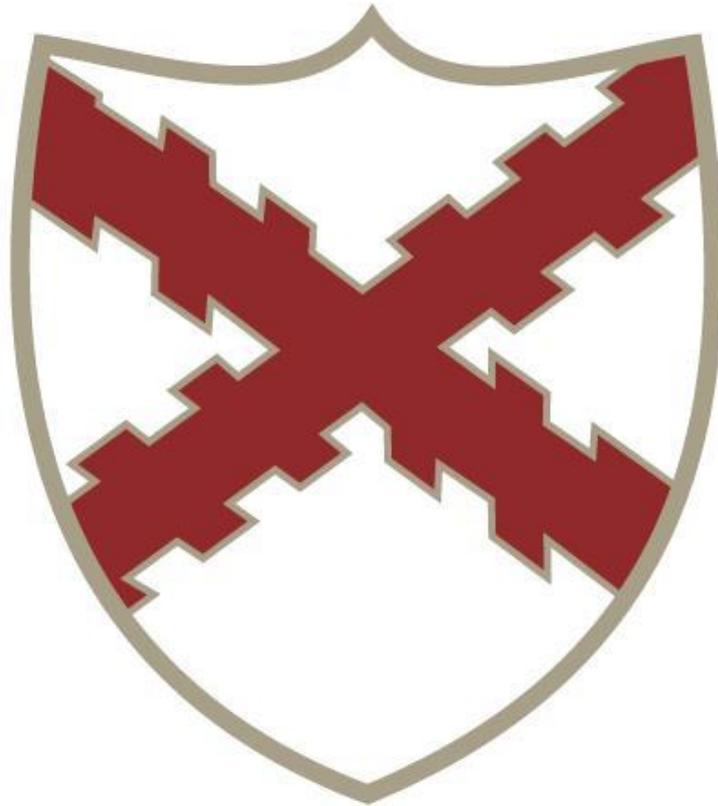


# ST. AUSTELL TOWN COUNCIL



## GUIDANCE ON GIFTS AND HOSPITALITY

Responsible Officer:	Town Clerk
Date of review:	Upon change in legislation

## **Introduction**

This guidance is primarily for councillors of St Austell Town Council but the principles and requirement to register gifts and hospitality will also apply equally to the officers of the Council.

You should also record any series of gifts which cumulatively are likely to exceed this limit and any gifts which you feel could be seen by the public as likely to influence your judgement.

The Code of Conduct requires you to register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a member, and the source of the gift or hospitality. You must complete the registration within 28 days of receiving it.

As with other registered interests, you have a personal interest in any matter under consideration at a meeting if it is likely to affect a person giving you a gift or hospitality. You must declare the existence and nature of the gift or hospitality as an interest at the meeting. You will also need to consider whether your interest is prejudicial.

A form for registering gifts and hospitality is included at the end of this guidance.

The receipt of gifts or hospitality can be misinterpreted. This guidance is intended to help you to consider the implications of receiving gifts and hospitality and to make an appropriate judgement.

## **General Caution**

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Town Councillor.

Your personal reputation and that of the Town Council can be seriously jeopardised by the inappropriate acceptance by you of gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. 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.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. The following general principles will enable you to make your own decision.

## **Criminal Law**

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 your Town Council.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from your Town Council.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

### **Limits of Guidance**

The Code of Conduct does not apply to:

- Gifts and hospitality you may receive from your family and friends (as birthday or other festival presents) that are not related to your position as a Town Council Member. You should however question any such gift or hospitality offered from an unusual source
- The acceptance of facilities or hospitality provided to you by your Town Council
- Gifts given to your Town Council that you accept formally on your Town Council's behalf and are retained by the Town Council and not by you personally

### **Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

Gifts and hospitality include:

- The free gift of any goods or services
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public
- The opportunity to obtain goods or services not available to the general public
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event
- The use of a free car

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. When making purchases you should be cautious if additional services, privileges or advantages are offered which might be related to your position as a Member of your Town Council.

### **Appropriate Gifts and Hospitality**

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member:

- Civic hospitality provided by another public authority
- Normal and modest refreshment in connection with any meeting in course of your work as a Town Council Member (e.g. tea, coffee and other normal beverages and biscuits)

- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by your Town Council or bodies to which you have been appointed by your Town Council, and the tickets are offered in relation to that sponsorship or promotion
- Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens)
- Drinks or other modest refreshment received in the normal course of socialising arising consequentially from Town Council business (e.g. inclusion in a round of drinks after a meeting)
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom your Town Council has a business connection
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events)

### **Principles to Apply in Relation to Gifts and Hospitality**

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 Town Council 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 acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - From parties involved with your Town Council in a competitive tendering or other procurement process
  - From applicants for planning permission and other applications for licences, consents and approvals in which your Town Council has an involvement
  - From applicants for grants, including voluntary bodies and other organisations applying for public funding from your Town Council
  - From parties in legal proceedings with your Town Council
- 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 so doing.

### **Gifts Received and Donated to a Chair's Appeal**

It may be customary for some Members on receiving gifts of value not to retain these personally but to pass them on to the Chair for use in relation to a charity appeal.

Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration form.