



STANDARDS COMMITTEE
20 February 2008

GUIDANCE FOR MEMBERS ON GIFTS AND HOSPITALITY

PURPOSE OF REPORT: To recommend to the Council a revised note of guidance on gifts and hospitality for adoption and inclusion in the Council's Constitution.

SUMMARY:

This report proposes to the Committee a revised note of guidance for Members on gifts and hospitality with a view to this being recommended to the Council for adoption and inclusion in the Council's Constitution.

BACKGROUND:

1. The Council's Constitution has previously included a note of guidance for Members on how they might deal with any gifts and hospitality received by them. It has been necessary to revise this to reflect the changes made to the Members' Code of Conduct which was amended in 2007 and the opportunity has been taken to generally review the guidance given.
2. As a result of the new Code of Conduct, the receipt of gifts and hospitality by Members is no longer noted on a separate register. Instead, where the gift or hospitality has an estimated value of at least £25, it is regarded as a personal interest in the same way as other personal interests such as employment, land owned in Surrey or membership of other bodies. All such personal interests need to be registered in the Authority's register of interests and Members will recall that they were required to do this again in the autumn of last year following the Council's adoption of the new Code of Conduct. All personal interests recorded in the Register will on relevant occasions need to be declared at a meeting of the Authority.
3. The duty on Members to register personal interests including any gifts or hospitality with an estimated value of at least £25 is a continuing duty. In the event that Members receive any such gifts or hospitality in their role as Members they will need to declare this by writing to the monitoring officer within 28 days of receipt so that the register of Members' details can be updated.

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4. The requirement to disclose a personal interest at a meeting where this relates to gifts or hospitality no longer applies once the interest has been registered for more than three years prior to the date of the meeting.
5. In addition to clarifying the requirements in relation to registration of gifts and hospitality the guidance provided to Members has also included some assistance for Members in deciding whether it is appropriate in any event to accept these. When considering any offers of gifts or hospitality, Members will appreciate the need to ensure that they are not putting themselves in situations where their honesty and integrity might be questioned in any way. The guidance is intended to help Members in making these decisions.

PROPOSED GUIDANCE:

This is set out below:

“The Councillors’ Code of Conduct requires that a Member must, within 28 days of receiving any gift or hospitality with an estimated value of at least £25, provide written notification to the Authority’s Monitoring Officer of the existence and nature of that gift or hospitality. The details will need to include the source of the gift or hospitality, i.e. the person, company or body giving it. These details will then be added to the register of Members’ interests as a personal interest. Members will be aware of the need to declare such an interest in the same way as any other personal interests at any relevant meeting and consider whether a prejudicial interest arises. After three years have passed since the registration of the gift or hospitality it no longer needs to be disclosed at any meeting where the interest might otherwise be relevant.

Gifts and hospitality include the receipt of goods or services, meals, drinks, accommodation or entertainment which is given free or provided at a heavily discounted rate not generally available to the public. Gifts and/ or hospitality are only relevant if they are received by Members in their capacity as Members - not gifts received from friends or family on a personal basis.

The requirement to declare gifts and hospitality that have been received is of course in addition to the principles of public life to which Members are required to adhere. As regards the appropriateness of Members receiving any particular gifts or hospitality, consideration will always need to be given to these general principles particularly the requirement for Members not to place themselves in situations where their honesty and integrity might be questioned. They should on all occasions avoid the appearance of such behaviour. 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.

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The following examples of gifts or hospitality are generally acceptable, but if they appear to be worth £25 or more **must** be declared in the Register of Personal Interests and disclosed at relevant meetings:

- (a) attendance in an official capacity at functions to which invitations have also been sent to Members of other local authorities or at official occasions relating to County Council functions, e.g. official opening ceremonies;
- (b) attendance in an official capacity at functions arranged by other public bodies;
- (c) an invitation to take part in a company jubilee or other anniversary celebration
- (d) a working lunch provided to allow the parties to discuss ongoing business - judgment should carefully be exercised to avoid any concerns about extravagant provision.
- (e) small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).

Any of the following facilities provided by companies or others who do business with the Council, or may wish to do so, are considered to be unacceptable offers of hospitality or gifts:

- (a) any hospitality or gift offered by a potential contractor/consultant during any tendering process- there is a need for members to be vigilant as they may not ordinarily be aware of what potential tendering processes are going on across the Council.
- (b) any hospitality or gift offered by an applicant for planning consent
- (c) any hospitality or gift offered by a current contractor with the Council where an arbitration or similar process is ongoing.
- (d) any hospitality or gift that could reasonably be regarded as excessive or extravagant

The Monitoring Officer and the Head of Democratic Services are always happy to give advice on any of these issues and Members are urged to seek advice if they are unclear about whether to accept or declare any gift or hospitality received as a personal interest. “

RECOMMENDATIONS:

The Committee is asked to note the report and recommend to the Council that it adopts the Guidance for Members on gifts and hospitality and includes it in the Constitution.

REASON FOR RECOMMENDATION:

There is a need for clarity for Members about how to deal with gifts and hospitality that they may be offered.

REPORT AUTHOR:

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Sources/background papers: Model code of conduct of members
