

PROTOCOL B: GIFTS, BENEFITS AND HOSPITALITY

B1	Meaning of "gifts" and "hospitality"	
B1.1	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.
B1.2	Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.	
B1.3	Common hospitality includes lunches, dinners or refreshment.	
B2	General Caution	
B2.1	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.	
B2.2	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.	
B2.3	You should avoid hospitality in situations where you, or you accompanied by members of your family, would be the only guests.	
B2.4	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.	

B2.5	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.
B2.6	Where the decision whether to accept hospitality is left to your judgement, you need to ask yourself some common sense questions. For example:
(a)	is there a benefit to the Council in your accepting the invitation;
(b)	is the entertainment lavish, on a scale which you could not personally afford;
(c)	whether you are accepting too much hospitality from the same source.
B3	Code of Conduct Requirements
B3.1	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.
B3.2	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.
B3.3	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.
B3.4	You must continue to disclose the existence and nature of the gift, benefit or hospitality at relevant Council meetings, for three years from the date you first registered the gift, benefit or hospitality.

B3.5	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 their dealings with the Council.	
B4	Gifts and hospitality below the £100 threshold	
B4.1	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.	
B5	What to Avoid	
B5.1	In deciding whether it is appropriate to accept any gift, benefit or hospitality, you must apply the following principles:	
	(a)	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.
	(b)	do not accept a gift, benefit or hospitality of significant value or whose value is disproportionate in the circumstances.
	(c)	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.
	(d)	do not solicit any gift, benefit or hospitality and avoid giving any perception of doing so.
	(e)	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.

B5.2	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.						
B5.3	Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.						
<p>It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place them under an obligation.</p> <p>If you are in doubt about what is proper, there are three particular things you should bear in mind:</p> <ul style="list-style-type: none">▪ DO err on the side of caution. If the thought of the acceptance of the gift, benefit or hospitality becoming public makes you uncomfortable, do not accept;▪ DO consult the Monitoring Officer if you are still unsure;▪ DO consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with this Protocol.							
B6	Gifts and Hospitality which need not be Registered						
B6.1	<p>There are some circumstances where you may accept gifts and hospitality without the need to register the gift, benefit or hospitality. Some situations will require the exercise of your personal judgement. You should always be cautious when additional services, privileges or advantages are offered, which might be related to your position as a member.</p> <p>Remember - always register a gift, benefit or hospitality if it could be perceived as something given to you because of your position.</p> <table><tr><td>(a)</td><td>official hospitality such as a civic reception or a working/business lunch in council-owned premises or hosted elsewhere, by a partner organisation of the council.</td></tr><tr><td>(b)</td><td>civic hospitality provided by another public authority.</td></tr><tr><td>(c)</td><td>refreshment in connection with any meeting in the course of your work as a member, for example tea, coffee and other normal beverages and refreshments.</td></tr></table>	(a)	official hospitality such as a civic reception or a working/business lunch in council-owned premises or hosted elsewhere, by a partner organisation of the council.	(b)	civic hospitality provided by another public authority.	(c)	refreshment in connection with any meeting in the course of your work as a member, for example tea, coffee and other normal beverages and refreshments.
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	(d)	meals or refreshments funded by other public sector partners, as part of joint working/collaboration.
	(e)	meals or refreshments provided as part of a ceremony or event to promote/or launch a project or initiative.
	(f)	meals or refreshments provided at design/progress meetings, by a consultant, contractor or advisor who is already appointed by the Council for that project, scheme or initiative.
	(g)	drinks or other refreshment in the normal course of socialising arising consequentially from Council business e.g. inclusion in a round of drinks after a meeting.
	(h)	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.
	(i)	Small, low-value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens.
	(j)	gifts and hospitality arranged and paid for wholly by your own political party.
	(k)	gifts and hospitality not related or connected with your membership of the Council i.e. received by you outside the performance of your functions as a member.
	(l)	gifts and hospitality you may receive from family and friends e.g. birthday presents that are not related to your position as a member.
	(m)	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, for example a picture for display in the Mayor's Parlour.
	(n)	gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
	(o)	gifts and hospitality which you do not accept (refer to the guidance in paragraph 8 of this Protocol).
	(p)	gifts which you donate to the Mayor's charity, subject to you indicating this intention to the donor of the gift.
	(q)	gifts known to be available to all members of the Council e.g. badges and ties bearing the authority's coat of arms.

	(r)	souvenirs and gifts from other public bodies intended as personal gifts, for example arising from town-twinning and other civic events.
	(s)	hospitality known to be available to all members of the Council, for example refreshments at the council's Annual Meeting.
	(t)	hospitality ancillary to the Council business being conducted, such as an overnight stay for an 'away – day with a partner organisation of the council'.
	(u)	hospitality ancillary to attendance at conferences, seminars and courses where the hospitality is corporate, rather than personal.
	(v)	hospitality ancillary to attendance at functions where you represent the Council (opening ceremonies, public speaking events, conferences).
	(w)	hospitality ancillary to attendance as Mayor or Deputy Mayor, at charity events, garden parties, fetes, schools, concerts etc.
	(x)	trips in the United Kingdom or abroad which are paid for by the Council or which involve reciprocity of payment with other local authorities, government bodies/departments or outside bodies/organisations, together with any hospitality associated with such visits and available to all participants e.g. twinning visits.
B7	Gifts and Hospitality Declined	
B7.1	There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer. When gifts or hospitality are declined, the offeror should be courteously but firmly informed of the procedures and standards operating within the council.	
B8	Reporting of Inappropriate Gifts and Hospitality Offered	
B8.1	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, benefit or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.	