

This document is not a part of the constitution, but is guidance provided for the assistance of members

Somerset Council Guidance for Councillors on Gifts and Hospitality

Introduction

This guidance is for members of the Council and independent and co-opted members (voting and non-voting) and is to help protect your position and the reputation of the local authority. The relevant provisions from the Code of Conduct are set out in the Appendix.

General Guidance

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult for example if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered.

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 local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

You must register:

- (i) any gift or hospitality with an estimated value of at least **£50**; or
- (ii) any gift or hospitality with an estimated value of at least **£50** that has been offered to you that you have refused to accept;

with the Monitoring Officer within 28 days of that offer or receipt.

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. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you receive from family and friends (e.g. as birthday or Christmas presents) that are not related to your position as a member.
- The acceptance of facilities or hospitality provided by the Council.
- Gifts given to the Council that you accept formally on the Council's behalf which are retained by the Council and not by you personally.

Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality in the normal course of your duties as a member such as:

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- Civic hospitality provided by another public authority.
- Normal and modest refreshment or modest meals in connection with any meeting as a member.
- 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, if the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (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).

Principles to apply in relation to Gifts and Hospitality

You should ask yourself whether you would have received the gift or hospitality if you were not a member of the Council. If you are in any doubt as to the motive behind an offer of a gift or hospitality, you should consider speaking to the Monitoring Officer before deciding whether to accept it.

In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:

- If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement or fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation or if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of doing so.
- Even if you only accept part, it is the total value of the gift or hospitality that is on offer that you should use in calculating whether it exceeds the **£50** threshold.

Registration of Gifts and Hospitality

The Code of Conduct provides that you must register the offer or acceptance of any gift or hospitality with an estimated value of at least **£50**. Registration in the register of members’ interests should take place as soon as possible after the offer or acceptance of the gift or hospitality and must be made within 28 days. The registration details should include the source and nature of the gift or hospitality.

Although the registration requirement in the Code of Conduct is limited to the offer or acceptance of gifts or hospitality over the value of **£50**, you are encouraged to register any gift or hospitality you are offered or accept below this value. There is however no obligation in relation to gifts and hospitality which are below **£50** in value.

It is also a requirement of the Code of Conduct that members register gifts or hospitality of at least £50 in value which they refuse to accept and include the details of the source and the nature of the gift or hospitality that has been refused.

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Enforcement

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 offer of gift(s) or hospitality has been made to you. You may thereafter be required to assist the Police by providing evidence and/or assisting with their investigations. In the event of a prosecution you may be required to give evidence in court.

Allegations of any failure to comply with this guidance must be made in writing to the Monitoring Officer.

Any failure to comply with this guidance could lead to you being accused of breaking the law or breaching the Code of Conduct or your personal reputation and/or that of the Council being seriously jeopardised.

The Council's Standards Committee has responsibility for overseeing compliance with this guidance. This guidance will be subject to annual review by the Standards Committee.

Appendix

9 Gifts and hospitality

As a councillor:

- 9.4 I do 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 my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 9.5 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 9.6 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept within 28 days of the offer.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.