To: Standards Sub Committee

Councillors:

Chair – C Fitzsimmons
K Buckley, C Froggatt, I Marks and S Parish

18 September 2019

Standards Sub Committee
Thursday 26 September 2019 at 5.00pm

Council Chamber, Town Hall, Sankey Street, Warrington, WA1 1UH

Agenda prepared by Adam Kellock, Democratic Services Officer
Telephone: (01925) 442144
E-mail: akellock@warrington.gov.uk

AGENDA

Part 1
Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item | Page Number
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1. Apologies for Absence | 1

To record any apologies received.

2. Code of Conduct - Declarations of Interest
Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.
<table>
<thead>
<tr>
<th>Item</th>
<th>Page Number</th>
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<tbody>
<tr>
<td>3. <strong>Minutes</strong></td>
<td>3-4</td>
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<tr>
<td>To confirm the Minutes of the meeting of 20 March 2019 as a correct record.</td>
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<tr>
<td>4. <strong>Monitoring Officer Update</strong></td>
<td>5-31</td>
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<tr>
<td>Report of the Head of Legal and Democratic Services (Monitoring Officer).</td>
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<tr>
<td><strong>Part 2</strong></td>
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<td>Nil</td>
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STANDARDS SUB COMMITTEE

20 March 2019

Present: Councillors K Buckley, C Fitzsimmons (Chair), I Froggatt, I Marks and S Parish

ST 5  Apologies for Absence

Apologies were received from Independent Persons Donald Clark and Sheila Mason.

ST 6  Code of Conduct

There were no declarations of interest made.

ST 7  Minutes

The minutes of the meeting held on 16 October 2018 as a correct record.

ST 8  Monitoring Officer Update

The Monitoring Officer provided an update on the work that had been carried out since the last meeting of the Sub Committee.

It was noted that one complaint relating to a Parish Councillor had been received during that time period and that this had been settled without any action being taken following consideration by the Monitoring Officer and an Independent Person. Also during this period an ongoing complaint relating to a Borough Councillor was settled with a public apology being issued.

The Monitoring Officer had liaised with the Independent Persons during the consideration of each complaint as per the agreed complaints procedure. Liaison with the Independent Persons takes place electronically via the secure email system Egress which allows for confidential document to be sent electronically, improving efficiency in the process of dealing with complaints.

Further training had been carried out on the Code of Conduct during the period with a good attendance level from Borough Councillors and representative from Parish Councils. Further training was arranged for 3 April 2019 and would focus on the Member Officer Protocol and the Gifts and Hospitality Protocol.

The Independent Persons had attended the annual training workshop run by Hoey Ainscough LTD along with the Deputy Monitoring Officer. During the training updates were provided on issues affecting Independent Persons such as their role in the dismissal of senior officers and discussions took place on the potential disqualification of member who had received a criminal conviction.
ST 9 Local Government Ethical Standards Review

An update on the Committee on Standards in Public Life’s Review of Local Government Ethics was presented by the Monitoring Officer. The review that had been carried out proposed 26 recommendations to the Government, which would require legislative changes as well as listing 15 best practice principles for Local Authorities to consider.

The review represented the most significant rethink of the standards regime since the introduction of the current scheme through the Localism Act 2011.

It was noted that the majority of recommendations put forward to Government would require primary legislation and as such it was expected that they would not be considered for some time due to the backlog of parliamentary business and the impact of Brexit.

The report outlined the 15 areas of best practice put forward by the committee and how the Council’s current procedures compare. It was noted that the majority of areas of best practice were already carried out by the Council to certain degrees.

The 15 areas of best practice were discussed and the actions already taken by the Council was noted. The below actions were recommended to further bring the Council in line with best practice:

- Include references to bullying and harassment within the Code of Conduct;
- Insert a note that members would be expected to comply with a standards investigation;
- A Gifts and Hospitality Protocol for members is being reviewed;
- Consider the introduction of formal wording for a public interest test in terms of dealing with a Standards complaint. Consider what tests are used by Parliament and what is available through the LGA;
- Guidance on the decisions and actions that can be taken by a hearings panel to be included within Councillor Complaints Procedures;
- Insert confirmation that when a member sits on any body as a formal representative of the Council that they should abide by the Code of Conduct and that any bodies set up by the Council would be expected to abide by the same standards of behaviour.

The above actions would be added, where appropriate to the report to be considered by the Constitution Sub Committee when it is carrying out its annual review of the Constitution prior to its re-adoption at the Annual Meeting of Council on 20 May 2019.

Signed ........................................

