

## **Notes of Guidance for Members on Gifts and Hospitality**

### **1. Introduction**

This guidance is for all councillors and co-opted members (voting and non-voting) of the Council.

### **2. General Caution**

- 2.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you in your capacity as an individual Councillor as your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.2 It is for you to decide, in every case, 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. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate and although this guidance is intended to enable you to make your own decision, you may wish to seek advice from the Council's Monitoring Officer.

### **3. Limits of Guidance**

This guidance does not apply to:

- (a) Gifts and hospitality you may receive from family and friends (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.
- (b) The acceptance of facilities or hospitality provided to you by the Council.
- (c) Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

### **4. Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

- 4.1 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.
- 4.2 The expressions 'gifts' and 'hospitality' can include:
  - (a) The free gift of any goods or services.
  - (b) The opportunity to acquire any goods or services either at a discount not available to the general public or on terms not available to the general public.
  - (c) The opportunity to obtain goods or services not available to the general public.
  - (d) The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

## **5. Appropriate Gifts and Hospitality**

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

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

## **6. Principles to Apply in Relation to Gifts and Hospitality**

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

- 6.1 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 the motive behind the gift or hospitality is an inducement or reward you must decline it. "Reward" includes remuneration, reimbursement and fee.
- 6.2 Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- 6.3 Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - (a) From parties involved with the Council in a competitive tendering or other procurement process.
  - (b) From applicants for planning permission and other applicants seeking licences, consents and approvals.
  - (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - (d) From parties in legal proceedings with the Council.
- 6.4 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- 6.5 Do not solicit any gift or hospitality and avoid giving any perception of so doing.

## **7. Gifts Received and Donated to the Chairman's Charities**

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charities. Members should indicate this intention to the provider and make this clear on the Register of Interests.

## **8. Registration of Gifts and Hospitality**

- 8.1 The Code of Conduct provides that Local Non-Pecuniary Interests include any person from whom you have received a gift or hospitality with an estimated value of at least £25.
- 8.2 This interest must be registered in the Register of Members' Interests. You should register the interest as soon as possible after acceptance of the gift or hospitality, and no later than 28 days after receipt. The registration should include the source and nature of the gift or hospitality.
- 8.3 Aggregation of gifts or hospitality. If you receive a number of gifts and/or hospitality from the same source (eg an individual, organisation or company) over a six month period that add up to £25 or over, then the gifts and/or hospitality must be registered.
- 8.4 Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value.
- 8.5 Where there is uncertainty over whether to register a gift or hospitality or not, then the Council's Monitoring Officer should be contacted for advice. If in doubt, the overriding advice is to register the gift or hospitality.
- 8.6 Any qualifying gifts or hospitality will be published on the Council's website.

## **9. Declaration of Gifts and Hospitality by elected members of more than one authority**

- 9.1 Where you receive a gift in your capacity as either a county councillor or as a member of a district, borough or parish authority, you must register that gift in the Register of that authority. The Code of Conduct does not require you to then further register the gift with any other authority of which you are a member.
- 9.2 Where there is doubt as to the capacity in which the gift or hospitality was accepted, the general rule is that you should register it in both authorities as a matter of good practice and in accordance with the principles of openness and transparency in public life.
- 9.3 In deciding whether a gift or hospitality is connected to official duties as a member, the question to ask is – would you have been given this if you were not on the authority. If there is any doubt, then the gift or hospitality should be registered or advice sought from the Monitoring Officer.

## **10. Disclosure of Gifts and Hospitality as a Local Non-Pecuniary interest at meetings**

- 10.1 You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Council at which business is considered to which the interest relates (ie business relating to the interests of the person or body giving the gift or hospitality).
- 10.2 The disclosure requirement does not apply to gift and hospitality interests registered more than 3 years before the date of the meeting.

## **11. Reporting of Inappropriate Gifts and Hospitality offered**

- 11.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage to you as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- 11.2 You should report any circumstances where an inappropriate gift or hospitality has been offered to you to the Monitoring Officer.

## **12. Reporting declined gifts**

It is good practice to report declined gifts or hospitality.

## **13. Retention Policy**

- 13.1 The Register of Gifts and Hospitality (and any supporting records) will be retained for each councillor during their current four-year term of office. The Register and associated records relating to the previous four-year term of the Council will also be retained.

## **14. Further Information**

- 14.1 If you need any further information or help in making a Gifts and Hospitality declaration, please contact Linda Pattle, Democratic Services Officer, on 01473 260771 or at [xxxxx.xxxxxx@xxxxxxx.xxx.xx](mailto:xxxxx.xxxxxx@xxxxxxx.xxx.xx)

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MONITORING OFFICER

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