

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Annual Review of Declarations of Interests, Gifts & Hospitality by Officers 2021/22
Meeting date	28 July 2022
Status	Public Report
Executive summary	<p>An annual review and update of the Council's Declaration of Interests, Gifts & Hospitality Policy took place in March 2022.</p> <p>The recommendations arising from the Internal Audit review on compliance with the Declaration of Interests, Gifts & Hospitality Policy last year have all been implemented.</p> <p>There have been no internal or external identified instances, whistleblowing or reports by any other means where an undeclared interest by officers has led to any disciplinary action or led to reputational damage.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Audit & Governance Committee note the annual review of Register of Declarations of Outside Interests and Receipts of Gifts & Hospitality by Officers (2021/22).</p>
Reason for recommendations	To provide Audit & Governance Committee with assurance on the adequacy and robustness of the Council's arrangements for the declaration of interests, gifts and hospitality by officers.
Portfolio Holder(s):	Cllr Drew Mellor, Leader of the Council
Corporate Director	Graham Farrant, Chief Executive
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Wards	Council-wide
Classification	For Information

Background

1. A new BCP Council Declaration of Interests, Gifts and Hospitality Policy (for officers) was introduced on 1 April 2020 and has thereafter been subject to annual evolutionary changes. Officers are responsible for maintaining their declarations in as near to real-time as is practical, in other words officers will not be waiting to make declarations on an annual basis.

2. The purpose of the Policy is to protect the Council and employees against conflicts of interest and allegations of impropriety. The public must be confident that decisions made by employees of whatever nature are made in the interests of BCP Council and the community it serves and are not influenced inappropriately by the interests of individual employees, their relatives or friends.
3. This report aims to provide Audit & Governance Committee with assurance on the adequacy and robustness of the Council's arrangements for the declaration of interests, gifts and hospitality by officers.

Annual Review of BCP Declaration of Interests, Gifts and Hospitality Policy

4. An annual review of the Council's Declaration of Interests, Gifts & Hospitality Policy took place in March 2022 and the revised policy was approved by Audit & Governance Committee (17 March 2022).
5. Several changes were made to the policy including:
 - clarifying the need for officers to comply with the policy when 'local arrangements' may exist,
 - clarifying officer responsibilities under the policy,
 - providing further guidance/clarification on gifts,
 - making declaration forms clearer on how the approving manager has made their decision about any declarations and the need, or not, for any measures to manage actual or perceived conflicts, and
 - including a 'frequently asked questions' section in the policy.
6. A corporate communication on the updated Declaration of Interests, Gifts and Hospitality Policy (along with other Finance Policies) was issued to all staff (including senior managers) in May 2022.
7. A new 'landing page' was created for the policy on the BCP Intranet which provides an overview of the key policy requirements including how to make a declaration, when to declare an interest and the process to follow regarding gifts and hospitality.
8. As in previous years, the requirement for all staff to complete mandatory training during the year (in particular the Fraud Awareness module) will further improve Policy awareness.

Internal Audit Report on Declaration of Interests, Gifts and Hospitality, and other work

9. An Internal Audit review was carried out last year (May 2021) on arrangements in place to ensure adequate staff awareness of the Declaration of Interests, Gifts & Hospitality Policy and declarations were being made, as necessary.
10. The audit review resulted in a 'Reasonable' assurance opinion and 5 recommendations being made (4 medium priority and 1 low priority). All recommendations have now been addressed.
11. Internal Audit carried out a review of data matching results provided by the National Fraud Initiative on BCP employees matched to Companies House directors (which also included payments made to those companies). Some employees were reminded of the need to declare such interests under the Council's Policy.
12. Through work carried out by Internal Audit recently on the Policy required completion of Form 2's by all Tier 4 and above officers (which did require chasing of some forms) it was established that 97 out of 100 (97%) senior officers had completed and returned these forms to the Monitoring Officer. The three outstanding forms relate to newly appointed permanent officers in Children's Services and further work is being undertaken to ensure these are submitted to the Monitoring Officer in line with the Policy.

Declaration of Interests, Gifts and Hospitality Policy Enforcement and Sanctions

13. Employees must comply with the requirements of the Policy and any failure to do so is a disciplinary matter, and disciplinary action may be taken regardless of whether the actions amount to a criminal offence.
14. During the 2021/22 financial year there have been no internal or external identified instances, whistleblowing or reports by any other means where an undeclared interest has led to any disciplinary action or led to reputational damage.

Options Appraisal

15. An options appraisal is not applicable for this report.

Summary of Financial Implications

16. There are no direct financial implications from this report.

Summary of Legal Implications

17. The Bribery Act 2010 makes it an offence for an employee to give advantage to someone in return for favours in relation to the Council's business.
18. Section 117 of the Local Government Act 1972 requires that employees notify the authority in writing of any direct or indirect financial interests which they have in any Council contracts, or proposed contracts, of which they become aware. Breach of Section 117 is a criminal offence subject to a fine.

Summary of Human Resource Implications

19. There are no direct environmental implications from this report.

Summary of Environmental Impact

20. There are no direct environmental implications from this report.

Summary of Public Health Implications

21. There are no direct public health implications from this report.

Summary of Equality Implications

22. There are no direct equality implications from this report.

Summary of Risk Assessment

23. There are no direct risk management implications from this report.

Background Papers

None

Appendices

None

BCP Declaration of Interests, Gifts & Hospitality (for officers) - [Internal access link](#)