

## **Guidance for Members on Gifts and Hospitality (September 2012)**

### **1. Introduction**

This guidance is for Members of the Authority and Independent Persons appointed by the Authority under the Localism Act 2011.

### **2. General Caution**

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

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.

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. Criminal Law**

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 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.

### **4. Limits of Guidance**

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other 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.

## 5. Meaning of Gifts and Hospitality

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

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

## 6. 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.

- 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 socializing arising consequentially from Authority business.
- 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 civic events).

## 7. Principles to Apply in Relation to Gifts and Hospitality

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 the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement and fees.
- 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 Authority in a competitive tendering or other procurement process.
  - From applicants for planning permission and other applications for licences, consents and approvals.
  - From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - 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.

## 8. Registration of Gifts and Hospitality

The Code of Conduct for Members provides that:

‘You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Authority.’

This interest must be registered in the register of Members’ interests. You should register the interest using the declaration form as soon as possible after acceptance of the gift or hospitality and in any event within 28 days of receipt.

If there is business at a meeting relating to the interests of the person or body who gave you the gift or hospitality that you have registered you must disclose the existence and nature of the personal interest at the meeting.

The disclosure requirement only applies for a period of three years from the date the gift or hospitality was registered as an interest.

The registration and disclosure at meetings requirements in the Code is limited to accepted gifts or hospitality with a value of at least £25. Members are however encouraged to complete a declaration form for all other offers of a gift or hospitality whether accepted or not. These are recorded on a separate gifts and hospitality register and will not be personal interests that need to be disclosed at meetings.

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

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.

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.

#### **10. Enforcement**

The Programmes and Resources Committee has responsibility for overseeing compliance with this guidance.

Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

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