

PART 4D Protocol for Members on Gifts and Hospitality

1 Introduction

This protocol provides guidance for members of Council and independent and co-opted members (voting and non-voting) to assist in ensuring compliance with the requirements relating to Gifts and Hospitality contained in the **Members'** Code of Conduct.

2 General Caution

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally **which are (or which you reasonably believe to be) offered to you because you are a councillor.**
- 2.2 Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality **and the presumption is that you do not normally accept significant gifts or hospitality.**
- 2.3 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. **However, you should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.**
- 2.4 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This Protocol offers general principles to enable you to make your own decision.

3 Criminal Law

- 3.1 It is a criminal offence corruptly to solicit (ask for) or receive any gift, reward or advantage as an inducement to doing or agreeing to do anything in respect of any transaction involving the Council. **~~The onus would be on you to disprove corruption in relation to a gift.~~**

4 Limits of Guidance

- 4.1 This Protocol does not apply to:
 - 4.1.1 Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.

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, it is recommended that you register it or speak to the Monitoring Officer.

You should always register a gift or hospitality if it could be perceived as something given to you because of your position.

4.1.2 The acceptance of facilities or hospitality provided to you by the Council.

4.1.3 Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

4.1.4 Gifts and hospitality received by the Lord Mayor and Deputy Lord Mayor in the course of their civic duties.

5 Meaning of Gifts and Hospitality

5.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

5.2 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 **freely provided or heavily discounted**.

5.3 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets.

5.4 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.

5.5 Members are reminded that attendance at conferences at home or abroad must be undertaken in accordance with the agreed policy and procedures which are available on Councillors' Web. Specifically approval of the Chief Executive, the appropriate Strategic Director, Director or City Solicitor and the Group Whip is required in advance of any booking.

6 Appropriate Gifts and Hospitality

6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member **subject always to the principles in paragraph 2.3 above.**

- 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 biscuits).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (below £25.00 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 Council 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 Council 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 gift or hospitality you must apply the following principles:

7.1 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.

Please Note: "Reward" includes remuneration, reimbursement and fee.

7.2 Never accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

7.3 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 Council in a competitive tendering or other procurement process.
- From applicants for planning permission and other applications for licences, consents and approvals.

- From applicants for grants, including voluntary bodies and other organisations applying for public funding.
- From applicants for benefits, claims and dispensations.
- From parties in legal proceedings with the Council.

7.4 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

7.5 Do not solicit (ask for) any gift or hospitality and avoid giving any perception of so doing.

8 Gifts Received and Donated to the Lord Mayor's Appeal

8.1 It has become customary for some members on receiving gifts of value not to retain these personally but to pass them to the Lord Mayor's Appeal Office for use in relation to the Lord Mayor's Appeal.

8.2 Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration **of gifts and hospitality** form.

9 Registration of Gifts and Hospitality **and notification to the Monitoring Officer**

9.1 The **Members'** Code of Conduct ~~for Members and Co-opted Members~~ provides that:

A member must **register with** the Monitoring Officer, within 28 days of **its receipt** any gift or hospitality **with an estimated value of at least over the value of £25.00. Details of the nature and source of that gift or hospitality should be included.** ~~provide written notification to of the existence and nature and source of that gift or hospitality.~~

9.2 If you are 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.

9.3 **A member should also register an accumulation of small gifts you receive from the same source over a short period, for example a couple of months, that add up to £25 or over in the interests of transparency.**

9.4 Members must complete the gifts and hospitality registration form for all notifications **and should include the name of the person or organisation who gave you the gift or hospitality, the date on which you received it, the reason it was given and its value or estimated value.**

9.5 **Members must also register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.**

9.6 **Members should always notify the Monitoring Officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position even where the hospitality falls below £25.**

10 Reporting of Inappropriate Gifts and Hospitality

- 10.1 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 Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.2 You may thereafter be required to assist the Police in providing evidence.

11 Enforcement

- 11.1 The Standards Committee has responsibility for dealing any breach of this Protocol.
- 11.2 Allegations of any breach must be made in writing to the Monitoring Officer.
- 11.3 A breach of this protocol shall also amount to a breach of the Members' Code of Conduct.

