

I Gifts, Hospitality and Sponsorship Policy:

Guidance for Members

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.

Criminal Law

The Bribery Act 2010 came into force on 1st July 2011 and replaces the Prevention of Corruption Acts with two general offences relevant in a local authority context. According to the Act a “**A Bribe is a financial or other advantage intended to induce or reward improper performance, where benefit could create a conflict between personal interests and business interests**”. It is now an offence to offer, promise or give an advantage (“active bribery”) and an offence to request, agree to receive or accept an advantage (“passive bribery”).

Members should disclose any interests in Contracts to the Monitoring Officer as part of their Registration of Interests and any changes to their interests should be made to the register within 28 days of the member becoming aware of the change¹. No councillor should subordinate their interest to that of another group or organisation.

Limits of Guidance

This guidance does not apply to:

- 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.

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 be cautious when purchasing anything when additional services, privileges or advantages are offered which might be related to their position as a member.

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.

¹ For guidance on the identification, declaration and registration of their interests, Members should refer to the Code of Conduct in Part 5 of this Constitution.

- Normal and modest refreshment in connection with any meeting in the course of your work as a member
- 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).

Principles to Apply in Relation to Gifts and Hospitality

Since the Council discharges many public functions it is essential that the public has every confidence that members try to operate fairly to everyone.

A gift by an interested party to a member can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.

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 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:
 - (a) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (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.

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.

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) The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.

Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, 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 which are below £25 in value.

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.

Enforcement

The Civic Affairs Committee has responsibility for overseeing members' compliance with this guidance.

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

Gifts Received and Donated to the Chairman's Charity

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charity Appeal.

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

Sponsorship

Offers of sponsorship are likely to become more frequent, and, as a means of providing additional financial resource, sponsorship is to be welcomed. With this in mind, however, where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality shall apply.

Particular care must be taken when dealing with contractors or potential contractors or where there may be a perceived conflict of interest with the Council's business in order to avoid compromising the integrity of Council operations. The Council must not put itself in a position where it might be said that a sponsorship partnership might have or may be thought to have:

- influenced the Council or its Officers in carrying out its statutory functions (e.g., planning / licensing / environmental health / housing)
- been in order to gain favourable terms from the Council in any business or other agreement
- aligned the Council with any organisation which conducted itself in a manner which conflicted with the council's values.

The Council retains the right to decline sponsorship from any organisation or individual which the Council in its sole discretion considers inappropriate.

Where the Authority wishes to sponsor an event or service neither a member nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Monitoring Officer of any such interest. Similarly, where the Authority through

sponsorship, grant aid, financial or other means, gives support in the community, members should ensure that impartial advice is given and that there is no conflict of interest involved.