

## **GIFTS AND HOSPITALITY FOR MEMBERS**

Last revised ~~April-December~~ 202221

## Guidance on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted Members

### Introduction

This Guidance has been adopted by Runnymede Borough Council (the Council) and provides guidance to Members<sup>2</sup> on their obligations to declare gifts and hospitality offered and/or received in their capacity as Members of the Council and to provide clarity on those obligations. This includes gifts and hospitality you have been offered but declined to accept it or a gift received but then donated. More detailed guidance follows this summary of the rules. If you require further assistance please contact the Monitoring Officer.

### What are the rules?

- You must declare every individual gift or item of hospitality offered and/or received that is over £50 in value.
- Your declaration must be made *within 28 days of the date you were offered and/or received it*, by notifying in writing the Council's Monitoring Officer.
- The details we require you to declare are the date the offer/gift/hospitality was made, who the offer was made by, the reason for the offer if known, its value (approximate if you do not know the actual value) and what action you took. For example, if you accepted the gift/hospitality, accepted it and donated it, or declined. You must declare the value and details of the gift or hospitality received.
- Even if all Members, or a large number of them, received the same gift or were invited to the same event, they must each make *individual* declaration.
- Every declaration will be entered in the Members' Register of Hospitality/Gifts
- The press and public have the right to be informed of such gifts and hospitality if they make an application under the provisions of the Freedom of Information Act 2000 (You should have this in mind when completing a declaration).

### Should I accept gifts and hospitality?

Declaring the receipt of gifts or hospitality received does not automatically mean it is appropriate or sensible to accept them in the first place.

Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement then the matter should be reported in accordance with established procedures.

The Bribery Act 2010, which came into force on 1 July 2011, creates offences of "bribing another person" (active bribery) and of "being bribed" (passive bribery). 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. In the context of the Council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or in a particular way by a person performing it in a position of trust. There is a maximum penalty of 10 years imprisonment or an unlimited fine for these offences.

In considering whether to accept gifts or hospitality Members should have regard to the following general principles:

- Never accept a gift or hospitality as an inducement or reward for anything which you do as a Member;
- Only accept a gift if there is a commensurate benefit to the Council;
- Never accept a gift or hospitality which might be open to misinterpretation;
- Never accept a gift or hospitality which puts you under an improper obligation; and
- Never solicit a gift or hospitality.

### **Must I declare all gifts and hospitality which I receive or am offered?**

- You must declare any gifts or hospitality worth over £50 that you receive in connection with your official duties as a Member.
- Where the value of any gift or hospitality is under £50 you may wish to declare receiving it.

Only gifts and hospitality offered to you in your official capacity must be registered. Gifts and hospitality offered to you in your private capacity, of whatever value, should not be declared at all. You do not need to declare gifts and hospitality which are not related to your role as a Member. However, you should always consider whether any gifts or hospitality could be seen as being connected with your role as a Member.

### **What is the value of the gift/ hospitality?**

You may have to estimate how much a gift or some hospitality is worth. It is suggested that you take a common sense approach, and consider how much you reasonably think it would cost a member of the public to buy the gift, or provide the hospitality in question. If as a result you estimate that the value is greater than £50, then you should declare receipt.

Where hospitality is concerned, you can disregard catering on-costs and other overheads, e.g. staff and room hire. If the sandwiches or your meal, including drinks and alcohol, would cost £50 in a comparable establishment providing food of comparable quality, declare it.

If you are not certain whether the value is under £50, the safest course is to declare it and give an approximate value.

### **What about gifts of low value?**

There is no requirement to declare gifts of a value of less than £50. However, in order to be transparent, if you receive a series of related gifts in connection with your role as a Member which are all under £50, but together total above £50, then you should declare them if they are from the same person. If the small gifts received from different persons are connected in some way, it is *good practice* to declare them.

### **How do I register gifts and hospitality I receive?**

You must give the Monitoring Officer written details about the gifts and hospitality you receive or are offered.

The best advice is to get into the habit of registering things as soon as possible, and if in doubt, declare receipt.

Details of gifts and hospitality are publicly available on the website.

### **Which organisation do I make declarations to?**

As mentioned, anything received in your private capacity is not declarable. However, what is your “official capacity”? So far as the Council is concerned it is when you do any of the following -

- You conduct the Council’s business; or
- You conduct the business of the office of Councillor; or
- You act as a formal representative of the Council on another body.

### **To deal with the issue of when things are received in different capacities or where there are overlapping roles:**

- Only declare gifts and hospitality received in your capacity as a Runnymede councillor to the Council’s Monitoring Officer.
- If you receive things in another capacity, i.e. arising from holding another public office, register in accordance with whatever code is in place for that other body. If a particular body

does not actually require you to register anything (e.g. a community association), then you do not need to do anything in respect of the receipt of a gift or hospitality directly attributed to your role within that organisation.

- If you cannot decide what capacity you received something in, e.g. you were invited as both a Councillor and a member of another organisation, provided you declare the gift/ hospitality *at least once* with the body that appears to be the most appropriate, you will have fulfilled your duties. The overriding purpose is public transparency.

### **What happens if I do not register a gift or hospitality?**

Failure to declare the receipt of a gift or hospitality could result in public embarrassment if it becomes known and result in adverse publicity for you and the Council and is a breach of this Protocol.

### **Which gifts and hospitality are considered acceptable?**

Decisions on declarations must be made by individual members. However the Council accepts that in appropriate circumstances Members may choose to accept gifts and hospitality in the following circumstances:

- Civic hospitality provided by another authority;
- modest refreshments received in the ordinary course of duties as a member e.g. at formal meetings or when in contact with constituents;
- Tickets for sporting, cultural events which are sponsored or supported by the Council;
- Small gifts of low intrinsic value i.e. below £50 which are branded with the name of the company or organisation making the gift (e.g. diaries, calendars etc.);
- Modest souvenir gifts with a value below £50 from another public body given on the occasion of a visit by or to that body;
- Hospitality received in the course of an external visit or meeting which has been authorised by the Council. In such cases the arrangements should be made by officers rather than the Members who will be benefiting and hospitality should be commensurate with the nature of the visit; and
- Other unsolicited gifts where it is impracticable to return them or where refusal would in the circumstances cause offence. In such cases you may wish to pass the gift to the Mayor's charitable fund.

Receipt of gifts and hospitality of this type are still subject to the requirements of the Code of Conduct regarding the declaration to the Monitoring Officer of gifts and hospitality of greater than £50 in value. The appropriateness of acceptance should always be considered beforehand. It should also be noted that the mere fact that a gift or hospitality does not have to be declared under the Protocol does not necessarily mean that it is appropriate to accept it.

### **Guidance on particular gifts and hospitality**

#### **Civic Ceremonial**

The Council does not consider that the attendance of the Mayor, the Deputy Mayor or any other Councillor as an accredited representative of the Council needs to be notified to the Monitoring Officer under the Protocol. However should any personal gift be offered in such circumstances the approach to be adopted in relation to acceptance must be considered in accordance with this protocol and this guidance.

#### **Ceremonial Gifts**

Ceremonial gifts greater than £50 in value offered by visiting delegations from British or overseas public authorities may be accepted on the basis that the gift is made to the Council rather than the individual Councillor. Arrangements should be made for any such gifts which are received to be displayed or kept corporately.

#### **Further assistance**

It is each Member's own individual responsibility to observe this Protocol, but the Monitoring Officer and his staff will help where possible. If you have any questions at all please contact the Monitoring Officer for advice and assistance.