Dated.............................................
WARRINGTON BOROUGH COUNCIL
STANDARDS SUB COMMITTEE
26 SEPTEMBER 2019

Report of the: Head of Legal & Democratic Services and Monitoring Officer
Report Author: Adam Kellock, Senior Democratic Services Officer
Contact Details: Email Address: mcumberbatch@warrington.gov.uk
Telephone: 01925 442150

Ward Members: All

TITLE OF REPORT: MONITORING OFFICER UPDATE

1. PURPOSE OF REPORT

1.1 To provide the Sub-Committee with an update on the work that has been carried out by the Monitoring Officer in relation to standards and code of conduct issues since the last meeting of the Sub-Committee in March 2019.

2. CONFIDENTIAL OR EXEMPT

2.1 The information in this report is neither confidential nor exempt.

3. INTRODUCTION AND BACKGROUND

3.1 The Standards Sub-Committee is responsible for maintaining high standards of ethics and behaviour within the Council. The Monitoring Officer, acting on behalf of the Sub-Committee, provides regular updates on his work and any new information or regulations that are relevant.

4. TERMS OF REFERENCE

4.1 In accordance with good practice members are asked to review the terms of reference for the Sub Committee, as set out in Article 9 of the Constitution which are attached at Appendix A to this report. The terms of reference for the Sub Committee were last updated in May 2018 to reflect the change in the status of Sub Committee.

5. COMPLAINTS

5.1 Since the last meeting of the Standards Sub Committee on 21 March 2019 the Monitoring Officer has received five new complaints at the time of writing. Details of the complaint, whether it was against a Borough or Parish Councillor and what action was taken is provided below:
### Borough Councillors – Total number of complaints - 3

<table>
<thead>
<tr>
<th>Action Taken</th>
<th>Number of Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint assessed by the Monitoring Officer and considered by the Independent Persons - No Action taken</td>
<td>3</td>
</tr>
<tr>
<td>Complaint assessed by the Monitoring Officer and considered by the Independent Persons – settled without formal investigation</td>
<td>0</td>
</tr>
<tr>
<td>Complaint sent for external investigation (Ongoing)</td>
<td>0</td>
</tr>
<tr>
<td>Complaint sent for external investigation (Resolved – No action taken)</td>
<td>0</td>
</tr>
<tr>
<td>Ongoing</td>
<td>0</td>
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### Parish Councillors – Total number of complaints - 2

<table>
<thead>
<tr>
<th>Action Taken</th>
<th>Number of Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint assessed by the Monitoring Officer and considered by the Independent Persons - No Action taken</td>
<td>2</td>
</tr>
<tr>
<td>Complaint Investigated by the Monitoring Officer and considered by the Independent Persons – settled without formal investigation</td>
<td>2</td>
</tr>
<tr>
<td>Complaint sent for external investigation (Ongoing)</td>
<td>0</td>
</tr>
<tr>
<td>Ongoing</td>
<td>0</td>
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</tbody>
</table>

5.2 The Parish Council complaints above were dealt with by providing support to the Parish Council concerned via the Parish Clerk, no formal action was taken.

5.3 During 2018/19 a total of seven complaints were received, three relating to Borough Councillors and four relating to Parish Councillors. None of the seven complaints resulted in a formal investigation with all complaints having no action taken following consultation with the Independent Persons or being settled without the need for a formal investigation.

5.4 In addition to the above the Monitoring Officer and Deputy Monitoring Officer have continued to provide advice to members of the public, councillors (at Borough and Parish level), officers and Parish Clerks with regards to issues regarding the Code of Conduct and the complaint process. The Sub-Committee previously approved a guidance document for Councillors, Parish Clerks and members of the public regarding standards issues which is now published on the Council’s website.

### 6. MONITORING OFFICER ACTIONS

6.1 The Monitoring Officer has continued in his wider role regarding standards, ethics, behaviour and the Constitution and has carried out a variety of actions in relation to the role which are outlined below.
6.2 Advice has been given to members on: their Declaration of Interest forms, queries over when to declare an interest at meetings, situations when it may not be appropriate to take part in decision-making on a specific matter and conduct at meetings.

6.3 A further training session was provided for members on the Code of Conduct on Wednesday 3 April 2019 with the invitation extended to Parish Councillors and Clerks. The session covered updates on the Code of Conduct, details about when the code applies, advice on when to declare interests and specific information about the protocol on member/officer relations. An update on the findings of the Committee on Standards in Public Life’s ethics review, as provided at the last meeting of the Standards Sub-Committee was also provided within the training. A further training session on the Code of Conduct has been arranged for 7th October 2019. This will concentrate on social media and gifts and hospitality.

