

Guidance for Members and Co-opted Members on Gifts and Hospitality

1.0 Introduction

1.1 This guidance is for Members of the Authority and co-opted members (voting and non-voting) so that they can avoid situations where their integrity may be questioned as a result of the offer or receipt of gifts and hospitality. As no hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate, this guidance is intended to enable you to make your own decision.

2.0 General Caution

2.1 Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality. Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally as the person or organisation making the offer may be doing business or seeking to do business with the Council, or may be applying to the Council for some sort of decision e.g. planning approval. It may not always be obvious that this is the case, but it is imperative that your independence should not be compromised.

2.2 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, **having regard to how it might be perceived by third parties.**

3.0 Registering Offer/ Receipt of Gift/ Hospitality

3.1 The Code of Conduct for Members and Co-opted members requires that you must register details of any persons from whom you have personally received a gift or hospitality with an estimated value of at least £50 in connection with your official duties. In the interests of openness and transparency it is also recommended that any gifts/ hospitality which have been offered and refused should also be declared. You should register the offer/acceptance of the gift or hospitality as soon as possible and include details regarding the source and nature of it.

3.2 Where you have received a gift/ hospitality over the value of £50 and it becomes apparent at a meeting of the authority that there is business under discussion which is relevant to the person who made the offer/ gift/ hospitality, you must disclose the existence and nature of this at the meeting (i.e. business relating to the interests of the person or body giving the gift or hospitality). This disclosure requirement does not however apply to gifts and hospitality registered more than 3 years ago.

3.3 Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £50, Members are encouraged to register any significant gift or hospitality they receive below this value. There is no

obligation to make a disclosure in relation to gifts and hospitality which are below £50 in value.

4.0 Legal Position

4.1 The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. The Act also makes it an offence to request, agree to receive, or accept a bribe. A corporate offence is committed where a commercial organisation fails to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organization.

4.2 It is also criminal offence to solicit or receive any gift, reward or advantage as an inducement to doing, or keep back from doing, anything in respect of any transaction involving the Authority. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

5.0 Limits of Guidance

5.1 This Guidance does not apply to:

- Gifts and hospitality you may receive from family friends and colleagues (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

6.0 Meaning of Gifts and Hospitality

6.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality can include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

6.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a Member.

7.0 Appropriate Gifts and Hospitality

7.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member-

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority, or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

8.0 Principles to Apply in Relation to Gifts and Hospitality

8.1 In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that this may be the motive behind the gift or hospitality you must decline it.
- “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance of it might be open to misinterpretation. e.g.:
 - a) From parties involved with the Authority in a competitive tendering or other procurement process.
 - b) From applicants for planning permission and other applications for licences, consents and approvals.
 - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - d) From applicants for benefits, claims and dispensations.
 - e) From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

- Cash and monetary goods should always be refused without exception and the refusal notified to the Monitoring Officer, as well as registering it as being offered and refused on your Declaration of Interests form.

9.0 Gifts Received and Donated to Charity

9.1 Some Members receiving gifts of value may prefer not to retain these personally but to pass them to the Council for forwarding on to an appropriate Charity.

9.2 Members should indicate this intention to the provider and make this clear on the Register of Interests form.

10.0 Gifts/ Hospitality offered to the Chairman of the Council

10.1 Gifts - There are no special rules covering offers of gifts made to the Chairman of the Council. While, gifts that are clearly made to the Authority, or to the Chairman's charity appeal, do not need to be registered, they should be recorded in the usual manner for Audit purposes.

10.2 Hospitality – Although the Chairman may attend many social functions, they are not exempt from the requirement to register hospitality. However, where the hospitality is extended to the Chairman of the Authority, rather than the individual, there is no requirement to register the hospitality. The important question the Chairman needs to ask is “Would I have received this hospitality even if I were not the Chairman?” If the answer is “yes”, then it must be registered.

11.0 Gifts/ Hospitality offered to the Leader of the Council/ Portfolio Holders

11.1 Gifts - As with the Chairman of the Council, there are no special rules covering offers of gifts made to the Leader or Portfolio Holders. While, gifts that are clearly made to the Authority do not need to be registered, they should be recorded in the usual manner for Audit purposes.

11.2 Hospitality – Although the Leader/ Portfolio Holder may attend social functions in their official capacity, they are not exempt from the requirement to register hospitality. However, where the hospitality is extended to the Office Holder, rather than the individual, there is no requirement to register the hospitality. The important question that needs to be asked is “Would I have been offered this hospitality even if I were not the Leader/ Portfolio Holder?” If the answer is “yes”, then it must be registered.

12.0 Reporting of Inappropriate Gifts and Hospitality offered

12.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

12.2 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

12.3 You may thereafter be required to assist the Police in providing evidence.

13.0 Further Advice

13.1 If anybody has any concerns regarding this guidance they must seek advice from the Monitoring Officer.

13.2 Other guidance and advice for members can be found in the Code of Conduct for Members, Code of Practice for Members and Officers dealing with Planning matters, Good Practice in Licensing guidance and the Protocol on Member/Employee Relations.