

Greater Manchester Combined Authority

Standards Committee

Date: 11 December 2024

Subject: Gifts & Hospitality

Report of: Gillian Duckworth, Group Solicitor & Monitoring Officer

Purpose of Report

This report provides the Standards Committee an opportunity to seek clarity on the current Constitutional rules for the declaration of gifts and hospitality and consider the suggested amendments.

Recommendations:

The GMCA Standards Committee is requested to

1. review and consider the GMCA Constitution's rules in relation to gifts and hospitality
2. endorse the proposed changes to paragraph 5.1, 5.2 and section 6 (appendix 2) in line with the protocol for recording gifts and hospitality.

Contact Officers:

Nicola Ward, Deputy Head of Governance, GMCA.

1. Introduction/Background

Part of the role of all GMCA elected members is to actively promote the city region amongst networks both locally, nationally and internationally.

The GMCA Constitution sets out rules in relation to the acceptance of gifts and hospitality. However, it is recognised that the application of these rules needs to ensure complete transparency whilst equally not hindering the promotion of Greater Manchester.

The protocol attached at appendix 1 has been written to define specific practices in line with constitutional rules that should be applied when an elected member of the GMCA (or its committees) is offered a gift or hospitality in their GM capacity.

2. General rules regarding gifts and hospitality

The Bribery Act 2010 provides that it is a criminal offence for a Member to request, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity.

The GMCA Constitution advises that members *should treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the GMCA or may be applying to the GMCA for some sort of decision in respect of which it is imperative that the member's independence should not be compromised.*

The Local Government Association Model Code of Conduct states that *in order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered.*

3. Gifts

With the GMCA's increasing public profile, it will continue to be the case that members of the public or organisations within and outside of Greater Manchester could send gifts to

members of the GMCA, therefore it is important that there is a clear protocol for the acceptance and refusal of gifts.

The GMCA Constitution states that *a member should refuse any gift offered to them or to an immediate relative of the member, by any person who has or may seek to have dealings with the GMCA. It is recommended that members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift.*

Members are requested to notify to the Monitoring Officer all gifts and hospitality received of one hundred pounds or more in line with the Code of Conduct. Promotional gifts will usually be less than one hundred pounds in value so generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift. Cash or monetary gifts should always be refused without exception.

The Constitution goes on to say that *where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the GMCA or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer and Chair of the Standards Committee.*

4. Hospitality

It is expected that members of the GMCA will attend public events, to build connections, take part in discussions and formally speak to audiences. Alongside these events, members are likely to be offered hospitality.

The GMCA Constitution states that *it is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that members' judgment would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality of one hundred pounds or more is required by the Code of Conduct to be registered.*

Some examples of hospitality which may be acceptable follow, but much may depend on the particular circumstances, for example who is providing the hospitality, why the member is there and the nature of the dealings between the Authority, the member and the provider of the hospitality:

- i. A working meal provided to allow parties to discuss or continue to discuss business.*
- ii. An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the GMCA has contact.*
- iii. Invitations to attend functions where the member represents the GMCA (opening ceremonies, public speaking events, conferences).*

Any hospitality accepted over the value of £100 should be formally declared via the GMCA website, however members are urged to err on the side of caution, and if speak to the Monitoring Officer should there be any concerns regarding the integrity of the invitation.

The GMCA Constitution currently provides the following examples of unacceptable hospitality:

- i. Holidays, including accommodation and travel arrangements
- ii. Offers of theatre tickets for the member and their family or free travel
- iii. Personal invitations for evenings out with representatives from a company or firm who have dealings with the GMCA or who are likely to have dealings in the future.

