

PROTOCOL ON GIFTS AND HOSPITALITY

1. Meaning of gifts and hospitality

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

- (a) The gift of any goods or services;
- (b) The opportunity to acquire any goods or services freely or at a discount or at terms not available to the general public;
- (c) The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

1.2 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.

1.3 Common hospitality includes lunches, dinners or refreshments.

2. General Caution

2.1 The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care. Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties. Treat with caution any gift or hospitality that is made to you personally. 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 consider carefully all the circumstances surrounding the offer of a gift or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors as are personal relationships with those making the offer. Also be sensitive to the timing of the offer in relation to decisions which the Council may be taking, affecting those making the offer.

2.3 You should avoid hospitality in situations where you would be the sole guest.

2.4 You may have to estimate the value of the gift or hospitality.

2.5 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. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. In any case of doubt, advice should be sought from the Monitoring Officer.

To refuse may cause misunderstanding or offence; however to accept may give rise to questions of impropriety or conflict of interest.

Where the decision whether to accept hospitality is left to your judgement, you must ask yourself some commonsense questions: for instance, whether there is a benefit to the Council in your accepting the invitation; whether the entertainment is lavish, on a scale which you could not personally afford; whether you are accepting too much hospitality from the same source; and, if your position is prominent, whether just your attendance at an event might be open to interpretation as a signal of support.

3. Code of Conduct requirements

- 3.1 The Member Code of Conduct requires that you register in your Register of Personal Interests (maintained by the Monitoring Officer), any gifts or hospitality with an estimated value of £25 or more, 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 representative of the Council. You must also register the source of the gift or hospitality.
- 3.2 You must register the gift or hospitality as soon as possible but in any event within 28 days of its receipt/ acceptance.
- 3.3 The Member Code of Conduct provides that you automatically have a personal interest in a matter under consideration at a Council meeting, if it is likely to affect the person who gave you the gift or hospitality which you have registered. In practical terms, this means that, although you have registered the gift or hospitality and its source in your Register of Personal Interests, you must still orally, at the meeting, disclose as a personal interest, the existence and nature of the gift and hospitality, the person who gave it to you and how the business under consideration relates to that person and then decide whether your interest is also prejudicial. If the interest is prejudicial, then you must declare you have a prejudicial interest and comply with the rules on prejudicial interests.
- 3.4 You must continue to disclose the existence and nature of the gift or hospitality etc at relevant Council meetings, for 3 years from the date you first registered the gift or hospitality. This disclosure requirement ceases for gifts and hospitality interests registered more than 3 years ago.
- 3.5 Where any gift (no matter the value) is accepted, the donor should always be advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

4. Series of gifts or hospitality adding up to £25 or more in value

- 4.1 The registration requirement in the Code is limited to gifts or hospitality worth £25 or more. If you receive a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered on your Register of Personal Interests as an accumulation. You may have to estimate the value of the gifts or hospitality. Occasionally there are frequent offers of hospitality from the same source e.g. Queens Theatre. This should be registered if tickets exceed the limit and are accepted and should be registered cumulatively if more than one offer is received. Any donation to the Queens Theatre in lieu of the ticket price or part thereof should be deducted from the hospitality.

5. What to avoid

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

- (a) 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.
- (b) do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- (c) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- (d) do not solicit any gift or hospitality and avoid giving any perception of doing so.
- (e) do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - (i) from parties involved with the Council in a competitive tendering or other procurement process.
 - (ii) from applicants for planning permission and other applications for licences, consents and approvals.
 - (iii) from applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - (iv) from applicants for benefits, claims and dispensations.
 - (v) from parties in legal proceedings with the Council.

- 5.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove

corruption in relation to the receipt of a gift or hospitality from a person holding or seeking to obtain a contract from the Council.

5.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation. If you are in doubt about what is proper, there are three particular things you should bear in mind;

- **DO** err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept;
- **DO** consult the Monitoring Officer or a Deputy Monitoring Officer if you are still unsure;
- **DO** consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with this Protocol.

6. Gifts and hospitality which need not be registered

- 6.1 There are some circumstances where you may accept gifts and hospitality without the need to register the gift or hospitality. Some situations will require the exercise of your personal judgement. You should always be cautious, when additional services, privileges or advantages are offered, which might be related to your position as a Member. Remember - always register a gift or hospitality if it could be perceived as something given to you because of your position.
- (a) Official hospitality such as a civic reception or a working/business lunch in Council owned premises or hosted elsewhere, by a partner organisation of the Council.
 - (b) Civic hospitality provided by another public authority.
 - (c) 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.
 - (d) Meals or refreshments funded by other public sector partners, as part of joint working/collaboration.
 - (e) Meals or refreshments provided as part of a ceremony or event to promote/or launch a project or initiative.
 - (f) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or advisor who is already appointed by the Council for that project, scheme or initiative.

- (g) Drinks or other refreshment in the normal course of socialising arising consequentially from Council business e.g. inclusion in a round of drinks after a meeting.
- (h) Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens.
- (i) Gifts and hospitality arranged and paid for wholly by your own political party.
- (j) Gifts and hospitality not related or connected with your membership of the Council i.e. received by you outside the performance of your functions as a Member.
- (k) Gifts and hospitality you may receive from family and friends e.g. birthday presents that are not related to your position as a Member.
- (l) 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 e.g. a commemorative goblet for display in the Mayor's parlour.
- (m) Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
- (n) Gifts and hospitality which you do not accept (refer to the guidance in paragraph 7 of this Protocol).
- (o) Gifts which you donate to the Mayor's charity, subject to you indicating this intention to the donor of the gift.
- (p) Gifts known to be available to all members of the Council e.g. badges and ties bearing the Council's coat of arms.
- (q) Souvenirs and gifts from other public bodies intended as personal gifts e.g. arising from town-twinning and other civic events.
- (r) Hospitality known to be available to all members of the Council e.g. Annual Meeting/Mayor making refreshments
- (s) Hospitality ancillary to the Council business being conducted, such as an overnight stay for an 'away – day with a partner organisation of the Council'.
- (t) Hospitality ancillary to attendance at conferences, seminars and courses where the hospitality is corporate, rather than personal.
- (u) Hospitality ancillary to attendance at functions where you represent the Council (opening ceremonies, public speaking events, conferences).
- (v) Hospitality ancillary to attendance as Mayor or Deputy Mayor, at charity events, garden parties, fetes, schools, concerts etc.
- (w) Trips in the UK or abroad which are paid for by the Council or which involve reciprocity of payment with other local authorities, government bodies/ departments or outside bodies/organisations, together with any hospitality associated with such visits and available to all participants.

7. Gifts and hospitality declined

- 7.1 There is no requirement to register gifts and hospitality offered but declined. When gifts or hospitality are declined, the offer or should be courteously but firmly informed of the procedures and standards operating within the Council.

8. Reporting of inappropriate gifts and hospitality offered

- 8.1 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 Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you including repeated or persistent offers (even if declined). You may thereafter be required to assist the Police in providing evidence.

9. Overseeing this Protocol

- 9.1 The Governance Committee has responsibility for overseeing compliance with this guidance and allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.