

<b>Committee:</b>	<b>Date:</b>
Standards	14 <sup>th</sup> June 2013
<b>Subject:</b> Decisions taken under Delegated Authority or Urgency	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>
<p><b><u>Summary</u></b></p> <p>This report provides details of action taken by the Town Clerk, in consultation with the Deputy Chairman and the senior serving Member of the Standards Committee, in accordance with Standing Order No. 41(b) since the last meeting of the Standards Committee.</p> <p><b>Recommendations:-</b></p> <p>That the action taken since the last meeting be noted.</p>	

## **Main Report**

### **Background**

1. Standing Order Nos. 41(a) and 41(b) provide mechanisms for decisions to be taken between scheduled meetings of the Standards Committee, either where it is urgently necessary that a decision be made (Standing Order 41(a) or where the Committee has delegated power for a decision to be taken (Standing Order No.41(b)).

### **Decisions Taken under Urgency Procedures**

2. The following action was taken under **delegated authority procedures** (Standing Order No. 41(b)), since the last meeting of the Committee:-

- **Guidance for Members in respect of registering gifts and hospitality**

At its meeting on the 8th February 2013, the Standards Committee discussed the introduction of a local arrangement whereby Members of the Court would be encouraged to register one-off gifts and hospitality, possibly of a higher value than previously required to reflect the nature and regularity of the gifts and hospitality that some Members were offered. It was felt that a local arrangement should be introduced, although a number of differing views were expressed as to whether such an arrangement should be mandatory or voluntary.

The Committee agreed that as the focus should be on maximising transparency, a local arrangement for registration of gifts and hospitality

should be introduced on a voluntary basis and guidance provided for Members about what was likely to constitute a breach of the Nolan principles in respect of receiving and not declaring gifts and hospitality. Consequently, the Committee agreed that, following the Ward elections, guidance be circulated to all Members about the introduction of new arrangements for registering one-off gifts and hospitality received to the value of £250 and above, and cumulative gifts and hospitality to the value of £500 and above, from a single source over a 12 month period. Whilst this would not be compulsory the Committee agreed that, as of 1st April 2013 and following the 2013 Ward elections, all Members would be encouraged to register gifts and hospitality as set out above.

### **Reason for delegated authority**

3. As the Ward elections were due to take place on 20<sup>th</sup>/21<sup>st</sup> March 2013 and the Committee was not scheduled to meet until May 2013, it was agreed that delegated authority should be granted to the Town Clerk in consultation with the Deputy Chairman and Mr Malins to approve the wording of guidance to Members' in respect of registering gifts and hospitality, as attached. This guidance could then be circulated to all Members at the earliest opportunity after the Ward elections.

### **Conclusion**

4. Members are asked to note the contents of this report and the guidance as set out at **Appendix 1**, which was circulated to all Members of the Court in early April.

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### ***Guidance to Members - Declaring gifts and hospitality***

Only those interests defined as disclosable pecuniary interests in the regulations are required to be registered and/or disclosed in every case. However, in accordance with the Nolan Principles and the general duties set out in the Code of Conduct, Members are required to disclose any other interest at a meeting where it is felt, in relation to a specific item of business, that the interest warrants disclosure.

The Standards Committee considers that such a disclosure is likely to be necessary in relation to one-off gifts and hospitality to the value of £250 or more, and cumulative gifts and hospitality to the value of £500 or more from a single donor in a financial year i.e. ending on 31<sup>st</sup> March.

If an item of business arises at a meeting that relates to such a donor, the Standards Committee would normally expect this interest to be disclosed. If a complaint were to be received in relation to non-disclosure by a Member, then (subject to hearing all of the facts) the Standards Committee may be minded to find that there had been a breach of the Code.

Therefore, the Standards Committee is introducing a local voluntary arrangement whereby Members are encouraged to register the receipt of all gifts and hospitality equalling or exceeding the above values. In the same way as for disclosable pecuniary interests, prior registration will constitute disclosure of the interest, meaning that a further disclosure at the meeting is not required. This will assist Members in complying with the Code. It will also provide transparency of Members' actions to the public. The new arrangement will come into effect as of 1st April 2013.

A member's participation in relation to an item in which they have such an interest will need to be considered by the member on a case by case basis. In the spirit of the Localism Act the Standards Committee would expect that a member would only be precluded from participation in exceptional circumstances e.g. where there is a real danger of bias. Members are encouraged to seek advice from the City Solicitor on such matters.

### **Registering your gifts and hospitality**

Your up-to-date register of interests, including any disclosed gifts and hospitality, is published via your Members' page on the Corporation's

webpages. Where you wish to register any received gifts and hospitality, please contact the Committee and Member Services Team via email or on telephone: 020 7332 1427 or 020 7332 1434 specifying the following details:

- description of the gift or hospitality (i.e. tickets to a performance);
- the date it was received;
- from whom the gift or hospitality was received; and
- an approximate value (and cumulative value, if appropriate).

### **Gifts and hospitality that do not need to be disclosed**

Gifts and hospitality provided by the City Corporation, or received by a Member whilst acting as an official representative of the City Corporation, do not need to be disclosed – this will include:

- committee dinners
  - lunches associated with committee visits
- any gifts or hospitality provided to the office of Lord Mayor or Sheriff (but not including gifts retained by the individual, as opposed to the City Corporation)
- hospitality offered as part of City Corporation related events such as MIPIM (events approved by the Policy & Resources Committee)
- local government dinners
- garden parties at Buckingham Palace (if tickets via City Corporation)
- tickets to sporting and cultural events (where the Member is the appointed representative of the City Corporation e.g. Olympics tickets in summer 2012)
- tickets to events at the Barbican Centre, or Guildhall School of Music and Drama (if tickets via City Corporation).

In addition, a Member only has to disclose gifts or hospitality received by virtue of being a Member – this will not normally include gifts or hospitality received from friends or family. Members should apply honesty and common sense when they consider how receipt of a gift or hospitality might be interpreted. For example, if the Member is the Chairman of the Planning Committee, and a birthday present arrives from an applicant just before a planning application is due to be considered, then the Member should think about how this would be interpreted by a reasonable member of the public. If in doubt, the Member should disclose the interest.

As set out above, Members do not need to disclose gifts and hospitality that do not reach the £250 one-off threshold or £500 cumulative threshold. Some examples of gifts and hospitality that are unlikely to reach the £250 threshold are as follows:

- livery company dinners
- drinks receptions (where only drinks and canapés are served)
- standard commemorative gifts including pin badges, published materials, ties, paper weights, plaques.

### **Gifts and hospitality that are likely to require disclosure**

Some examples of gifts and hospitality that are likely to reach the £250 threshold are as follows:

- overseas trips
- exceptional evening dinner events (i.e. pre-dinner drinks, three course, silver service meals, all drinks)
- bespoke gifts that have been sourced/ made specifically for the Member (e.g. an engraved crystal vase, or a gold picture frame with a signed limited edition print)
- hospitality packages including lunch or dinner and tickets to a sporting or cultural event.

Caution should be exercised where the offer of any gift or hospitality is over and above what could reasonably be viewed as ancillary to the business being conducted, or is wholly unrelated to the business being conducted.

Particular caution should also be exercised by Members involved in determining regulatory matters (licensing, planning) and making decisions that affect the financial position of others.

**Further information regarding Members' declarations can be obtained from the Comptroller & City Solicitor or the Committee and Member Services Team.**