

# **J. PROTOCOL ON GIFTS AND HOSPITALITY**

## **1. Introduction**

- 1.1 This Protocol is intended to provide guidance on acceptance of gifts and hospitality to all Members of the Council.
- 1.2 In this Protocol, “Member” includes the Mayor, all elected Members of the Council and all non-elected members (Co-opted members) of any Committee including the Standards and Overview and Scrutiny Committee (or any Sub-committees).
- 1.3 The Code of Conduct requires that you register in your Register of Interests, any gifts or hospitality with an estimated valued of **at least £100.00** which are received and accepted by you in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as a representative of the Council.
- 1.4 You must register the source and nature of the gift or hospitality received.
- 1.5 This must be registered as soon as possible after acceptance and, in any event, within 28 days of receipt.
- 1.6 An accumulation of small gifts you receive from the same source over a short period that add up to £100 or more must be registered.
- 1.7 You may have to estimate how much a gift or hospitality is worth. Although the registration requirement in the Code is limited to gifts or hospitality worth at least £100.00, you are encouraged to register any significant gift or hospitality you receive below this value.
- 1.8 If in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice.
- 1.9 There is no requirement to register gifts or hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer, particularly if they were of value.
- 1.10 The information contained in this Protocol supplements the Council’s Code of Conduct for Councillors and sets out the principles which Members should apply whenever they have to decide whether it would be proper to accept any gift or hospitality.

## **2. General Caution**

- 2.1 As a Member you must act in the public interest and must not be swayed in the discharge of your duties by any inducement or reward. 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 You should treat with extreme caution any offer or gift or hospitality that is made to you personally and consider carefully all the circumstances surrounding the offer.
- 2.3 The scale, amount of the offer and the potential frequency and sources are all relevant factors. You should be sensitive to the timing of the offer in relation for example to decisions which the Council may be taking, affecting those making the offer.
- 2.4 You should ask yourself, “**would I have been given this if I was not a member appointed to the Council**”. If you are in doubt as to the motive behind a gift or hospitality, you should register it and speak to the Monitoring Officer.
- 2.5 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 an ordinary member of the public.
- 2.6 There is a delicate balance between acceptance or refusal of hospitality or tokens of goodwill on certain occasions. To refuse may cause misunderstanding or offence. However, to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision. When returning a gift be careful not to cause any offence or harm future relations.
- 2.7 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.

### **3. Personal and Prejudicial Interest**

- 3.1 Like other interests in your Register of Interests, you automatically have a personal interest in a matter under consideration if it is likely to affect the person/organisation who gave you a gift or hospitality that is registered.
- 3.2 You must **disclose the interest at a meeting** of the Council or one of its bodies at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality).
- 3.3 You will also then have to decide whether that interest is also a prejudicial interest. In all cases you should ask yourself “**would a member of the public, knowing the facts, reasonably think that I might have been influenced by the gift or hospitality received.**” If the interest is prejudicial, you must declare that you have a prejudicial interest and comply with the rules on prejudicial interest.
- 3.4 You must continue to disclose the existence and nature of the gift or hospitality at relevant Council meetings for 3 years from the date you first registered the gift or hospitality. Once **three years** have passed since you first registered the gift or hospitality, your obligation to disclose that interest to any relevant meeting will cease.

#### **4. Appropriate Gifts and Hospitality – THE DO’S**

- 4.1 It is acceptable to receive gifts and hospitality from family and friends (as birthday or other festive presents) that are not related to your position as a member. You should, however, question any such gifts or hospitality offered from an unusual source.
- 4.2 You may accept gifts or hospitality provided to you by the Council and accept on the Council’s behalf those gifts that are given formally to the Council and which are retained by the Council and not by you personally.
- 4.3 Other circumstances where you may accept gifts and hospitality in the normal course of your duties:
- Civic hospitality provided by another public authority.
  - Modest refreshment in connection with any meeting in the course of your work as a Councillor (e.g. tea, coffee and other normal beverages and refreshments).
  - 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.
  - Small low value gifts such as pens, mouse pads, calendars, diaries, branded with the name of a company or organisation, flowers or other mementos and tokens. However you should take care not to display branded items when this may be taken as an indication of favour to a particular supplier or contractor.
  - Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council 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 Council has a business connection.
  - Modest souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

#### **5. Principles to Apply in Relation to Gifts and Hospitality – THE DON’TS**

- 5.1 In deciding whether it is appropriate to accept any gifts 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 of the Council. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward to you then you should 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 might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - From parties involved with the Council in a competitive tendering or other procurement process.
  - From applicants for planning permission and other applications for licences, consents and approvals in which the Council has an involvement.
  - From applicants for grants, including voluntary bodies and other organisations applying for public funding from the Council.
  - From applicants for benefits, claims and dispensations.
  - From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe that 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 or monetary gifts should always be refused without exception and their refusal notified to the Monitoring Officer.

## **6. Gifts Received and Donated to the Mayor's Charities**

- 6.1 Sometimes the refusal of a small gift may cause offence or it may be impractical to return them. If the provider is not seeking business with or a decision from the Council, in such circumstances Members should pass them to the Mayor's Secretary for use in relation to the Mayor's Charities e.g. as a prize in a fundraising raffle.
- 6.2 Members who do this should indicate this intention to the provider. If the gift is worth £100.00 or more this will still need to be registered on the Register of Interests and made clear that it has been donated to the Mayor's Charities.

## **7. Gifts to the Mayor**

- 7.1 There are no special rules for those who serve as Mayor. Gifts that are made to the authority, eg a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's Register of Gifts and Hospitality. However, such gifts ought to be recorded by the authority for audit purposes.
- 7.2 Although the Mayor may attend many social functions, they are not exempt from the requirement to register hospitality. Where the hospitality is extended to the office holder for the time being rather than the individual the Standards Board takes the view that there is no requirement under the Code to register the hospitality. The question a member needs to ask is "**would I have received this hospitality even if I were not the Mayor**". If the answer is yes, then the hospitality must be registered.

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

- 8.1 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.
- 8.2 It is a criminal offence for you to accept any gift, loan, fee, reward or advantage as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to seven year's imprisonment.
- 8.3 Acceptance of a gift or hospitality in breach of the Code of Conduct or failure to declare the receipt can lead to disqualification from holding any public office for a period of up to five years.

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

- 9.1 The terms 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. However they may 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;
  - common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets;
  - hospitality from private companies eg. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or hope to in the future.

## **10. Breaches of this Protocol**

- 10.1 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer who may refer it to the Standards Committee.