

APPENDIX 1: GIFTS AND HOSPITALITY

GUIDANCE FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors can affect the perception of both Councillors and of the authority. The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care.

The law on the acceptance of gifts and hospitality is set out in the Bribery Act 2010. Under the Act there are monetary fines and imprisonment for offences, which include for attempting to bribe another person or accepting a bribe.

The Council's Code of Conduct also requires that Councillors must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. This Guidance should be read in conjunction with the Code of Conduct and the Council's Corporate Anti-Bribery Policy.

The Council has decided that any gifts of hospitality worth £25 or more should be recorded.

1. What do we mean by Gifts and Hospitality?

- 1.1 *Gifts of any goods or services.*
- 1.2 *The opportunity to acquire any goods or services freely or at a discount or on other terms not available to the general public.*
- 1.3 *The offer of food, drink, accommodation or entertainment on terms not available to the general public.*
- 1.4 *The opportunity to attend any cultural, sporting or entertainment event.*
- 1.5 *This guidance cannot cover every eventuality. When considering what to do about gifts or hospitality you should give the term wide definition.*

2. The Register

- 2.1 *You must register receipt of any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you when you are carrying out;*
 - *Council business*
 - *The business of the office to which you've been elected, or*
 - *Business as a representative of the Council.*
- 2.2 *It may be appropriate to also register any offers of gifts and hospitality which you refuse, in the interests of transparency.*

- 2.3 The Monitoring Officer maintains a register of all declarations by Councillors relating to gifts and hospitality, whether offered, accepted or refused. A form is provided for this purpose, attached as an appendix and available from the Democratic Services Team but you can send the same information by any convenient means.
- 2.4 The register is open to inspection by the public until the approval of the accounts for the financial year in question.

3. Gifts and Hospitality

- 3.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you. The person or organisation making the offer may be doing, or be seeking to do, business with the Council. They may be applying to the Council for some sort of decision, such as planning or licensing, where it is essential that the Councillor's independence is not compromised.
- 3.2 In deciding whether it is appropriate to accept any gifts or hospitality you should apply the following principles:
- 3.2.1 Never accept a gift or hospitality as an inducement or rewards for anything you do as a Councillor;** as a Councillor you are acting in the public interest and must not be swayed by the potential for any inducement or reward for carrying out your duties in a particular way.
- 3.2.2 You should only accept a gift or hospitality if there is a benefit to the authority;** the only proper reason for accepting any gift or hospitality is that there is a benefit to the authority which would not have been available but for the acceptance of it. Unless the benefit to the authority is clear and is commensurate with the value of the gift or hospitality, you should assume that the gift or hospitality is purely for your personal benefit.
- 3.2.3 Never accept a gift or hospitality if acceptance might be open to misinterpretation;** the appearance of impropriety can be as damaging to the authority and to you as a Councillor as actual impropriety. If there is any possibility that acceptance of a gift or hospitality might be interpreted as showing that you or the authority favour a person, company or section of the community, you must either refuse it or ensure that such a misunderstanding cannot occur.
- 3.2.4 Never accept a gift or hospitality which puts you under an improper obligation;** some organisations and private individuals see the provision of gifts and hospitality as an opportunity to buy influence. Improper acceptance of a gift or hospitality may be used to persuade you to decide an issue in

their favour. If others note that you have been prepared to accept a gift/hospitality improperly, they may feel that they will not be able to secure impartial consideration from the authority.

3.2.5 Never solicit a gift or hospitality; not only should you never solicit or invite an offer of gifts/hospitality, but you should avoid giving any indication that you might be open to such an offer.

3.2 Other than certain exceptions – set out below at 4.2 – you should refuse any gift offered to you or an immediate relative by any person or organisation who has, or may seek to have, dealings with the Council. You are recommended for transparency purposes to notify the Monitoring Officer of any such refusals. Any notifications will be filed in the register.

3.3 Cash or monetary gifts should be refused without exception and the refusal notified to the Monitoring Officer as above.

3.4 In every case the decision whether or not it is appropriate to accept any gift or hospitality is yours. The guidance cannot cover every circumstance. However, as a guide, you should ask yourself some basic questions when deciding whether or not to accept gifts or hospitality:

- Would I have been given this if I was not a member of the Council?
- Is there benefit to the Council in accepting?
- Is the entertainment being offered to me alone?
- What is the scale of the offer?
- Is the offer being repeated?
- Will my attendance at an event be perceived as offering support?

If in doubt consult with the Head of Legal, Equalities and Democratic Services.

4. Exceptions

4.1 *In every case it is the Member's decision whether or not it is appropriate to accept any gift or hospitality, having considered how it might be perceived by a member of the public. To refuse small gifts offered as a thank you for casework or a drink offered at a meeting with a resident may cause embarrassment, so the following guidelines have been drawn up to help members to decide what to do.*

4.2 *If the estimated value is below £25 and you consider that there is no risk to the Council's reputation or to public perception of you or the Council, the following are examples of occasions when the Council has agreed it is appropriate to accept gifts/hospitality:*

- 4.2.1 civic hospitality provided by another public authority;
- 4.2.2 modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- 4.2.3 tickets for sporting, cultural and entertainment events which are sponsored by the authority;
- 4.2.4 small gifts of low intrinsic value, such as pens, diaries, calendars and mouse mats, used for promotional advertising and given to a wide range of people. However, you should take care not to display branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise. Whilst the monetary value may not require you to register, you are advised to do so to be transparent;
- 4.2.5 a modest alcoholic or soft drink on the occasion of an accidental social meeting. An example is a pint of beer from an employee of a contractor, or an individual with whom you have done business on behalf of the authority, if you meet accidentally in a pub, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable.
- 4.2.6 a modest working lunch in the course of a meeting in the offices of a person/organisation with whom the authority has an existing business connection, where this is required in order to facilitate the conduct of that business;
- 4.2.7 modest souvenir gifts with a value from another public authority given on the occasion of a visit by or to the authority.
- 4.2.8 Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit.
- 4.2.9 other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Chairman of the Council together with a written statement identifying:

- The nature and your estimate of the market value of the gift/hospitality;
- Who the offer/invitation has been made by;
- The connection you have with the person/organisation making the offer or invitation, such as any work you have carried out for the authority in which they have been involved;
- Any work, permission, concession or facility which you are aware that the person/organisation making the offer may seek from the authority;
- Any special circumstances which lead you to you believe that acceptance if the gift/hospitality will not be improper.

The Chairman's Secretary will write to the person or organisation making the gift. They will be thanked on your behalf for it and told that you have donated the gift to the Chairman's charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

5. Other circumstances

If you are offered gifts or hospitality either personally or on behalf of the authority, in any other situation which is not covered by the advice above, you should seek advice from the Monitoring Officer as soon as possible.

6 Definitions

References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration
- (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To:

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is its estimated value?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the exceptions set out in the Policy? If so, which?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your Councillor role with the person or organisation providing the gift or hospitality?	
Signed:	Date:
<i>Office use only.</i> Received by:	Date:

Please return to the Democratic Services Team at Bromsgrove

To be retained until approval of the annual accounts for the relevant financial year.