

Report to Constitution Working Group

Date of meeting: 26 June 2019



**Epping Forest
District Council**

Subject: Constitution - Member Guidance on Gifts & Hospitality

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Recommendations/Decisions Required:

That the Working Group consider revised member guidance in relation to gifts and hospitality.

1. As the Working Group will recall, a thorough review of the Council's constitution was undertaken during 2016/17. At that time however, the review of a number of elements of the Constitution were deferred for further consideration and consultation.
2. Guidance for members of the Council in relation to the declaration, receipt and acceptance of gifts and hospitality has traditionally been included within the Constitution, but was not subject to review during 2016/17. The most recent version of the guidance was adopted by the Council in 2007.
3. During 2018/19, the Internal Audit Unit undertook an assessment of the Council's existing arrangements for the management of gifts and hospitality for staff and Members. The audit identified that processes relating to the declaration of gifts and hospitality by members were generally operating well, as full details of any such gifts and hospitality were required to be recorded on the individual Register of Interests form for each member and members were reminded through regular training of the requirement to notify the Monitoring Officer of any amendments to their Register of Interests, including the receipt of gifts and hospitality. However, the audit identified that the existing gifts and hospitality guidance for members should be updated, published in the Council's Constitution and communicated to members to ensure full compliance with the Member Code of Conduct.
4. The audit also recommended that the guidance should be updated to make reference to the Bribery Act 2010 and that the value of gifts and hospitality specified in the existing guidance (£25.00) should be amended to match that specified by the Register of Interests declaration (currently £50.00). An analysis of guidance issued by a sample of other Councils undertaken as part of the audit, found that the value of gifts and hospitality declared typically ranged from £25.00 to £100.00, with the majority being set at £50.00. The Chief Internal Auditor considers that this suggests that the Council has, at £50.00, set an appropriate level for the declaration of gifts and hospitality.
5. The guidance included within the Constitution has therefore recently been reviewed to ensure that it remains fit for purpose and to address the recommendations arising from the internal audit report. The revised guidance document is attached as Appendix 1 to this report for consideration by the Working Group and also includes processes for the registration of gifts and hospitality declined by members and for the donation of gifts and hospitality to the Chairman's charity, alongside the consequences of non-compliance with the guidance in terms of the public perception of the acceptance of gifts and hospitality by members acting in the public interest.

6. The revised guidance document has been subject to consultation with the Council's Monitoring Officer and Chief Internal Auditor, who both support the content of the guidance document. The revised guidance has been circulated to all members of the Standards Committee and no adverse comment has been raised as to its content. The guidance has also been agreed by the Corporate Governance Group.
7. The Working Group is requested to consider the revised member guidance in relation to the declaration, receipt and acceptance of gifts and hospitality.

Resource Implications:

The recommendations of this report seek to ensure that the Council's Constitution remains fit for purpose.

Legal and Governance Implications:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

The revised gifts and hospitality guidance has been subject to consultation with the Monitoring Officer and the Chief Internal Auditor. The revised guidance has been circulated to the Standards Committee and has been agreed by the Corporate Governance Group.

Background Papers:

None

Risk Management:

The Council's Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.