6.4 An open invitation remains in place to Parish Councils for the Monitoring Officer to attend and provide specific advice on ethical framework of standards based issues. It is advised that Parish Councils could co-ordinate on a local basis if they wish to arrange a seminar with the Monitoring Officer.

6.5 Following the last meeting of the Sub-Committee the Constitution was readopted at the Annual Council meeting with an updated Code of Code for Members with changes having been considered and agreed by both the Standards Sub-Committee and Constitution Sub-Committee. These changes included a requirement to co-operate with a formal standards investigation, requirement not to make trivial or malicious complaints and the inclusion of harassment to the section covering bullying. The changes came about following a review of the Code of Conduct and the good practice guidance from the Committee on Standards in Public Life review of ethics. A copy of the updated Code of Conduct for Members is attached to this report at Appendix B.

7. COUNCILLORS GIFTS AND HOSPITALITY POLICY

7.1 This Sub-Committee previously considered the need for a Gifts and Hospitality policy for members to be established and requested that such a policy be drafted by the Monitoring Officer. This is in line with the best practice guidance contained within the Local Government Ethical Standards Review as carried out the Committee on Standards in Public Life in January 2019. The draft policy is attached at Appendix C.

7.2 The attached policy mirrors, where appropriate, the current Officers Gifts and Hospitality Policy to bring continuity to how the Council addresses this issue as a whole. The aim is to ensure that the policy is compliant not only with the Nolan principles and the Councillors’ Code of Conduct but also meet legislative requirements as they relate to matters such as anti-bribery and corruption in public office. This Sub-Committee is asked to review the draft policy, consider approving it for use subject to any amendments they consider appropriate and to
direct the Monitoring Officer of their preferred procedure to inform councillors on its introduction and use.

8. REGISTER OF INTEREST (DPI) FORMS

8.1 In accordance with good practice, officers have written to all Councillors (and contacted all Parish Clerks in the Borough) to remind them to check the contents of their register of interest forms to ensure that they are correct and up to date. Officers are available to assist Councillors with any queries relating to information on the forms that needs to be amended.

8.2 It should be noted that the issue of the personal security of councillors has been raised recently. The Sub-Committee will be aware that there will be rule changes which will be in place for the next local elections which will allow candidates to request, when submitting their nomination application forms, to have their home addresses withheld from public view. Accordingly, it is to be expected that some councillors will ask that their home addresses are classed as sensitive information and not disclosed on the register of interests form that is made available to the public. The Monitoring Officer is aware that such requests are being made already in other authorities.

9. INDEPENDENT PERSONS UPDATE

9.1 The Council currently maintains two Independent Persons (IP) who have been in place since June 2013 (following statutory changes that came with the Localism Act 2011). Arrangements to comply with the new legislation was agreed by Council in 2012 and included the provision for the appointment of two IP’s who are not members of the Standards Committee but who are required to be consulted by the authority upon the receipt of complaints. The IP’s role is pivotal in providing integrity within the complaints process as well as being a statutory requirement.

9.2 The IP’s attend the Hoey Ainscough Associates LTD workshop on the role of the Independent Person on a biannual basis in order to keep them up to speed on developments relating to the role. The last session took place in February 2019 with both IP’s in attendance.

9.3 The IP’s have continued to be involved with the complaints procedure and have spoken with the Monitoring Officer to consider the details of the complaints that have been received as outlined in the table at 4.1 above and to provide their opinion.

9.4 The secure email system Egress continues to be used to allow for confidential documents such as complaint forms to be shared with the IP’s electronically with a discussion then taking place over the phone with the Monitoring Officer. This new process allows the IP’s to review documents electronically and discuss them over the phone with the Monitoring Officer and has made the consultation process more efficient.
10. **FINANCIAL CONSIDERATIONS**

10.1 There are no direct financial considerations arising from this report.

11. **LEGAL COMMENT**

11.1 The role of the Independent Person is set out at Section 28 of the Localism Act 2011 in relation to their responsibilities in relation to Code of Conduct complaints and at Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) for their role in the process for the dismissal of Chief Officers.

11.2 It is not a legal requirement for Register of Interest forms to be reviewed annually but the forms do need to be kept up to date by the respective Councillors concerned. However, provisions at Chapter 7 of the Localism Act 2011 require Councillors to ensure that the Council is kept up to date regarding their Disclosable Pecuniary Interests. Accordingly, it is reasonable to send a reminder occasionally to assist councillors in meeting their responsibility.

12. **RISK ASSESSMENT**

12.1 Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by its members.

12.2 Failure to make appropriate arrangements could call into question the integrity of decisions and expose the Council to the risk of legal challenge. Establishment and review of the Code and the Council’s procedures to promote good governance significantly mitigates those risks.

13. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

13.1 Democratic Services has an up to date Equalities Impact Assessment in place.

14. **CONSULTATION**

14.1 As indicated above the Committee is invited to take a preliminary view upon the matters raised in this report. The proposals in this report do not require a public consultation.

15. **REASONS FOR RECOMMENDATIONS**

15.1 To continue to comply with the requirements of the Localism Act 2011, to promote high standards of ethical behaviour and to enable the Monitoring Officer to carry out his role.
16. **RECOMMENDATIONS**

16.1 That the Sub Committee:

   (a) Notes the content of the report and provides any actions, suggestions or comments as appropriate.

   (b) Approves the Guide for Councillors on Gifts and Hospitality subject to any amendments that they consider appropriate

17. **BACKGROUND PAPERS**

17.1 Localism Act 2011;

17.2 Warrington Borough Council’s Constitution

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matthew Cumberbatch</td>
<td><a href="mailto:mcumberbatch@warrington.gov.uk">mcumberbatch@warrington.gov.uk</a></td>
<td>442150</td>
</tr>
</tbody>
</table>
ARTICLE 9 – THE STANDARDS SUB COMMITTEE

9.1 Statutory Background

9.1.1. The Council has established a Standards Sub Committee to discharge its functions under Chapter 7 of Part 1 of the Localism Act 2011 and exists as a Sub Committee of the Audit and Corporate Governance Committee.

9.2 Composition and Voting

9.2.1 The Council has decided that its Standards Sub Committee shall consist of 5 Borough Councillors There is no restriction as to members of the Cabinet serving on this Committee.

9.2.2 The Chair of the Committee will be appointed at the Annual Council meeting from among the ordinary members of the Committee.

9.2.3 The Council will appoint up to three Independent Persons for the purposes of providing advice in the case of alleged breaches of the Members’ Code of Conduct. The Independent Persons are not members of the Committee.

9.4 Role and Function

9.4.1 The Standards Sub Committee will be responsible for discharging the Council’s functions under Chapter 7 of Part 1 of the Localism Act 2011, including:

(a) considering and determining dispensations to Councillors relating to their interests as set out in the Members’ Code of Conduct;

(b) promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Councillors (including co-opted Members or persons acting in a similar capacity) and for employees in accordance with best practice and Government Guidance;

(c) providing advice to the Council in respect of its duty to adopt, revise or replace a Code of Conduct under Section 27(2) of the Localism Act 2011 and advising the Council on the adoption or revision of the Officers’ Code of Conduct and the Protocol on Member/Officer Relations;

(d) ensuring that Councillors receive advice and training as appropriate on matters relating to the Members’ Code of Conduct;

(e) issuing advice to Members on the treatment of disclosable pecuniary interests, other interests and on conduct matters generally;
ensuring the Council maintains appropriate links with the Commission for Local Administration in England (Ombudsman).

referring issues which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Manager in the first instance;

promoting high standards of responsiveness by the Council to its clients and contacts

advising other persons/bodies on probity and ethics as appropriate particularly where that person or body is exercising functions on behalf of the Council.

supporting the Council’s Statutory Officers, as appropriate, or their authorised deputies, in the performance of their duties.

dealing with any reports from the Monitoring Officer on any matter which relates to Part 1, Chapter 7 of the Localism Act 2011;

ensuring that the Council’s whistle blowing policy is operated effectively.

providing recommendations to Council on the arrangements required for investigations and decisions on allegations of a failure to comply with the relevant Member Codes of the Council or a parish or town council, including arrangements for the appointment of at least one Independent Person to provide advice.

exercising all powers, responsibilities and functions related to the consideration of complaints made to the Committee with regards to member conduct, except those reserved to the Monitoring Officer and a Hearings Sub-Committee under the arrangements made by Council under s28(6) of the Localism Act 2011;

requesting the advice of an Independent Person, as necessary, in respect of the matters described at n) above.

The Committee will exercise the functions set down in 9.4.1 in relation to parish and town councils in so far as they are applicable.

9.4 Arrangements for dealing with Misconduct Complaints

The Monitoring Officer will be responsible for:

(a) receiving complaints;

(b) determining (in consultation with an Independent Person) whether the complaint merits formal investigation, or referring this decision to the Standards Sub Committee, as appropriate;

(c) arranging for a formal investigation;
(d) closing the matter where no evidence of a breach is found;

(e) seeking local resolution, as appropriate, where there is evidence of a breach (in consultation with an Independent Person);

(f) referring a matter for a determination to a Sub-Committee of the Standards Sub Committee, where local resolution is not appropriate or possible.

