

PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

This Protocol applies to members of the Authority and co-opted members (voting and non-voting).

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 do or forbear 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 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.

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 (including tickets to events).

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, chocolates, 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 gifts of token value, ie estimated to be below £50:
 - (a) given by way of trade advertisement to a wide range of people, eg pens, calendars, diaries and key-rings; or
 - (b) given on the occasion of a courtesy visit, eg to a factory or other business premises; or
 - (c) received from a recipient of a Council service, where it would give offence to reject it.
- 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).

- Invitations to attend functions where you represent the Council (eg dinners where you are invited to speak, opening ceremonies and trade shows) or to functions when you attend by virtue of your position on the Council.
- Hospitality provided at public events, where a formal invitation has been received at Council offices and the attendance is in a civic capacity.

7. Inappropriate Gifts and Hospitality

- Free or subsidised holidays or travel.
- Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- Personal invitations to socialise with representatives from a company or organisation that has business or other dealings with the Council.
- Offers of any free or subsidised accommodation (ie hotel, flat, villa or holiday home).
- Any offer whatsoever of free services.
- Any other hospitality offered by a company or organisation that has business or other dealings with the Council, which is not linked to its normal course of business with the Council (ie not part of business meetings or offered to officers representing the Council at events).

In exceptional circumstances, it may be permissible to accept travel, accommodation and hospitality from a company or organisation, which has or may have business with the Council, when the assessment and evaluation of bids or tenders necessitates visiting reference sites, provided that this facility is also offered/applied to other tenderers. In such a situation, you must be accompanied by an officer of the Council, whose attendance has been approved by his Director/Service Manager or in appropriate cases the Chief Executive.

8. 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 fee.
- Do not accept a gift or hospitality 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:
 - a) From parties involved with the Authority in a competitive tendering or other procurement process except in the limited circumstances referred to in paragraph 7 above.
 - 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.

9. Gifts Received and Donated to the Mayor's Charities or Appeals

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Mayor's Office for use in relation to the Mayor's Charities or Appeals.

Members should indicate this intention to the provider and make this clear on the register of interests.

10. Registration of Gifts and Hospitality

The Code of Conduct for Members and Co-opted Members states that 'You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.00.'

This interest (gifts or hospitality worth £50.00 or over that you receive in connection with your official duties as a member and its source) must be registered in the register of members' interests within 28 days of receiving it. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You should also register any such gift or hospitality, which you decide to refuse or decline.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality it is recommended that you register it or at least seek advice from the Monitoring Officer.

If you have not registered your gift or hospitality in accordance with the requirements set out in your Code of Conduct then you must declare or disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority 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).

Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £50.00, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a declaration or disclosure in relation to gifts and hospitality on the register which are below £50.00 in value.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £50.00 or over should be registered.

11. 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.

12. Gifts to Mayor and Deputy Mayor

As part of their civic duties the Mayor and/or Deputy Mayor will receive a number of gifts and offers of hospitality.

The provisions of this protocol applicable to all members of the Authority apply equally to the Mayor and Deputy Mayor, insofar as they are not inconsistent with the following provisions.

As a general principle all gifts made to the Mayor and/or Deputy Mayor during the exercise of their civic duties belong to the Council and must be passed to the Mayor's Secretary as soon as possible. However, small token gifts, e.g. estimated to be below £50.00, received by the Mayor/Deputy Mayor in their civic capacity which are personalised, e.g. a cup with their names on it, flowers, etc may be retained by the Mayor/Deputy Mayor.

The Mayor's Secretary keeps a Declaration of Gifts log book. It is the responsibility of the Mayor/ Deputy Mayor to ensure that gifts received are declared to the Mayor's Secretary and recorded in the log book.

Offers of hospitality to the Mayor/ Deputy Mayor in their civic capacity will normally be made through the Mayor's office. In those cases, details of the hospitality received will be recorded and retained by the Mayor's Secretary.

In the event of gifts or hospitality being offered to the Mayor/ Deputy Mayor other than in their civic capacity, ie as members of the Council or as private individuals, the Mayor/ Deputy Mayor must deal with such offers in the same way as any other member of the Council.

13. Enforcement

Allegations of any failure to meet the Protocol must be made in writing to the Monitoring Officer. The Monitoring Officer has responsibility for overseeing compliance with this Protocol.