

Gifts and Hospitality Guidance for Members and co-opted Members

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GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS AND CO-OPTED MEMBERS

1. General Introduction

Gedling Borough Council is a public authority and it is essential that:

- The Council can demonstrate the highest standards of probity in general and specifically in relation to its dealings with third parties.
- The public can be confident that decisions of whatever nature are made for good and proper reasons and are not influenced inappropriately by the interests of individual Members, their relatives or friends.

2. Code of Conduct

Gedling Borough Council's Code of Conduct ("the Code") contains a number of obligations which Members and co-opted Members must comply with to ensure that their integrity cannot be brought into question by the acceptance of gifts or hospitality. These are as follows:

4. *You must observe the following general principles:*

Selflessness

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit...

7. *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

8. *You must:*

(a) *not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;*

9 (2) *You must:*

(a) *exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member.*

3. Legal position

The Bribery Act 2010 provides that it is a criminal offence for a Member (either personally or through a third party whether for the Member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such advantage has not been corruptly obtained.

4. When is it acceptable to accept offers of gifts and hospitality?

You are advised to treat with caution any offer of gifts or hospitality that are made personally to you in your capacity as an elected member/representative of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the member's independence should not be compromised e.g. planning or licensing approvals or the award of contracts.

As a general rule, if it is likely that a member of the public would think that a specific gift or incidence of hospitality is inappropriate, then it probably is and should not be accepted.

4.1 Gifts

The acceptance of gifts is a dangerous practice and could expose you to criminal sanctions. An offer from an individual or organisation seeking to do business with or provide services to the Council or in the process of applying for permission or some other decision from the Council is unlikely ever to be acceptable and should be tactfully refused.

Exceptions to this general rule are set out below, but depend on the particular circumstances:

- Gifts of a token value given to a wide range of people e.g. a promotional material, including such things as calendars, diaries, pens and key rings.
- Small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- Gifts of low value, where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council.

Cash or monetary gifts should always be refused without exception.

4.2 Hospitality

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or

with whom they hope to do business in the future. Such hospitality could convey the impression that your judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted.

Examples of hospitality which may be acceptable are set out below but depend on the particular circumstances, for example, who is providing the hospitality, why you are there and the nature of the dealings between the Council, you and the provider of the hospitality:

- A working meal provided to allow parties to discuss or to continue to discuss business. A useful test is whether you would provide refreshments if the venue was reversed;
- An invitation to attend a dinner or function of a Society, Institute, public body or other non-commercial body with whom the Council has contact;
- Attending a free drinks reception at a networking event; or
- Invitations to attend functions where you represent the Council (opening ceremonies, public speaking events, conferences).

The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements;
- Offers of complimentary sporting events, film premiers, theatre productions or concert performances for you/your family or free travel;
- Use of company flats or hotel suites;
- Special concessionary rates not available to others;
- Paid for corporate invites for evenings out with representatives from a company or firm who have dealings with the Council or who are likely to have dealings in the future.

You are advised to err on the side of caution and if in any doubt as to the integrity of the offer / invite, you should consult the Monitoring Officer or politely refuse.

5. Who should I notify when I accept an offer of gifts and hospitality?

You must notify the Monitoring Officer in writing of any gifts or hospitality accepted by you in connection with your position as an elected member/representative of the Council with an estimated value of at least £50 within 28 days of the receipt of the gift or hospitality.

You do not have to register other gifts and hospitality, such as birthday gifts from family. You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £50 or more.

Any gifts or hospitality notified to the Monitoring Officer by you will be included in the Register of Gifts and Hospitality. This register is subject to scrutiny by the Standards Committee.

Gifts that are clearly made to the Council do not need to be registered, neither to gifts made directly to the Mayor's charity.

6. Do I need to do anything else when I have accepted an offer of gifts and hospitality?

Where you have accepted a gift or hospitality with an estimated value of at least £50, you will have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect the interests of the person/business providing that gift or hospitality.

You must declare the interest but may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest

Any gifts or hospitality declared in a meeting by you will be included in the minutes of that meeting.