9.5.2 A matter referred under 9.5.1(f) above will be heard by a Hearing Panel of the Committee comprising three Members.

9.5.3 Following any formal investigation of an allegation, the views of an Independent Person must be sought and must be taken into account by the Monitoring Officer, before taking a decision as to whether to close the matter or to confirm a local resolution and must be taken into account by a Hearing Panel on the hearing of any allegation.

9.5.4 The views of an Independent Person may be sought by the Committee, a Hearing Panel or Monitoring Officer in relation to allegations not covered by 9.5.3.

9.5.5 The views of an Independent Person may be sought, in accordance with Section 28 (7)(b)(ii) or (iii) Localism Act, by a Member or co-opted member of the Council, or of a parish or town council, who is the subject of an allegation.
CODE OF CONDUCT FOR MEMBERS

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

A General obligations

Whenever you are acting as a member or co-opted member of this authority you must act in accordance with the following obligations:

Selflessness
1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity
2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Objectivity
3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority’s officers, into consideration.

Accountability
4
(a) You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

(b) You must co-operate with any formal standards investigation whether the complaint is about you or another councillor.
Appendix B

Openness

5 (a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

Honesty

6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

(b) You must only use or authorise the use of the authority’s resources in accordance with the authority’s requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Respect for others

7 (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.

(b) You must not do anything which may cause your authority to breach any equality laws.

(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.

(d) You must not bully or harass any person, including other councillors, officers of the authority or members of the public.

(e) You must not make trivial or malicious complaints about other councillors and/or council officers.

Leadership

8 You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

B Registering and declaring pecuniary and non-pecuniary interests
1. Registering and declaration of interests should be made in accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

2. If you are present at a meeting and you have a Disclosable Pecuniary Interest

   (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter.

   (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent.

   (c) you must leave the room where the meeting is held during any discussion or vote

3. Where a matter arises at a meeting which relates to an interest in

   • any body to which you have been appointed or nominated by the Council
   • any body exercising functions of a public nature (for example a school governing body or another Council).
   • any body directed to charitable purposes
   • any body one of whose principle purposes includes the influence or public opinion or policy

   (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest at or before the item is considered or as soon as the interest becomes apparent.

   (b) you must consider whether the nature and extent of the interest is such that you are unable to consider the matter fairly or objectively.

   (c) if you consider you are unable to consider the matter fairly or objectively you must not participate in any discussion or vote upon the matter.

4. All declarations will be recorded in the minutes of the meeting at which the declaration is made.
A ‘sensitive interest’ is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority’s monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
Appendix C

Councillors Gifts and Hospitality Policy

Introduction

Councillors must be aware that when acting in an official capacity, it is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person. If any allegation is made which is supported by evidence, which indicates improper actions, the police may be informed and action may be taken by the Standards Sub-Committee.

Councillors should accept offers of hospitality only if there is a genuine need to impart information or represent the local authority in the community and then subject to certain conditions (set out below). Offers to attend purely social or sporting functions should be accepted only when these are part of your role as an elected representative or where the authority should be seen to be represented.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards that you as a Councillor are obliged to uphold.

Councillors should not accept personal gifts from contractors and outside suppliers, although you may keep insignificant items of a token value such as pens, diaries and calendars.

When receiving hospitality, Councillors should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality and your role in decision-making for the Council.

Acceptance by Councillors of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is given to you in your official capacity rather than personal, where it is of an appropriate value and where any purchasing or other financial decisions are not compromised.

See further guidance in Appendix 1
Gifts and Hospitality
Guidance for Councillors
1.0 INTRODUCTION

1.1 Local Government is a service to the public. The work of the Council is for their benefit and at their expense. It is carried out in public view and it is important that the Council responds positively to the challenge this provides. Policy developments at national level illustrate an increased focus upon the high standards expected of local government employees.

1.2 This guidance supplements the law, financial regulations, the Council’s Code of Conduct for Councillors, the Council’s Ethical Framework and the Council’s Anti-Fraud, Bribery and Corruption Statement.

1.3 This policy states the Council’s position in relation to the giving and receiving of gifts and hospitality by Councillors and provides a framework to ensure compliance with the relevant legislation. It is a policy which is approved and promoted by the Standards Sub-Committee. The Sub-Committee are responsible for reviewing and updating the guidance when required.

1.4 The Local Government Act 1972 forbids acceptance by any Councillor of any fee or reward other than proper remuneration. The Bribery Act 2010 which came into force on 1 July 2011 covers both public and private organisations and makes organisations responsible when individuals working on their behalf give or take bribes. Warrington Borough Council take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity at all times. In such circumstances these rules cover Councillors as well as Council employees (Council Employees have a Gifts and Hospitality Policy which is consistent with the principles in this policy).

