

# Appendix 1

## Members' Gifts and Hospitality Guidance Note

### 1. Meaning of gifts and hospitality

1.1 The expression of 'gifts' and 'hospitality' have wide and evolving meanings and no conclusive definition is either possible or desirable.

1.2 Enfield Council shall interpret gifts and hospitality to include:

- Gift of any goods or services;
- The opportunity to acquire any goods or services freely or at a discount or other terms not available to the general public;
- 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.

1.3 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers and promotional items.

1.4 Common hospitality include lunches, dinners or refreshments

1.5 Where the gift and/or hospitality has an estimated value of £25.00 or more (in accordance with our Code of Conduct), it must be registered. Where the gift or hospitality has an estimated value below £25.00, you should consider whether declaration would be appropriate in the circumstances.

1.6 When considering whether to declare you should:

- (a) Define gifts and hospitality widely
- (b) Ask yourself "would I have been given this if I was not a member of the Council?" and "what was in the mind of the giver?"; and
- (c) Always register a gift or hospitality (subject to financial limits) if it could be seen as something given because of your position.

1.7 If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to the Monitoring Officer

1.8 You do not need to register gifts and hospitality which are not related to your role as member, such as Christmas or birthday gifts from friends or family.

### 2. Legal position & general caution

2.1 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.

- 2.2 The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care.
- 2.3 Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties.
- 2.4 Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.5 You should consider carefully all the circumstances surrounding the offer of a gift or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors.
- 2.6 Also be sensitive to the timing of the offer in relation to decisions which the Council may be taking, affecting those making the offer.
- 2.7 You should avoid hospitality in situations where you would be the sole guest or at least treat such situations with particular care.

### **3. Member's decision**

- 3.1 The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- 3.2 To refuse may cause misunderstanding or offence. However, to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision.
- 3.4 When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
  - Is a benefit to the council in accepting the invitation?
  - Is the entertainment lavish?
  - Are you accepting too much hospitality from the same source?
  - Whether just your attendance at an event might be open to interpretation as a signal of support?
- 3.5 No hard and fast rules can be 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.

### **4. Code of Conduct requirements**

- 4.1 The Member Code of Conduct requires that you register on the Council Register of Gifts and Hospitality (maintained by the Monitoring Officer)
- 4.2 You must register the receipt of any gifts or hospitality including those you have refused with an estimated value of £25.00 or more, in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Council.

- 4.3 You must also register the source of the gift or hospitality.
- 4.4 You must register the gift or hospitality within 28 days of its receipt/acceptance.
- 4.5 If you are dealing with Council business at a meeting (or otherwise) where the donor of the gift or hospitality is affected, you need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. Declaration will not mean that you cannot participate in the Council business; however you may consider it appropriate not to participate depending on the circumstances.
- 4.6 Where any gift or hospitality (no matter the value) is accepted, it may be advisable (depending on the circumstance) to inform the donor that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

## **5. Series of gifts or hospitality adding up to £25 or more in value**

- 5.1 The registration requirement in the Code is limited to gifts or hospitality worth £25.00 or more. If you receive a series of gifts or hospitality from the same source that add up to £25.00 or more, then this must be registered as an accumulation. You may have to estimate the value of the gifts or hospitality.

## **6. Gifts and hospitality below the £25 threshold**

- 6.1 You are encouraged to register with the Monitoring Officer, any gift or hospitality you receive which you estimate to be below the £25.00 threshold but there is no obligation to make a disclosure at a Council meeting of the source of the gift or hospitality.

## **7. What to avoid**

- 7.1 In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles:
- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee.
  - Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
  - Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
  - Do not solicit any gift or hospitality and avoid giving any perception of doing so; do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality from:
    - (i) Parties involved with the Council in a competitive tendering or other procurement process.
    - (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.

(vi) Council owned companies (wholly-owned companies are separate bodies from the Council).

- 7.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove corruption in relation to the receipt of a gift or hospitality from a person holding or seeking to obtain a contract from the Council.
- 7.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.
- 7.4 It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation.
- 7.5 If you are in doubt about what is proper, there are three particular things you should bear in mind;
- DO err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept;
  - DO consult the Monitoring Officer if you are still unsure;
  - DO consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with the guidance.

## **8. Mayor**

- 8.1 There are no special rules for those who serve as Mayor.
- 8.2 Any gift or hospitality made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, will be registered by the authority for audit purposes. The Mayor will attend social functions and these are recorded in the Mayoral Diary and documented.
- 8.3 Where the Mayor is invited to social functions or gifted with a present in the capacity of the "Mayor" he/she will not be required to register the gift(s) or hospitality received/declined or accepted in this role. Where the member acting as Mayor, receives any gifts or hospitality in his or her capacity as member, there is a requirement to register any such gifts and hospitality. The question the Mayor may ask themselves is "Would I have received this gift or hospitality even if I were not the mayor?" If the answer is yes then it must be registered.

## **9. Gifts and hospitality declined.**

- 9.1 There is a requirement under the Code of Conduct any gifts or hospitality declined to be disclosed for the value of £25.00 or more.
- 9.2 The guidance also applied to declined gifts and hospitality and the register to be completed.

**10. Reporting of inappropriate gifts and hospitality offered**

- 10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.2 You may thereafter be required to assist the Police in providing evidence.

**11. Overseeing this Protocol**

- 11.1 The Councillor Conduct Committee has responsibility for overseeing compliance with this guidance and allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

**12. Registering Gifts and Hospitality**

Notification of an offer or receipt of money, favours, gifts or hospitality should be made by completing the relevant form, as attached to the guidance. This should be done within 28 days of declining or receiving any gift or hospitality over the value of £25.