

GIFTS, BENEFITS AND HOSPITALITY Factsheet

The [Member] Code of Conduct states 'You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You should have regard to the guidance in the Council's Protocol on Gifts, Benefits and Hospitality'.

- A. What does 'hospitality' mean?** 'Hospitality' includes any food, drink, accommodation or entertainment provided free of charge or heavily discounted.
- B. What does 'benefit' mean?** 'Benefits' include sponsorship and the offer by a supplier of discount for the purchase of an item for personal use not generally available to the general public.
- C. What does 'gift' mean?** 'Gifts' include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.
- D. Are all gifts, benefits and hospitality registrable?** No. There are some circumstances for example where you may receive official hospitality such as a civic reception or a working/business lunch in Council owned premises or hosted elsewhere, by a public sector partner or souvenirs and gifts from other public bodies intended as personal gifts e.g. from town-twinning and other civic events which you attend. Such gifts, benefits or hospitality need not be registered. Some situations will require the exercise of your personal judgement.
- E. Is the gift, benefit or hospitality connected to my official duties as a Councillor?** You should always be cautious, when additional services, privileges or advantages are offered, which might be related to your position as a Member. Ask yourself 'would I have been given this if I was not on the Council or, could it be perceived that the gift, benefit or hospitality was given to me because of my position on the Council?' If the answer is 'yes', you must register the gift, benefit or hospitality in accordance with FAQ F below. If you are in doubt as to the motive behind a gift, benefit or hospitality, register it or speak to the Monitoring Officer or, where relevant, your Parish/Town Clerk.
- F. What do I have to do when I receive a gift, benefit or hospitality?** If you have been given a gift, benefit or hospitality because of your official duties as a Member or you perceive that the gift, benefit or hospitality has been given to you because of your position on the Council, then you must, within 28 days of acceptance, register with the Monitoring Officer, any gift, benefit or hospitality worth £100 or more and also register the donor.
- G. What are the implications when I attend a committee meeting?** You may have a prejudicial interest if *all* of the following conditions are met:
- the matter being discussed at the meeting, affects the donor's financial position; and
 - your interest affects you to a greater extent than Council Tax payers etc; and
 - a reasonable member of the public with knowledge of the relevant facts, would believe that your ability to judge the public interest would be impaired.

Note: A regulatory application, including a matter of consent or approval, licence, permission or registration made by the donor, is considered to have an impact upon the financial interests of that donor.

- H. Can I participate in the discussion and vote on an item in which I have a prejudicial interest?** Only if you have been granted a dispensation to speak or to speak and vote. Otherwise, you must withdraw from the meeting room during the debate and not vote on the item.

Remember to declare at the beginning of the meeting, or as soon as you become aware of the interest, the existence and nature of the interest and how the business under consideration relates to the donor of the gift, benefit or hospitality.

- I. Do I need to consider whether my acceptance of a gift, benefit or hospitality raises other conflicts?** Yes – although you may not have a prejudicial interest, you may be conflicted because of actual or perceived bias.

J. Can I represent my constituents if I have a prejudicial interest or am conflicted in other ways?

Yes, by:

- making written representations - these should be addressed to officers;
- arranging for another Member to represent the views of your constituents.

K. What happens if I do not know the value of the gift, benefit or hospitality? The general rule is, if in doubt, register it as a matter of good practice.

L. Do I have to register gifts, benefits or hospitality I do not accept? No, but you may wish to do so, as a matter of good practice.

M. Do I have to register gifts, benefits or hospitality from Council-owned companies? Yes - wholly-owned companies are separate bodies from the Council.

N. What about official gifts, benefits or hospitality given to the Mayor or Leader of the Council?

1. Gifts that are clearly made to the Council do not need to be registered;
2. Gifts made directly to the Mayor's charity appeal do not need to be registered;
3. There is no requirement to register hospitality that has been extended to the office holder e.g. Leader of the Council, rather than the individual.

O. Find out more - The Protocol on Gifts, Benefits and Hospitality offers further guidance. Advice or clarification can be sought from the Monitoring Officer or the Head of Legal Services.