

## **Gifts and Hospitality - Guidance for Councillors**

### **Introduction**

Northampton Borough Council's Members' Code of Conduct sets out that you have a personal interest in any business of the Council where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50. You are required to register such gifts and hospitality by notifying the Monitoring Officer in writing by updating your Register of Interests Form. Failure to declare a personal interest is a breach of the Code of Conduct.

It is also a breach of the Code of Conduct for you to conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or for you to use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

Further, the Code of Conduct is underpinned by the Nolan principles of public life, some of which are particularly relevant to the receipt and declaration of gifts and hospitality:

- **Integrity** – Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
- **Openness** – Members should be as open as possible about all the decisions and actions that they take.
- **Honesty** – Members should declare any private interests relating to their public duties and take any steps to resolve any conflicts arising in a way that protects the public interest.

You are therefore asked to declare to the Monitoring Officer in writing any gifts or hospitality with an estimated value of at least £50 that you have received in connection with your official duties as a Member.

The Bribery Act 2010 creates offences of bribing another person and of being bribed. In summary, the offences consist of promising, offering or giving, or, requesting, agreeing to receive or accepting an advantage (financial or otherwise) in circumstances involving the improper performance of a relevant function or activity. A relevant function for the Council's purposes is any function of a public nature, where there is an expectation that the function/activity is carried out in good faith, or an expectation that the function/activity is performed impartially, or where the person performing it is in a position of trust by virtue of performing it. Individuals can be fined or imprisoned, or both, for offences under the Bribery Act 2010.

This Guidance [which has been approved by the Standards Committee,] is intended to be broad to assist you to comply with your obligations and also to help you to avoid any situation where your integrity or objectivity might be called into question as a result of gifts and hospitality.

### **What do I need to do?**

- **Register in writing with the Monitoring Officer any gifts or hospitality with an estimated value of £50 or more that you have received in connection with your official duties as a Member.**

This registration must be made on your general '*Register of Interests Form*' or on the separate '*Register of Gifts and Hospitality by Councillors Form*' which is available to download from the intranet:

(<https://intranet.northampton.gov.uk/wp-content/uploads/2016/02/REGISTER-OF-GIFTS-AND-HOSPITALITY-BY-COUNCILLORS1.doc>)

Any changes to your personal interests need to be notified to the Monitoring Officer within 28 days of the change. It is best though to get in the habit of registering your personal interests, including gifts and hospitality received as soon as possible.

Your Form should be returned to Democratic Services, who administer the Members' Register of Interests on behalf of the Monitoring Officer. Democratic Services will publish the information contained within your Form on your online Register of Interests, which is open to the public to view.

- If you are dealing with any Council business, (for example, you are part of a Council meeting), and you have a personal interest in that business, because it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 **and** you have **not** already declared that gift/hospitality to the Monitoring Officer on your Register of Interests, you must do so within 28 days. You should also declare your interest to the meeting.

### **Is the gift or hospitality connected to my official duties as a Member?**

You are only required to register and declare gifts and hospitality that you have received in your official capacity as a Member of the Council. [The following are examples of when you are acting in your official capacity:

- When you conduct the Council's business
- When you conduct the business of the office of Councillor
- When you act as a formal representative of the Council on another body.]

You should ask yourself, would I have been offered this if I was not a Councillor? If you are in doubt, it is recommended that you register it or speak to the Monitoring Officer.

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. However, you should always register a gift or hospitality if it could be perceived as something given to you (or a member of your family) because of your position.

### **General guidance on accepting gifts and hospitality**

**Registering gifts or hospitality does not automatically mean that it is appropriate or advisable to accept them in the first place.**

The need to consider whether it is appropriate to accept a gift or hospitality always applies, whatever the estimated value of the gift/hospitality is.

You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally in your capacity as a Member of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

The appearance of impropriety can be just as damaging to the Council and to you as a Councillor, as actual impropriety. Therefore, a helpful question in deciding whether any gift or hospitality should be

accepted, is whether a member of the public knowing the facts, would think that you might be improperly influenced by the gift or hospitality.

