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| CONSTITUTION AND ETHICS COMMITTEE | AGENDA ITEM No. 5 |
| 12 OCTOBER 2020 | PUBLIC REPORT |

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| Report of: | Fiona McMillan, Director of Law and Governance and Monitoring Officer | |
| Cabinet Member(s) responsible: | Councillor David Seaton, Cabinet Member for Finance | |
| Contact Officer(s): | Amy Brown, Senior Lawyer and Deputy Monitoring Officer Philippa Turvey, Democratic and Constitutional Services Manager | 452 617 452 460 |

MEMBERS' GIFTS & HOSPITALITY POLICY

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| R E C O M M E N D A T I O N S | |
| FROM: Fiona McMillan, Monitoring Officer | Deadline date: N/A |
| It is recommended that the Constitution and Ethics Committee review and approve the proposed changes to the Members' Gifts and Hospitality Policy. | |

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee at the request of the Monitoring Officer in ensuring the overall good governance of the Council and Member compliance with the Code of Conduct.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this Report is to provide an opportunity for members to review the current Policy and to consider and approve the proposed amendments, which have been suggested in order to provide greater transparency and clarity around the management of gifts and hospitality.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2:

"Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council".

3. TIMESCALES

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| Is this a Major Policy Item/Statutory Plan? | NO | If yes, date for Cabinet meeting | N/A |
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4. BACKGROUND AND KEY ISSUES

- 4.1 As per the Policy, whilst there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that accepting any gift, loan, fee, reward or advantage whatsoever, as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, will amount to a criminal offence (carrying a maximum term of imprisonment of 10 years or a fine or both). Additionally, the Code of Conduct provides that Members must serve the public interest rather than acting in the interests of any particular individual or section of the community and it is a breach for members to place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Having regard to the above it is important that the Council maintains a clear and transparent Policy which sets out the arrangements that have been put in place for the management of gifts and hospitality. This assists in protecting the reputation of Members and the Council as a whole and ensures that a consistent and robust approach is being taken.

5. CONSULTATION

- 5.1 None.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that if approved, the Policy will assist Members in determining how to manage offers/receipt of gifts and hospitality and the associated governance process for reporting and recording this.

7. REASON FOR THE RECOMMENDATION

- 7.1 The recommendations reflect the need to update the Policy which has the overall aim of providing greater clarity and transparency in relation to the management of gifts and hospitality.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The status quo could be maintained in which case the Policy would remain the same. It is acknowledged that the current Policy is completely compliant with all required legal and constitutional obligations, the revised version builds upon that.

9. IMPLICATIONS

Financial Implications

- 9.1 None

Legal Implications

- 9.2 The legal implications are as set out in this Report.

Equalities Implications

- 9.3 None.

10. BACKGROUND DOCUMENTS

- 10.1 *None.*

11. APPENDICES

- 11.1 Appendix 1 – Proposed Amendments shown as track changes
- Appendix 2 – Proposed Amendments shown without track changes for ease of reference

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