

NEWARK & SHERWOOD DISTRICT COUNCIL
PROTOCOL FOR MEMBERS ON HOSPITALITY AND GIFTS

1.0 Introduction

1.1 This guidance is supplementary to the requirements of the Code of Conduct. The Code governs the ethical standards required of members. Specifically, it seeks to ensure that the public role of members is not prejudiced by inappropriate behaviour or association. Members may be offered gifts or hospitality and it is important that such offers are considered critically. This guidance is intended to assist in determining how to respond to such offers.

2.0 Principles

2.1 People or bodies may have ongoing contractual relationships with the Council. Equally, people or bodies may need planning permission or other consent from the Council to conduct their affairs. They could seek to secure a sympathetic response from Council Members by the making of gifts. Equally whether or not the intention to secure an advantage is present, an outsider might suspect that an improper advantage is being sought from a member. It is essential that members should give critical consideration to the offer of gifts or hospitality in that light.

2.2 There are few hard and fast rules governing the acceptance of gifts and hospitality. Clearly if the offer is corrupt, there are criminal implications. Moreover, the Code of Conduct requires any member receiving any gift or hospitality over the value of £100 in his or her capacity as a Member to notify the Monitoring Officer of the existence and nature of that gift or hospitality within twenty-eight days of receiving it. Details are entered in a register maintained by the Monitoring Officer, which is open to public inspection.

2.3 Members are personally responsible for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the authority.

2.4 Members should therefore treat all offers of gifts or hospitality with caution, with a view to not only avoiding impropriety but also any suggestion of impropriety. Members should give the same consideration to offers made to members of their family or friends, which could be viewed as securing an indirect benefit to themselves.

2.5 Although all offers should be treated with caution, there will be occasions where not to accept reasonable gifts or hospitality would prejudice the regular conduct of the Council's business or give offence to persons or bodies of significance to the Council. This is most obviously seen in the context of overseas civic twinning arrangements and similar events where courtesies demand the exchange of reasonable gifts and hospitality and where special arrangements (detailed later) are in place. Equally, it is reasonable to expect business meetings to be accompanied by modest refreshment should the nature and duration of the meeting demand it. An example would be the provision of a working lunch.

2.6 It is important that the offer and receipt of gifts and hospitality takes place in an open manner. Such openness will serve to remove suspicion and provide accountability. It will also deter the making of inappropriate offers.

3.0 General Guidance

3.1 Whether to accept the offer of a gift or hospitality should be considered in the light of the above principles and the guidance issued pursuant to the Bribery Act 2010.

3.2 Members should never accept a gift or hospitality as an inducement or reward for taking any particular action or for refraining from taking any particular course of action.

3.3 Members should never accept a gift or hospitality if acceptance may be open to misinterpretation.

3.4 Members should never solicit a gift or hospitality in an individual capacity (however this shall not prevent them from seeking grants, sponsorship or other benefits on behalf of the district or the community of their ward area).

3.5 Receiving civic hospitality provided by another public authority is acceptable.

3.6 Receiving tickets for sporting, cultural and entertainment events sponsored by the authority would normally be acceptable but will be dependent on the precise nature of the event and the value of the ticket.

3.7 Members should declare the receipt of all significant offers of gifts and hospitality to the Monitoring Officer whether or not the offer has been accepted (for the avoidance of doubt, this does not require the declaration of modest gifts of no significant value such as a diary or calendar or modest refreshments such as tea, coffee and biscuits or a working lunch) but will include offers of gifts and hospitality such as bottles of wine, even where the value is substantially below the £100 limit set out in the Code. The Monitoring Officer will keep a separate register of the receipt of gifts and hospitality as required by the formal Code i.e. over £100.

3.8 Members should be particularly alert to any relationship that the person making the offer has to the Council, i.e. whether they have a contractual relationship with the Council or whether they are likely to require a favourable decision from the Council, e.g. a planning permission, a contract or a licence.

3.9 It is acceptable to receive modest gifts on significant occasions, e.g. at Christmas where not to do so would show a lack of courtesy. An example of such a gift might be a diary or a calendar. Receipt of gifts such as a bottle of wine etc would not normally be acceptable but may, in exceptional circumstances, be dealt with under paragraph 5 "Special Arrangements". Acceptance of a gift or hospitality is more likely to be acceptable where that offer either has been or is likely to be reciprocated by the Council.

- 3.10 Accepting modest refreshment such as a working lunch, or hospitality provided as part of an official opening ceremony or similar event would be acceptable.
- 3.11 It is the responsibility of each individual member to decide whether to accept offers of gifts and hospitality. If in doubt, advice should be sought from the Monitoring Officer or Head of Paid Service. In exercising their judgement Members should have regard both to the particular circumstances and as to whether a member of the public, with knowledge of the relevant facts, would reasonably consider its acceptance to be appropriate.
- 3.12 An important criterion in exercising judgement as to what is acceptable is what interpretation those in the community or the press might reasonably put upon acceptance having full knowledge of the relevant facts.
- 3.13 Repeated offers of gifts or hospitality from one person, firm or organisation may render unacceptable what would otherwise have been acceptable.
- 3.14 Particular care should be taken where a member has any involvement in making a decision for placement of a contract or for any decision carrying value for the person or organisation offering the gift or hospitality (for example, the granting of planning permission).

4.0 Civic Gifts and Hospitality

- 4.1 It is the responsibility of the Chief Executive to ensure that hospitality for civic events is proportionate to the occasion. A guiding principle in accepting or offering hospitality is whether it is reasonable to expect the hospitality to be reciprocated at a similar level.
- 4.2 The presumption is that any gifts given to the Chairman or Vice-Chairman are gifts to the office of the Chairman and so belong to the Council. The Chief Executive is the final arbiter of whether such gifts belong to the Council or to the individual occupying the office of Chairman. In exercising such judgement, the Chief Executive shall have particular regard as to whether the gifts were given to the office holder in a personal or in an official capacity and the value of such gifts.
- 4.3 The Chief Executive will maintain a record of all gifts to the office of Chairman. All gifts in excess of a value of £100 will be declared to the Monitoring Officer for entry in the register.
- 4.4 For the avoidance of doubt, the above provisions shall not apply to any gifts donated for the purpose of any raffle or similar fund-raising events organised by the Chairman for the purposes of the Chairman's charity.

5.0 Special Arrangements

- 5.1 If a Member receives a gift where the donor is unknown, where it is impracticable to return the gift to the person or organisation making the gift, or where the Member reasonably considers that to return it would cause undue offence, in circumstances where it would otherwise be inappropriate to accept the gift, the Member should deal with the gift in accordance with the procedure set out below.
- 5.2 The Member must, as soon as practicable after receipt of the gift pass it to the Chief Executive or Monitoring Officer to be donated to the Chairman's Charity. The Chief Executive or Monitoring Officer shall write to the person or organisation making the gift, if known, thanking them on behalf of the Member for the gift and informing them that it has been donated to the Chairman's Charity Fund.