2.0 PURPOSE

2.1 The receipt or provision of gifts and hospitality are not in themselves unlawful. However these may amount to bribery if given or received with the intention of improperly influencing business or regulatory decisions. It is, however a criminal offence to receive or give any gift, loan, fee, reward or advantage for doing or not doing something or showing favour or disfavour to any person in their official capacity. If such an allegation is made it is for the Councillor to demonstrate that any alleged rewards have not been corruptly obtained or provided. NOTE – this is an individual matter for the Councillor concerned. Legal and financial support will not be provided by the Council should such allegations be made.

The purpose of this guidance is to set out the Council’s policy on what is and what is not acceptable taking into account the particular nature of the business area concerned.

2.2 This Policy and Guidance also sets out the process for declaring gifts and hospitality...
and a central register will be maintained of such declarations by the Council’s Monitoring Officer.

3.0 SCOPE

3.1 This policy applies to all Warrington Borough Councillors included those who are co-optees on Council Boards and Committees.

4.0 PRINCIPLES

4.1 The principles of this policy are:

- Individuals covered by this guidance will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

- Councillors must refuse offers of gifts or hospitality where any suggestion of improper influence is possible. The acceptance of gifts or hospitality by Councillors from persons who have, or seek to have, dealings with the authority would be viewed by the public with grave suspicion and would make the Councillor concerned, and the Council, extremely vulnerable to criticism. This particularly applies where the offer is to an individual Councillor rather than on a corporate basis.

- Councillors will abide by the provisions of this policy and will not use their position within the Council for their personal gain or the personal gain of others.

- Gifts or hospitality of any nature should never be accepted from a tenderer at any stage in the tendering process. This includes the immediate period before or after tenders are invited and during the tender process including between invitation to tender and acceptance.

- Gifts or hospitality of any nature should never be accepted from an existing contractor during any period when the Council and the contractor are discussing amendment, extension or disputes in respect of any contract.

- Gifts are defined not only as material items but can also include offers such as loans, discounts and offers of employment which would provide a personal advantage to the recipient Councillor or their friends/family.

4.2 To a large extent the reputation of local government depends on the conduct of its Councillors and employees and what the public believes about their conduct. Councillors are expected to use common sense in assessing any situation where improper influence could be construed and no Councillor should do anything which could give rise to accusations of improper influence and which could not be justified publicly.
4.3 If any Councillor is in any doubt about the right course of action to take he/she can seek the advice of the Monitoring Officer. Councillors may also wish to seek advice from their own party leader/group and/or whip if possible.

5.0 GIFTS

5.1 Councillors should tactfully refuse any personal gifts offered to him/her or to a member of his/her family by or indirectly attributable to, any person or body (i.e. a contractor or supplier) who has, or may have, dealings of any kind whatsoever with the authority. This applies equally to accepting gifts from persons or a body that has applied, or may apply, to the Council for any planning, licensing or other kind of decision.

The only exceptions to this rule are:

- Small gifts of only token value (£25.00 or less) often given by way of trade advertisements or of a promotional nature to a wide range of people, e.g. calendars, diaries, mugs, pens, office stationery and similar articles for use in the office.
- Small gifts of only token value (£25.00 or less) given on the conclusion of a courtesy visit, e.g. to a factory or other premises.
- Gifts/token presentations from foreign visitors/dignitaries e.g. presentation wine glasses and pennants which should be retained on Council premises for Civic display.
- Small gifts (value not exceeding £25.00) where the Councillor concerned and also perhaps his/her spouse are personal friends of the donor and where refusal would be regarded as inappropriate. In such cases however, whilst the gift may be accepted the Councillor concerned should explain to the donor the problems of accepting such gifts in the future. Non-perishable items should be considered for donation to the Mayor’s Charity.

NOTE - Consideration should be given to the reason, timing and value of a gift. Gifts should never be accepted if it is clear that the gift is being offered secretly. Cash gifts of any value are never to be accepted.

5.2 In the event that an employee is offered a gift as a “thank you” in appreciation of good customer service. This should generally be politely refused. However, where the gift is a token of appreciation (£25.00 or less) such as flowers or chocolates and it would cause offence to be refused they can be accepted, but non-perishable items should be considered for donation to the Mayor’s Charity. Anything other than a small token gift must be refused with an explanation that it is not possible to accept such gifts.

