

APPENDIX TO REPORT ENTITLED “PROTOCOL ON GIFTS AND HOSPITALITY”

PROTOCOL ON GIFTS AND HOSPITALITY

1. Introduction

This protocol provides guidance for Members and Co-opted Members of the Authority.

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 protocol does not apply to:

Gifts and hospitality you may receive 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.

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 expression '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.
- The use of a free car.

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 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).

7. Principles to Apply in Relation to Gifts and Hospitality

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. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward to you 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 Authority in a competitive tendering or other procurement process.
 - From applicants for planning permission and other applications for licences, consents and approvals in which your Authority has an involvement.
 - From applicants for grants, including voluntary bodies and other organisations applying for public funding from your Authority.
 - From parties in legal proceedings with your 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. Gifts Received and Donated to a Chairman's Appeal

It may be customary for some members on receiving gifts of value not to retain these personally but to pass them to the Chairman for use in relation to a charity appeal.

Members may do this, but should indicate this intention to the provider and make this clear on the Register of Interests.

9. Registration of Gifts and Hospitality

The Code of Conduct for Members and Co-opted Members provides 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 £25.'

This interest must be registered in the Register of Members' Interests. 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.

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 a person who gave you a gift or hospitality that is registered. You must 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). You then have to decide whether that interest is also a prejudicial interest.

Once three years have passed since you registered the gift or hospitality in your Register of Interests, your obligation to disclose that interest to any relevant meeting ceases.

Whilst the registration requirement in the code is limited to gifts or hospitality worth £25 or over, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register below £25 in value.

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, you should register it or speak to your Monitoring Officer.

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 £25 or over should be registered.

10. 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.

11. Enforcement

The Standards 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.

12. Registration of Receipt of Gifts or Hospitality on the Register of Interests

The following form can be used and send to the Monitoring Office to be annexed to the Member's Register of Interests:

**Notification of Receipt of Gifts and Hospitality to be Annexed to the
Member's Register of Interests**

What was the gift or hospitality? (Give full description)	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Signed	
Name in Capitals	
Dated	