

# Appendix B

## Extract from the SSDC Constitution

### Guidance for Members on Gifts and Hospitality

#### 1. Introduction

- 1.1 This guidance is for members of the Council and independent and co-opted members (voting and non-voting).

#### 2. General Caution

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. You may consider that the reputation of local government is enhanced by you adopting a position of refusing to accept any offer or gift, favour or hospitality that is made to you personally.
- 2.2 You will appreciate that your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.3 It is true that 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.

#### 3. Criminal Law

- 3.1 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.
- 3.2 The onus would be on **you** to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

#### 4. Limits of Guidance

- 4.1 This guidance does not apply to:-
- 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.
  - The acceptance of facilities or hospitality provided to you by the Council.
  - 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.

#### 5. Meaning of Gifts and Hospitality

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

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

## **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.

- 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 refreshments).
- 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 (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**

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

- Do not accept gifts 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.
- "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. Such circumstances will include gifts and hospitality:-
  - (a) From parties involved with the Council in a competitive tendering or other procurement process.
  - (b) From applicants for planning permission and other applications for licences, consents and approvals.

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

- Do not accept a gift or hospitality 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 so doing.
- In terms of identifying value always err on the side of caution and if in doubt register.
- It matters not what part you accept, it is the value that is on offer that you use in calculating whether it exceeds the £25 threshold e.g. if invited to a champagne reception then the fact that you choose to only drink the water you brought yourself doesn't alter the fact that what was on offer was valued in excess of £25 so should be registered.

## **8. Gifts Received and Donated to the Chairman's Charities**

- 8.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charities. Members should indicate this intention to the provider and make this clear on their register of interests.

## **9. Registration of Gifts and Hospitality**

- 9.1 The revised Code of Conduct for Members and Co-opted Members provides that members will have a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.
- 9.2 This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose.
- 9.3 You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Council at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.
- 9.4 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value. It is also recommended as good practice that members register all gifts or hospitality which they refuse to accept irrespective of value and include the details of the source and the nature of the gift or hospitality that has been refused.

## **10. Reporting of Inappropriate Gifts and Hospitality Offered**

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

## **11. Enforcement**

- 11.1 The Council's Standards Committee has responsibility for overseeing compliance with this guidance.
  - 11.2 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.
  - 11.3 Any failure to meet the guidance will itself be treated as a breach under the code of conduct.
  - 11.4 This guidance will be subject to annual review by the Standards Committee.
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