

## **GUIDANCE NOTE FOR COUNCILLORS (INCLUDING THE MAYORALTY) ON GIFTS AND HOSPITALITY**

### **1. BACKGROUND**

- 1.1. The role of Councillor means that you are brought into contact, as part of your Council work, with many people for many different reasons. From time to time you may encounter situations where individuals, firms, companies, and other public bodies will offer gifts or hospitality.
- 1.2. The reasons for this will vary, but such offers will usually be made as good will gestures, or for celebration or appreciation, or for helping networking or working together.
- 1.3. Some Councillors who hold particular positions within the Council may find themselves receiving offers of gifts and hospitality for example the Mayor of the Council in their civic role, or senior Councillors who have to liaise often with other public and private sector partners.
- 1.4. There are rules which regulate the acceptance of gifts and hospitality by Councillors. This is because the acceptance of benefits such as gifts can affect the perception of whether Councillors and the Council are acting in the public interest. Councillors are in a position of significant influence over issues that affect people's lives within their area. They are holders of the public purse and in their Council role must always act in the best interests of the people of Crawley. They must not act in any way which undermines public trust in what they are doing.
- 1.5. This inevitably means that as a Councillor you need to understand the rules that apply to gifts and hospitality and you must always bear in mind how the public might view your acceptance of them.
- 1.6. This Guidance applies to all Councillors including the Mayor and Deputy Mayor, it sets out a clear set of principles which should apply when a Councillor is considering whether it would be proper to accept any gift or hospitality.

### **2. THE MEANING OF GIFTS AND HOSPITALITY**

- 2.1. "Gift or Hospitality" includes any of the following:
  - a) The free gift of any goods or services.
  - b) The opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public.
  - c) The opportunity to obtain any goods or services which are not available to the general public.
  - d) The offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event on terms not available to the general public.
  - e) Common gifts include pens, diaries, calendars, books, flowers and promotional items.
  - f) Common hospitality includes lunches, dinners or refreshments.

### **3. LEGAL POSITION AND THE CODE OF CONDUCT**

- 3.1. The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.
- 3.2. Under the Code of Conduct Councillors must register as a Personal Interest the receipt of any gift or hospitality with an estimated value of £50 or more received within the last three years. This must be done within 28 days of its receipt / acceptance.
- 3.3. Councillors in any event are required to complete a Form of Declaration of receipt / acceptance of any gift or hospitality including refusal.
- 3.4. The Monitoring Officer maintains a Register of Gifts and Hospitality which will be published on the Council's website.

### **4. GENERAL GUIDANCE ON GIFTS AND HOSPITALITY**

- 4.1. When to accept a gift or hospitality is a matter of judgement for each individual Councillor. An important criteria in exercising judgement as to what is acceptable is how it might be perceived by an ordinary member of the public or the press. It is acknowledged that to refuse may also cause misunderstanding or offence however to accept may give rise to questions of impropriety or conflict of interest.
- 4.2. Your primary duty as a Councillor is to ensure there is no conflict of interest in the performance of your duties. You should consider carefully all the circumstances surrounding the offer of the gift or hospitality, the scale, the amount, the timing of the offer particularly in relation to decisions which the Council may be taking affecting those making the offer, the potential frequencies and the source.
- 4.3. In deciding whether it is appropriate to accept any gift or hospitality you should apply the following principles:
  - a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.
  - b) Never accept a gift or hospitality if the acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality from:
    - (i) Parties involved with the Council in competitive tendering or procurement processes.
    - (ii) Applicants for planning permission and other applications for licences, consents and approvals.
    - (iii) Applicants for grants, including voluntary bodies and other organisations applying for public funding
    - (iv) Parties in legal proceedings with the Council.
  - c) Is there some benefit to the Council in accepting the gift or hospitality?
  - d) Never solicit a gift or hospitality.
  - e) Never accept a gift or hospitality if it puts you under an obligation to the provider as a consequence.
  - f) Never accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

- 4.4. The sections below provide guidance on gifts and hospitality which are usually considered acceptable and unacceptable, however there are no hard and fast rules laid down to cover every circumstance as to what is appropriate or inappropriate, in any case of doubt, advice should be sought from the Monitoring Officer.

## **5. GIFTS AND HOSPITALITY WHICH MAY BE ACCEPTED**

- 5.1. The following are examples of acceptable gifts and hospitality:

- Official hospitality such as a civic reception or a working / business lunch in Council owned premises (provided it is ancillary to the business being conducted).
- Civic hospitality provided by another public authority.
- Modest refreshments in connection with any meeting in the course of your work as a Councillor e.g. normal refreshments.
- Modest meals or refreshments funded by other public sector partners, as part of joint working / collaboration, and provided it is ancillary to the business being conducted.
- Modest meals or refreshments provided as part of a ceremony or event to promote / launch a project or initiative.
- Low value gifts below £25 such as pens, calendars and diaries, flowers and promotional items.
- Hospitality in connection with attendances at conferences and seminars, where the hospitality is corporate rather than personal.
- Hospitality ancillary to attendance by the Mayor / Deputy Mayor at charity events, garden parties, fetes, schools, concerts, etc.

## **6. UNACCEPTABLE GIFTS AND HOSPITALITY**

- 6.1. The following are examples of unacceptable gifts and hospitality:

- Paid holiday or leisure travel or accommodation.
- Tickets for premium events which are offered on a personal basis.
- Bottles of wines or spirits.
- Use of an individual's or an organisation's flat or hotel.
- Discounted services, materials, labour, etc. from contractors or suppliers which are not normally available on the same basis to others not having an actual or potential business link with them. Councillors should not procure or encourage any such provision to family, friends or business associates.
- Cash or monetary gifts.
- Significant gifts in kind.

- 6.2. Where it is impractical to reject an unsolicited gift, or in the particular circumstances where refusal of the gift may cause misunderstanding or offence, the gift will be donated to the Mayor's charity raffle and the person who has made the gift will be thanked and notified accordingly.