

## GIFTS AND HOSPITALITY PROTOCOL

### Context

1. The Council's Members' Code of Conduct sets out the expected behaviours of its members and co-opted members. They are required to serve the public interest rather than act in order to gain financial or other benefits for themselves. They must not place themselves under any financial or other obligation to anyone who might seek to influence them in their official duties.

### Can Gifts or Hospitality be accepted?

2. There may be occasions when members of the Council are offered gifts or hospitality during the course of Council business. Before accepting such gifts or hospitality members should consider whether this would put at risk the integrity and reputation of the member, or the Council.
3. If gifts or hospitality are offered and their value is £50 or over for a single gift/hospitality or £100 or over for all gifts/hospitality from a single source in any year, members and co-opted members must register this on the form found at the following link (provide link) within 28 days of receiving the offer of a gift or hospitality. The entry in the register should include the date, source and value of the gift or hospitality and whether or not the gift or hospitality was accepted. Any entries will be published on the Council's website.
4. The Monitoring Officer can advise on the matters to be taken into account in deciding whether a gift or hospitality can be accepted, taking into account any connection the member has with the person or organisation making the offer, but it will be a matter for the member to make the decision as to whether to accept or decline.
5. In deciding whether it is proper to accept any gift or hospitality members should:
  - **Never accept a gift or hospitality as an inducement or reward for anything they do as a Member**  
Members must not be influenced in the discharge of their duties by the offer of a gift.
  - **Only accept a gift or hospitality if there is a commensurate benefit to the Council**  
Unless the benefit to the Council is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for the Member's benefit.
  - **Never accept a gift or hospitality if acceptance might be open to misinterpretation**  
Perceived impropriety can be just as damaging as actual impropriety. Members should take care to ensure that the impression is not given that they or the Council are under any improper obligation because of the gift or hospitality.

- **Never accept a gift or hospitality that puts them under an improper obligation**  
Members must not give the impression that commercial organisations and private individuals can buy influence.
- **Never solicit a gift or hospitality**  
Members must not invite an offer of a gift or hospitality in connection with their position as a member and they should take care to avoid giving any indication that they might be open to such an improper offer.

***Note: Regardless of the requirements of the Council in relation to gifts and hospitality, under the Bribery Act 2010 the acceptance of a gift or other advantage as an inducement to behave in a certain way in a Council transaction is a criminal offence, with a maximum sentence of ten years in jail.***

## **Gifts**

6. As a general rule gifts should be refused tactfully, this includes all such offers from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council. These rules also apply to discounts offered to an individual member going beyond those offered to the general public (other than those available to **all** Members and Officers).
7. As general guidance, the following small gifts worth under £50 may occasionally be accepted (providing that they do not conflict with the General Principles listed in 5 above):
  - (a) office equipment or stationery given by way of trade advertisements or for use in the office. Examples would be pens, mugs, calendars or diaries. (NB: Members should take care not to display any such branded items when this might be taken as an endorsement or indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).
  - (b) gifts of only token value given on the conclusion of an official courtesy visit, for example, a commemorative plaque from a visiting delegation. A box of chocolates or flowers valued less than £50 could be accepted provided they are given as a genuine show of appreciation of work undertaken, but they should never be accepted if it could give rise to an appearance of influence or reward.

## **Hospitality**

8. Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.
9. Where hospitality is accepted it must be on a scale appropriate to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and may later be thought to have affected a member's impartiality in dealing with official matters.

10. Examples of hospitality that should always be refused include offers of holiday accommodation. Others will need to be considered on their facts. For example invitations to sporting events, evenings at the theatre or similar entertainment, should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council, **not the individual member**.
11. It will not always be possible to reject offers of hospitality. Acceptable hospitality is that not exceeding £50 in value, such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. Members should never accept hospitality that may give rise to an appearance of influence or reward.

### **Wills and Bequests**

12. If there is a connection between the work of a member and them being a beneficiary under a will they will need to consider that benefit carefully in accordance with the General Principles listed in 5 above. Members should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

### **Gifts to the Council**

13. Members may be offered gifts for the Council rather than in their individual capacity as a member. In such cases the offer should be reported immediately to the Monitoring Officer who will determine in accordance with normal Council processes whether the Council should or should not accept the gift.
14. The Monitoring Officer will notify the person or organisation offering the gift whether it is accepted or not and will:
  - Record the acceptance or non-acceptance
  - Record the outcome for audit purposes
  - Ensure the gift, if accepted, is properly applied for the benefit of the Council.

### **Gifts to the Chairman**

15. Gifts received by the Chairman of Council in his or her official capacity are deemed to be gifts to the Council. The Chairman should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they could be used for the benefit of the Council.

### **Declarations at meetings**

16. If a matter under consideration at a meeting is likely to affect a person or organisation who has given a member a gift or hospitality, the member must declare the existence and nature of the gift or hospitality, the source who gave it to them and how the business under consideration relates to that source.

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