

Protocol C: Gifts, Benefits and Hospitality

C1. Meaning of "gifts" and "hospitality"

C1.1 The words "gifts", "benefits" and "hospitality" have wide meanings and no conclusive definition is possible. Gifts, benefits and hospitality include:

- (a) the gift of any goods or services;
- (b) the opportunity to acquire any goods or services free of charge or at a discount or at terms not available to the general public;
- (c) the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

C1.2 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.

C1.3 Common hospitality includes lunches, dinners or refreshments.

C2. General caution

C2.1 The fundamental principle must always be that any offer of a gift, benefit or hospitality should be treated with great care. Your prime duty as a member is to ensure that there is no conflict of interest in the performance of your duties. You should treat with caution any gift, benefit or hospitality that is made to you personally. Your personal reputation and that of the council can be seriously jeopardised by the inappropriate acceptance by you of a gift, benefit or hospitality.

C2.2 You should consider carefully all the circumstances surrounding the offer of a gift, benefit or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors. Also, you should be sensitive to the timing of the offer in relation to any business of the council which may affect those making the offer.

C2.3 You should avoid hospitality in situations where you, or you accompanied by members of your family, would be the only guests.

C2.4 You may have to estimate the value of the gift, benefit or hospitality. Where possible, you should use as a guide the charge which other members of the public would pay to purchase the gift or receive the hospitality.

C2.5 The decision for you in every case is whether or not it is appropriate to accept any gift, benefit or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. To refuse may cause misunderstanding or offence; however, to accept may give rise to impropriety or conflict of interest. In any case of doubt, you should discuss the circumstances with the monitoring officer.

- C2.6 Where the decision whether to accept hospitality is left to your judgement, you need to ask yourself some commonsense questions: for example:
- is there a benefit to the council in your accepting the invitation;
 - is the entertainment lavish, on a scale which you could not personally afford;
 - whether you are accepting too much hospitality from the same source;
 - if your position is prominent, whether just your attendance at an event might be open to interpretation as a signal of support.

C3. Code of Conduct requirements

- C3.1 The members' code of conduct requires you to register in the Register of Interests maintained by the monitoring officer, any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits or hospitality from the same or an associated source, with an estimated cumulative value of £100 or more which are received and accepted by you (in any one calendar year), in the conduct of the business of the Council, the business of the office to which you have been elected or appointed (for example as mayor or deputy mayor) or when you are acting as representative of the Council. You must also register the source of the gift, benefit or hospitality.
- C3.2 You must register the gift, benefit or hospitality within 28 days of its receipt/acceptance, using the form provided by the monitoring officer for the purpose.
- C3.3 Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure set out in paragraph 5 of the Code of Conduct will apply.
- C3.4 You must continue to disclose the existence and nature of the gift, benefit or hospitality etc at relevant Council meetings, for three years from the date you first registered the gift, benefit or hospitality.
- C3.5 Where any gift, benefit or hospitality (no matter the value) is accepted, the donor should always be advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

C4. Gifts and hospitality below the £100 threshold

- C4.1 You are encouraged to register with the monitoring officer, any gift, benefit or hospitality you receive which you estimate to be below the £100 threshold, but there is no obligation to make a disclosure at a Council meeting of the source of the gift, benefit or hospitality. Remember – it is in your interests always to register a gift, benefit or hospitality if it could be perceived as something given to you because of your position.

C5. What to avoid

C5.1 In deciding whether it is appropriate to accept any gift, benefit or hospitality, you must apply the following principles:

- do not accept a gift, benefit 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, benefit or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee.
- do not accept a gift, benefit or hospitality of significant value or whose value is disproportionate in the circumstances.
- do not accept a gift, benefit or hospitality if you believe it will put you under any future obligation to the provider as a consequence.
- do not solicit any gift, benefit or hospitality and avoid giving any perception of doing so.
- do not accept a gift, benefit or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - (i) from parties involved with the Council in a competitive tendering or other procurement process.
 - (ii) from applicants for planning permission and other applications for licences, consents and approvals.
 - (iii) from applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - (iv) from applicants for benefits, claims and dispensations.
 - (v) from parties in legal proceedings with the Council.

C5.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove corruption in relation to the receipt of a gift, benefit or hospitality from a person holding or seeking to obtain a contract from the Council.

C5.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the monitoring officer