5. Proposed Changes

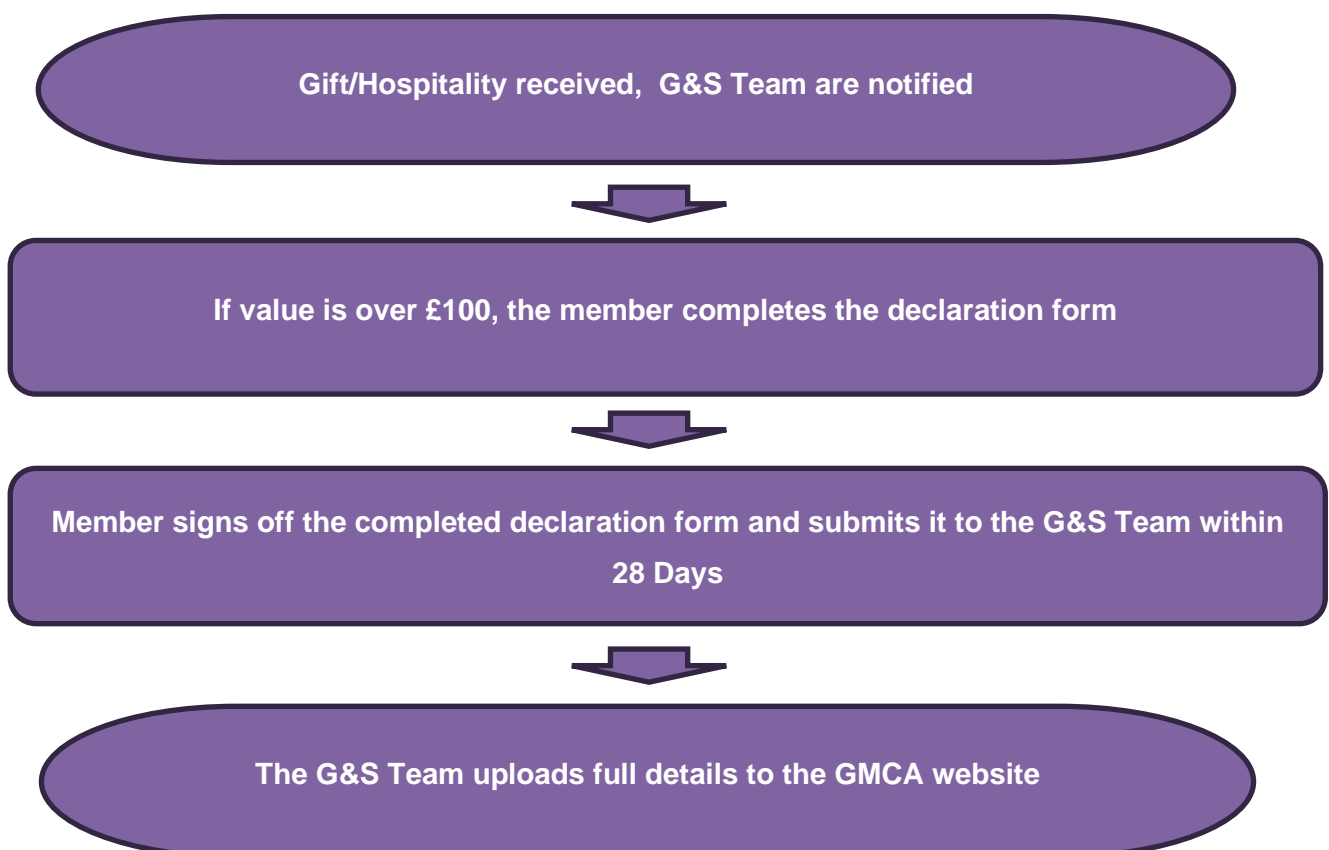
To ensure that offers of hospitality can be assessed appropriately on a case by case basis, it is proposed to remove paragraph 5.1 (see appendix 2 for the relevant extract).

Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear. It is suggested that the Constitution wording be amended in paragraph 5.2 (see appendix 2 for the relevant extract) to reflect this. Breaches of this guidance may result in a breach of the Code of Conduct for members.

In line with the protocol detailed in appendix 1, it is proposed to amend the wording in the Constitution in section 6 (see appendix 2 for the relevant extract) to identify the appropriate process for notifying the GMCA of any received gifts or hospitality.

Appendix 1 - Protocol for recording gifts & hospitality

1. Upon receipt of a gift or offer of hospitality the members of the GMCA should notify the Governance & Scrutiny Team.
2. If the value is over £100 (or cumulatively), members are to complete the declaration form detailing date, gift, amount, from whom and whether it was accepted/declined.
3. If the member has any concerns about the integrity of the gift or hospitality, they should seek advice from the Group Monitoring Officer.
4. The member is to sign off their completed declaration forms, which are to be formally submitted to the Governance & Scrutiny Team within 28 days of the gift or hospitality being received.
5. The Governance & Scrutiny Team are to upload details of these gifts or hospitality to the GMCA website for transparency.