5.3 In the event of any employee receiving a gift without warning which does not fall in any of the exceptions mentioned above this should immediately be handed in to
Democratic Services where the Councillor can seek advice and a decision can be made as to whether the gift should be returned or whether it could be forwarded to the Mayor’s Charity Fund (see paragraph 5.5 below) or other deserving cause. In such cases, the person making the decision should inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

5.4 **Acceptable but only if donated to Mayor’s Charity Fund**

Certain uninvited gifts from suppliers/contractors may be accepted which would either be difficult to return or which would cause offence if they were returned. These gifts should not be retained by the individual who received them but should be forwarded to Democratic Services, recorded in the appropriate register and donated to the Mayor’s Appeal. These items may include:

- Bottles of wine and spirits
- Boxes of biscuits, chocolates and Easter Eggs
- Books
- Decorative objects such as glass tankards, glass crystal, china ornaments and paperweights
- Prize draw items which take place at trade events where the clear intention is to promote the business (e.g. hampers)

5.5 **If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.**

5.6 With the exception of the gifts described in sections 5.1 and 5.2 above and which are under the value of £25.00, **in all other cases a record should be kept of all gifts offered and whether they were accepted or not.** The action taken should be recorded in the appropriate Gifts and Hospitality register. The process for the recording of gifts and hospitality is outlined as an appendix to this policy.

5.7 There may be occasions where the **giving** of a gift by a Councillor(s) in their official capacity may be appropriate. This would normally be a gift of a civic nature to official visitors to the town and would be something of relevance to the Council or the town such as artefacts bearing the Council crest. These would normally be of nominal value. Small promotional items such as pens or coasters bearing the Council logo may be made available for promotional or marketing purposes or for events such as recruitment fairs. The purchase of any such items would be subject to the Council’s financial regulations and the established approvals process for purchasing. The giving of such gifts should be co-ordinated in consultation with the Democratic Services Manager.

6.0 **GIVING AND RECEIVING HOSPITALITY**
6.1 Any hospitality given by Councillors should be justified as in the public interest. It should always be given in the name of the Council and not in the name of the individual Councillor with the exception of the Mayor and Deputy Mayor when acting in their official capacity. The hospitality given should be on a scale appropriate to the occasion and must not be extravagant. To ensure consistency if there is any doubt about what is appropriate, officers should contact Democratic Services. In any event, gifts and hospitality offered at the expense of the Council budget must be in accordance with the Council’s contract and financial procedure rules.

6.2 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.

6.3 Reasonable and appropriate hospitality can only be accepted and/or offered if it is to meet any of the following criteria

(a) establishing or maintaining good business relationships;

(b) improving or maintaining our image or reputation; or

(c) marketing or presenting our products and/or services effectively.

6.4 Wherever hospitality is offered to a Councillor this must be recorded in the Councillors’ Gifts & Hospitality register. The procedure for doing this is contained in this guidance. The record must also show whether the hospitality was accepted or refused. Where more than one Councillor attends an event an individual declaration form must be completed in respect of each Councillor. The record must show why the hospitality is going to be accepted and what benefit it provides to the Council (as referred to in paragraph 6.3). Further, it must confirm that the principles of this policy (as set out in paragraph 4.1) have been met.

6.5 If there is any doubt about whether hospitality may be accepted then the hospitality should be politely and tactfully refused.

6.6 If any Councillor is in any doubt about the right course of action to take he/she can seek the advice of the Monitoring Officer. Councillors may also wish to seek advice from their own party leader/group and/or whip if possible.

6.7 The following are examples of hospitality that is acceptable:

- Invitations to attend functions where the employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or functions which they attend by virtue of their position.
- A working lunch provided to enable the parties to continue to discuss business.
- Attendance at an event held at a Council owned venue or hosted/sponsored by the Council to the extent that is reasonable and the employee is
representing the Council in an official capacity i.e. by virtue of their position within the Council.

- Attendance at an Awards Ceremony either as a judge or a nominee.

6.8 Personal invitations to sporting events or other entertainment with representatives from a company or organisation which has dealings with the Council would normally not be acceptable. However, there may be a rare occasion when it is deemed to be appropriate for the Council to be represented at a particular function for commercial or marketing reasons and the benefits to the Council of such hospitality must be clear (see paragraph 6.3 above and 6.8 below). Any such offers must be reported and recorded whether accepted or not (see 6.4 above).

6.9 The following checklist should be considered in order to assess any potential conflict:

a) Is the donor, or the event, significant in the community or in the Council’s area?

b) Are you expected to attend because of your official role and/or responsibilities as a Councillor?

d) Will the event be attended by other Councillor or Councillors in other Authorities?

e) Have you considered the motivation behind the invitation?

f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future decision-making/matter involving this Council?

g) Could you justify the decision to the Council, press and public?

h) Would you be comfortable with your decision being disclosed under an FOI request or being reported in the press?

i) Is the extent of the hospitality reasonable and appropriate?

j) How will you respond to the hospitality?

