood risk management • Digital

Appendix 2 - Audit and Governance Committee Terms of Reference and Powers

Purpose

The purpose of the Audit and Governance Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective and have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. In a local authority the full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but will be accountable to full council.

1. To approve the Council's Annual Statement of Accounts, including the income and expenditure account, balance sheet and cash flow statement.
2. To consider and approve, on behalf of the council the external auditor's Annual Governance Report.
3. To approve the Internal Audit Charter, Internal Audit Plan and Performance Indicators
4. To review summary internal audit reports and any significant issues arising and recommend appropriate actions in response.
5. To consider the Head of Internal Audit's annual report and opinion and the level of assurance it can give over the Council's Corporate Governance Arrangements.
6. To consider reports dealing with the management and performance of internal audit.
7. To monitor and keep under review the Council's arrangements to secure value for money.
8. To monitor and keep under review the Council's Risk Management arrangements.
9. To monitor and keep under review the effectiveness of the Council's anti-fraud and corruption arrangements (including the consideration of an annual report summarising the Council's actions in relation to good conduct and anti-fraud and corruption).
10. To monitor and keep under review treasury management arrangements to ensure that the treasury management strategy and policies follow the CIPFA code of practice and are scrutinised in detail before being accepted by the Council.
11. To receive and approve treasury management practices and schedules.
12. To monitor and review the Council's assurance statements, including the Council's Code of Governance and the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it, and to monitor management action in response to the action plan arising from it
13. To consider the reports of external audit and inspection agencies insofar as they affect the Council's Corporate Governance Arrangements.
14. To monitor management action in response to issues raised by external audit.
15. To comment on the scope and depth of external audit work and to ensure it gives value for money.
16. To commission work from internal and external audit.

17. To review any issue referred to it by the Chief Executive or a Director and any Council body.
18. To consider the Council's compliance with its own and other published standards and controls.
19. To refer items to the Audit Working Group for detailed consideration.
20. To produce an annual report for full council summarising its work during the year.
21. To provide at each meeting the opportunity to have a private meeting with only the external and internal auditors present.
22. To monitor and keep under review the Council's arrangements for partnership governance

Appendix 3

GIFTS AND HOSPITALITY - A CODE OF CONDUCT FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in ~~the~~ [The Bribery Act 2010](#) ~~Prevention of Corruption Acts~~. These requirements are then supplemented by the procedures, which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office~~r~~ for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

[The Code of Conduct makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the local authority and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts and hospitality wherever possible.](#)

1. General Principles

- 1.1 In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:
 - 1.1.1 Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.
 - 1.1.2 As a Councillor, you must act in the public interest and must not be

swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

1.1.3 The [Bribery Act 2010](#) ~~Public Bodies (Corrupt Offences) Act 1889~~ provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement ~~to~~ or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of ~~10~~7 years or a fine or both.

1.1.4 Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

1.2 You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

1.2.1 The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

1.2.2 Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

1.2.3 As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

1.3 Never accept a gift or hospitality if acceptance might be open to misinterpretation

1.3.1 The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

1.3.2 Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
- funding decisions, when the authority is determining a grant application by any person or organisation.
- Never accept a gift or hospitality which puts you under an improper obligation

1.3.3 Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

1.4 Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2. Consent Regimes

(a) General consent provisions

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- civic hospitality provided by another public authority
- modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- tickets for sporting, cultural and entertainment events which are sponsored by the authority
- small gifts of low intrinsic value below £2550, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise.

- a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- a modest working lunch not exceeding ~~£40-20~~ a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of ~~£40~~ 20 a head
- modest souvenir gifts with a value below ~~£25-50~~ from another public authority given on the occasion of a visit by or to the authority
- Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Mayor of the Council together with a written statement identifying the information set out in Paragraphs 2(b) below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- the nature and your estimate of the market value of the gift or hospitality
- who the invitation or offer has been made by or on behalf of
- the reason the gift or hospitality will be given or provided
- the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in

which they have been involved

- any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3. Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of ~~£25-50~~ or greater, you must, ~~as soon as possible~~ after within 28 days of receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer—, setting out the information set out in Paragraphs 2(b) above, as well as the date on which you received it. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than ~~£2550~~, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

An accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

You must also register with the Monitoring Officer any significant gift or hospitality (to the value of £50 or greater) that you have been offered but have refused to accept.

4. Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If

you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

5. Definitions

“Gift or hospitality” includes any:

- the free gift of any goods or services
- the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
- the opportunity to obtain any goods or services which are not available to the general public
- the offer of any food, drink, accommodation or entertainment freely provided or heavily discounted
- ~~or~~ the opportunity to attend any cultural, sporting or entertainment event.

References to the “value” or “cost” of any gift or hospitality are references to the higher of:

- your estimate of the cost to the person or organisation of providing the gift or consideration
- the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
Did you accept the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who was it provided by, or on behalf of?	
When and where did you receive it?	
What was the reason it was given or provided (if known)?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any previous contact or relationship with the person or organisation providing the gift or hospitality?	
Are you aware of any work, permission, concession or facility which the person or organisation providing the gift or hospitality has from/with the authority? And if so, what?	
Signed	Date