Appendix 2 –

GMCA CONSITUTION

SECTION B: GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS

1 General Introduction

1.1 The Code of Conduct requires Members to notify the Monitoring Officer in writing of any gift or hospitality he/she receives which may be to the value of one hundred pounds or more. It is also a breach of the Code to act in such a way as to bring the GMCA into disrepute or for a member to use his/her position as a member of the` GMCA improperly to confer on or secure for him/herself or any other person advantage or disadvantage.

1.2 The following guidance aims to assist members in complying with the Code of Conduct for Members but it also goes beyond these basic provisions and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

1.3 Standards Committee will review this guidance every two years, unless new legislation requires the guidance to be updated before the next scheduled review.

2 Legal Position

2.1 The Bribery Act 2010 provides that it is a criminal offence for a Member to request, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such rewards have not been corruptly obtained.

3 Gifts and Hospitality

3.1 Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the GMCA or may be applying to the GMCA for some sort of decision in respect of which it is imperative that

the member's independence should not be compromised.

3.2 The following rules should be applied: Other than the exceptions ~~listed in (b)~~ below a member should refuse any gift offered to them or to an immediate relative of the member, by any person who has or may seek to have dealings with the GMCA. It is recommended that members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (~~unless the gift falls within I or II below~~). The Monitoring Officer will maintain the register for this purpose.

3.3 The exceptions where it may be appropriate to accept a gift are set out below. Members should note that the Code of Conduct for Members requires all gifts and hospitality of one hundred pounds or more to be notified to the Monitoring Officer, who will maintain a register for this purpose.

3.4 The gift is of purely token, advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will usually be less than one hundred pounds in value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.

3.5 A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the GMCA. Again because such gifts would be of a small value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.

3.6 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out above.

3.7 Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the GMCA and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the one hundred pounds specified in the Code). The Monitoring Officer in consultation with the chair of the Standards Committee will determine whether it is appropriate to retain the gift in question.

3.8 Whilst it may be acceptable to accept a token or small gift on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

4 Hospitality

4.1 It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that members' judgment would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality of one hundred pounds or more is required by the Code of Conduct to be registered. However, members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the one hundred pounds limit specified in the Code.

4.2 Some examples of hospitality which may be acceptable follow, but much may depend on the particular circumstances, for example who is providing the hospitality, why the member is there and the nature of the dealings between the Authority, the member and the provider of the hospitality:

- i. A working meal provided to allow parties to discuss or continue to discuss business.
- ii. An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the GMCA has contact.
- iii. Invitations to attend functions where the member represents the GMCA (opening ceremonies, public speaking events, conferences).

5 Unacceptable Hospitality

~~5.1 The following are examples of unacceptable hospitality:~~

- ~~i. Holidays, including accommodation and travel arrangements~~
- ~~ii. Offers of theatre tickets for the member and their family or free travel~~
- ~~iii. Personal invitations for evenings out with representatives from a company or firm who have dealings with the GMCA or who are likely to have dealings in the future.~~

5.21 Members are again urged to err on the side of caution and if in any doubt as to the integrity of the offer / invite the member should ~~consult~~ seek advice of the Monitoring Officer or refuse.

6 Notifications

6.1 Notifications of gifts and hospitality should be sent to the Head of Paid Service Governance & Scrutiny Team who will administer the register on behalf of the Monitoring Officer.

6.2 A form for this purpose is available from the Head of Paid Service Governance & Scrutiny Team.

7 The Register

7.1 The Register referred to in this protocol will be subject to scrutiny by the Standards Committee and regular inspection by the Monitoring Officer, the Deputy Director of Internal Audit. The Register of Gifts and Hospitality of one hundred pounds or more should be available for public inspection. For consistency registrations as regards gifts & hospitality offered and refused, or gifts and hospitality of a value less than one hundred pounds will also be available for public inspection.

8 Gifts Which Cannot Be Retained

8.1 Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the GMCA or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer and Chair of the Standards Committee.

9 Advice and Sanctions

9.1 Members are advised to seek the advice of the Monitoring Officer in cases where

their position is unclear. Breaches of this guidance may result in a breach of the Code of Conduct for members.

9.2 Breaches of this guidance which do not result in a breach of the Code of Conduct will be reported by the Monitoring Officer to the Standards Committee.