An example of what is not acceptable:

You are offered tickets to a major sporting event, but only if they agree to do business with the person/organisation offering the tickets.

This would be a bribery offence as the person/organisation making the offer stands to gain a commercial and contractual advantage. It may also be an offence for the Council and Councillor(s) to accept the offer.
7.0 SPONSORSHIP – GIVING AND RECEIVING

7.1. If an organisation wants to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors, potential contractors and other businesses/individuals who often make applications/requests to the Council.

7.2. If the Council sponsors an event or service, Councillors or anyone connected with a Councillor may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, impartial advice must be given and there must be no conflict of interest.

7.3 Council Sponsorship must not be received by or provided to political organisations.

8.0 RAISING CONCERNS

8.1 It is the responsibility of all Councillors, Council employees, contractors and partners to be vigilant regarding improper offers and/or acceptance of gifts and hospitality.

8.2 The Council has a secure route to raising any concerns via our whistleblowing procedure, the link for guidance on the use of this policy is provided here:

https://intranet.wla.int/Employee/Documents/whistleblowing%20policy.pdf#search=whistleblowing%20policy
PROCEDURE FOR THE DECLARATION OF GIFTS AND HOSPITALITY

1. All declarations of Gifts and Hospitality must be made on the standard Council pro forma.

2. Blank forms are attached and should be forwarded to the Monitoring Officer where a central register will be maintained. It is the responsibility of the Councillor concerned to ensure that the form is completed correctly and submitted as required and that this is done promptly.

3. The forms will be reviewed on a regular basis including a regular assessment by the Council’s internal auditors.

4. All gifts which are above the value of £25.00 must be declared whether accepted or not. The only exceptions are those gifts which are both valued at £25.00 or less and fall within the definitions provided at paragraphs 5.1 and 5.2 of the policy. If accepted what happens to those gifts i.e. given to the Mayor’s charity must also be detailed.

5. All offers of hospitality whether accepted or not must be declared and the outcome recorded.
Hospitality Offered To Councillors

Offers of gifts or hospitality, other than the exceptions of low value gifts, whether accepted or not, must be formally registered using this form, within 10 working days of offer. For further details and information please see above. Particular reference should be made to paragraph 6.8.

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact no:</th>
</tr>
</thead>
<tbody>
<tr>
<td>E mail address</td>
<td></td>
</tr>
</tbody>
</table>

I confirm that I have been offered gifts / hospitality as follows:

<table>
<thead>
<tr>
<th>Details of gift / hospitality</th>
<th>Date of hospitality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimation value</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organisation/person offering gift /hospitality (6.7b)</th>
<th>Relationship of organisation/individual with the Council</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reason for the gift / hospitality being offered (6.7e)</th>
<th>If you have refused the hospitality or refused/returned the gift, please tick here (6.7f)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reason for acceptance if accepted to include benefit to the council (6.7i)</th>
<th>Signed</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Monitoring officer signature</th>
<th>Date</th>
</tr>
</thead>
</table>
Declaration of Gifts or Hospitality Provided

Employees should seek approval from the relevant Executive Director or the Chief Executive BEFORE giving gifts or providing hospitality.

All such gifts and hospitality must be declared using this pro forma and forwarded to the Office of the Council’s Monitoring Officer to be held in the central record.

For further details and information please see above. Particular reference should be made to paragraph 6.7.

<table>
<thead>
<tr>
<th>Name</th>
<th>Directorate</th>
</tr>
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<tbody>
<tr>
<td>Service</td>
<td></td>
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<tr>
<td>Contact no:</td>
<td></td>
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<tr>
<td>E mail address</td>
<td></td>
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</tbody>
</table>

I confirm that I propose to provide gifts / hospitality as follows:

<table>
<thead>
<tr>
<th>Details of gift / hospitality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of hospitality</td>
</tr>
<tr>
<td>Estimated value</td>
</tr>
<tr>
<td>Organisation/person to whom gifts / hospitality are to be offered. (Where multiple organisations they can be listed together here).</td>
</tr>
<tr>
<td>Relationship of organisation/individual with the Council</td>
</tr>
<tr>
<td>Reason for the gift / hospitality being provided and the benefits to the Council</td>
</tr>
<tr>
<td>Signed</td>
</tr>
<tr>
<td>--------</td>
</tr>
</tbody>
</table>

Comments by authorised signatory:
(e.g. reasons for supporting the proposal)

<table>
<thead>
<tr>
<th>Authorised signature</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Monitoring officer signature</th>
<th>Date</th>
</tr>
</thead>
</table>

Date recorded on the central register: