

## GUIDANCE ON GIFTS AND HOSPITALITY

### 1. INTRODUCTION

- 1.1 The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the Authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.
- 1.2 This guidance sets out:
- (a) the principles which should be applied whenever a Councillor has to decide whether it would be proper to accept any gift or hospitality;
  - (b) a procedure for obtaining consent to accept a gift or hospitality when a Councillor considers that it would be proper to accept it;
  - (c) a procedure for declaring any gift or hospitality received and for accounting for any gift to the Authority; and
  - (d) circumstances where acceptance of gifts and hospitality is appropriate.
- 1.3 This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by Epping Forest District Council.

### 2. GENERAL PRINCIPLES

- 2.1 In deciding whether it is proper to accept any gift or hospitality, Councillors should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, such an offer should not be accepted if to do so would be in breach of one or more of these principles:

**Principle 1 - Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

- 2.2 Councillors must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- 2.3 The Public Bodies (Corrupt Offences) Act 1889 provides for a criminal offence carrying a maximum term of imprisonment of 7 years, if a Councillor acts in this manner.
- 2.4 The Council's Code of Conduct for Members provides that Councillors must act in the public interest, serving the Authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person.

**Principle 2 - Hospitality should only be accepted if there is a commensurate benefit to the Authority.**

- 2.5 The only proper reason for accepting any hospitality is that there is a commensurate benefit for the Authority which would not have been otherwise available. Acceptance can confer an advantage on the Authority, such as an opportunity to progress the business of the Authority expeditiously through a working lunch, or to canvass the

interests of the Authority and its area at a meeting. However, acceptance of hospitality for a member's own benefit or advantage, rather than for the benefit to the Council, would be a breach of the Code of Conduct.

### **Principle 3 – You should only accept gifts in very limited circumstances**

- 2.6 Acceptance of a gift is much less likely to confer such an advantage to the Council, the presumption being that the gift is purely for the member's personal benefit. Acceptance by a Councillor of a gift for their own benefit or advantage, rather than for the benefit to the Authority, would be a breach of the Code of Conduct.
- 2.7 The only gifts which may be accepted are listed in Section 3(a) below.

### **Principle 4 - Never accept a gift or hospitality if acceptance might be open to misinterpretation**

- 2.8 Members must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that they or the Authority favours any particular person, company or section of the community or is placing them under any improper obligation to any person or organisation. The gift or hospitality must be refused unless appropriate steps can be taken to ensure that such a misunderstanding does not arise.
- 2.9 Members must be careful in any of the following circumstances:

- (a) where the Authority is going through a competitive procurement process, so as to avoid any indication of favour for a particular tenderer;
- (b) determination of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination; and
- (c) funding decisions including cases where the Authority is determining a grant application.

### **Principle 5 - Never accept a gift or hospitality which puts you under an improper obligation**

- 2.10 Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If a gift or hospitality is accepted improperly, it is possible that they may seek to use this fact to persuade to determine an issue in their favour. Equally, if others note that a Councillor has been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Authority.

### **Principle 6 - Never solicit a gift or hospitality**

- 26.11 Councillors must never solicit or invite an offer of a gift or hospitality in connection with their position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Guidance. They should also take care to avoid giving any indication that they might be open to such any improper offer.

### **3. GENERAL CONSENT TO ACCEPT GIFTS AND HOSPITALITY**

#### **(a) Cases where there is a general consent to accept**

3.1 The Council has agreed that members may accept gifts and hospitality in the following circumstances:

- (a) civic hospitality provided by another public authority;
- (b) modest refreshments in connection with any meeting, such as tea, coffee, soft drinks and biscuits;
- (c) tickets for sporting, cultural and entertainment events which are sponsored by the Authority;
- (d) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. (Note: a Councillor should take care not to display any such 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);
- (e) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom a Councillor has done business on behalf of the Authority who is met accidentally in a public house, cafe or bar. (Note: a Councillor should make reasonable efforts to return the offer where this is practicable);
- (f) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices with any organisation or individual with whom the Authority has an existing business connection in order to facilitate the conduct of business. (Note: Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 per person);
- (g) modest souvenir gifts with a value below £25 from another Council or similar public body during a visit;
- (h) hospitality received in the course of an external visit or meeting which has been duly authorised by the Authority. (Note: Councillors should request officers to settle the detailed arrangements, with officers under an instruction to make it clear that any such hospitality is to be commensurate with the occasion);
- (i) 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 procedure set out in (b) below.

#### **(b) Procedure for gifts under Paragraph 3(a)(i) above**

3.2 A Councillor must, as soon as practicable after the receipt of a gift meeting the description under (a)(1) above, pass it to the Head of Research and Democratic Services/Chairman of the Council together with a written statement identifying the information set out in Paragraphs 3(c) below. A letter will then be sent to the person or organisation making the gift thanking them for the gift and informing them that it has been donated to the Chairman's Charity with the proceeds being donated to a charitable cause chosen by the Chairman.

### (c) Cases where special consent to accept can be obtained

- 3.3 If a member wishes to accept any gift or hospitality which is in accordance with the General Principles set out in Section 2, but is not within any of the general consents set out in Section 3, they may only do so if they have previously obtained specific consent in accordance with the following procedure.
- 3.4 The Councillor must make an application in writing to the Monitoring Officer, setting out full details of the offer and must not accept the gift or hospitality until you have received the appropriate consent.
- 3.5 The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the Authority's accounts for the relevant year. This does not however relieve the Councillor of the obligation to register the receipt of gifts and hospitality in accordance with Section 4, below.

## 4. REPORTING

- 4.1 Where a Councillor accepts any gift or hospitality which is estimated to have a market value or cost of provision of £25 or greater, they must, within 28 days of as soon as possible after receivingpt of the gift or hospitality register the source of the gift/hospitality., ~~make a declaration in writing to the Monitoring Officer, setting out the information in Paragraphs 2(b) above. A form for this purpose is available, but this can be sent by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register.~~ ANY GIFT OR HOSPITALITY MUST BE REGISTERED BY AMENDING YOUR REGISTRATION OF INTEREST. ONLY GIFTS AND HOSPITALITY IN CONNECTION WITH OFFICIAL DUTIES OF COUNCILLORS SHOULD BE REGISTERED.
- ~~4.2~~ Any gifts/hospitality registered under 4.1 are automatically a personal interest in any matter considered by the Council which is likely to affect the person who gave the gift/hospitality. The personal interest must be declared at all meetings and consideration given to whether the interest is a prejudicial one. After a period of 23 years from the date of receipt the duty to disclose ceases.
- ~~4.3~~2 Even if the value of the gift or hospitality is less than £25, and the member is concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, a Councillor may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

## 5. GIFTS TO THE COUNCIL RATHER THAN A COUNCILLOR

- 5.1 Councillors should not solicit any gift on behalf of the Authority except where the Authority has formally identified the opportunity for participation by an external party for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements.
- 5.2 If Councillors receive such offers on behalf of the Authority, they must first consider whether it is appropriate for the Authority to accept and report the offer to the Monitoring Officer together with their recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Authority. If a Councillor

has any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Authority to accept the gift, they should consult the Monitoring Officer directly.

**Adopted by Epping Forest District Council on ~~28 July 2005~~**

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