The following principles should also be applied:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor
- Never accept a gift or hospitality if acceptance might be open to misinterpretation
- Never accept a gift or hospitality which puts you under improper obligation
- Never solicit a gift or hospitality

Regardless of whether a gift or hospitality is above or below £50 in value, you must first consider whether it is **appropriate** for you to **accept** it at all. After you have considered whether it is appropriate for you to accept it, you then need to consider the requirements and guidance in relation to **registration** of the **gift / hospitality**.

### **Guidance - GIFTS**

- A gift could be any item or service you receive free of charge, or which you are offered at a discounted rate or on terms not available to the general public.
- The general principle is that gifts should be refused. However, when deciding whether or not to accept an offer of a gift, the context is very important. An offer of a gift from a company seeking to do business with the Council is unlikely ever to be acceptable.
- Cash or monetary gifts should always be refused and the Monitoring Officer should be notified.
- The following are examples of gifts that **depending on the specific circumstances**, it might be appropriate to accept:
  - Token gifts with no or very low monetary value, (such as calendars, pens, mugs, key rings etc.) that are given to a wide range of people can be accepted and do not need to be declared. If you are in any doubt as to the classification of token gifts ask the Monitoring Officer.
  - Modest souvenir gifts with a value below £50 received from another Council or similar public body during a visit.
  - A modest gift given to you at Christmas by a constituent will generally be acceptable and could cause offence if returned.
- If you receive any unsolicited gifts where it is not appropriate to accept them, but it would be impracticable to return them, or where refusal in the circumstances would cause offence, you must as soon as practicable after receipt of the gift, pass it to the Monitoring Officer together with a written statement explaining where it came from and the circumstances. [An entry will be made on the Council's Register by the Monitoring Officer] and a letter will then be sent to the person or organisation thanking them for the gift and informing them that it has been donated to the Mayor's Charity.

### **Guidance – HOSPITALITY**

- Hospitality is 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. Common hospitality includes meals, refreshments, and tickets for cultural or sporting events.
- The general principle is that hospitality should ordinarily be refused other than on a modest scale.
- The following are examples of modest hospitality that **depending on the specific circumstances**, it might be appropriate to accept:

- Light refreshment in connection with any meeting in the ordinary course of your work, such as teas, coffees, biscuits, soft drinks, sandwiches etc.
- Civic hospitality provided by another authority.
- Hospitality through attendance at relevant conferences and courses where the hospitality is corporate rather than personal.
- A working meal provided to allow parties to discuss or to continue to discuss business.
- [Invitations to attend functions where you represent the Council (eg. at opening ceremonies or public speaking events)].
- Offers of complimentary or reduced price tickets for concerts, the theatre, or sporting events should be treated with caution and accepted only when these are part of the life of the community or where the Council should be seen to be represented. It is important to ensure that there is a proper reason for acceptance of hospitality and it is particularly important to consider how the public, when viewing your Register of Interests might perceive your acceptance of this type of hospitality. It is suggested the advice of the Monitoring Officer is sought before hospitality of this type is accepted.
- The following are examples of hospitality which it would **not** be appropriate to accept:
  - A holiday or business trip paid for by a business contact of the Council.
  - Use of a flat/hotel suite provided by a business contact of the Council.
  - Paid for corporate invites for evenings out or similar, with representatives from a company or organisation who have dealings with the Council, or who are likely to in the future.

### **Gifts and hospitality below the value of £50**

You must always consider whether it is appropriate to accept a gift or hospitality, regardless of the value.

While gifts and hospitality with an estimated value of at least £50 **must** be registered, you **may** wish to declare the receipt of gifts and hospitality where the value is under £50.

While it may be appropriate to accept a token gift or gift of low value on one occasion, it is recommended that you should refuse repeated gifts from the same source, even if these are individually not of a significant value.

### **What if I do not know the value of a gift or hospitality?**

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth, by considering how much you reasonably think it would cost a member of the public to buy the gift or provide the hospitality in question.

### **What do I need to do if I have declined a gift or hospitality?**

It is recommended that you should register any offer of a gift or hospitality which you have declined, as this helps protect both your position and the Council's position.