Tanworth in Arden Parish Council Gifts & Hospitality Policy

Date policy adopted: 16/11/2024 Date for review: November 2026

1. Introduction

1.1 It is inappropriate for a Councillor to accept a gift or hospitality for his or her personal benefit from a person (the donor) where acceptance could influence, or could be perceived by the public to influence decisions and actions taken or to be taken by the Councillor that positively affect the donor.

1.2 By contrast, this Guidance is not designed to affect gifts received by Councillors on behalf of the Council. Neither does the Guidance affect the acceptance of hospitality in relation to civic and ceremonial functions. However, it good practice to register the receipt of hospitality in these circumstances, as this helps to maintain public confidence.

1.3 For the sake of clarity, "hospitality" means any food, drink, accommodation or entertainment, freely provided or heavily discounted. Gifts include goods, services, money and gift vouchers, although this list is not exhaustive.

1.4 If you accept hospitality or a gift with an estimated value of over £30 you need to declare it on the public register, which is maintained by the Monitoring Officer. Councillors have a continuing obligation to register with the Monitoring Officer where required in accordance with this guidance, within 28 days of acceptance of the gift or hospitality.

2 When does the Guidance apply?

2.2 This guidance applies only to gifts and hospitality received in connection with your role as a Councillor. All Councillors are expected to exercise sound judgement when responding to offers of gifts or hospitality. Be aware that in some cases a gift of less than £30 might also be considered inappropriate in a situation as described in paragraph 3.1 below.

2.3 This guidance does not apply to:-

- Situations where you receive a gift or hospitality from family or friends (for example as birthday or other festival presents) where it is not related to your role as a Councillor. You should however question gifts or hospitality received from an unusual source.

- Gifts made to the Council, as opposed to you personally in your role as a Councillor-see above, or hospitality received as part of civic or ceremonial functions or in connection with cultural exchanges.

- Promotional gifts, i.e. items such as stationery or pens that bear the logo or organisation's name of another organisation, provided that these have no significant value.

3 How could gifts or hospitality be a problem?

3.1 The Bribery Act 2010 creates a criminal offence where someone pays or receives a bribe. This would occur where a person offers you a "financial or other advantage" in circumstances where you are carrying out a function on behalf of the Council and you are in a position of trust, good faith or expected to act in an impartial way and the person offering the bribe has the intention of getting you to perform your function in an improper manner.

3.2 A financial advantage could include a gift or hospitality. Statutory guidance suggests that it will not amount to a bribe if the gift or hospitality has a legitimate business aim (including developing relationships on behalf of the Council) and it is reasonable, proportionate and appropriate in the circumstances (including by reference to what is normal in that particular sector of work or culture).

3.1 Aside from this, the acceptance of gifts or hospitality could adversely affect the public perception of you as an office holder and it could also seriously affect the perception that the public have of the Council as a corporate body. If you are not sure whether something is appropriate, you should seek advice from the Monitoring Officer prior to accepting gifts and/or hospitality.

4 What are the general rules about gifts and hospitality?

4.1 You must not accept personal gifts or hospitality from current or potential contractors with the Council, apart from insignificant items of small token value such as pens, diaries, calendars etc.

4.2 When considering whether to accept gifts or hospitality in other circumstances you should consider the monetary value and its timing in relation to decisions which the Council may be taking affecting those providing the gift or hospitality, and you have the opportunity to influence the decision.

4.3 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

5 How do I apply the rules in practice?

5.1 If the gift or hospitality infringes one or more of the following general principles then you should not accept it:-

5.1.1 Improper obligation - Gifts or hospitality of any value should never be accepted as an inducement or reward for anything done as a Councillor, or as a means of gaining influence. You must always act in the public interest.

5.1.2 Benefit to Council - Gifts or hospitality should only be accepted where there is a proportionate benefit to the Council. Unless the benefit to the Council is clear and that benefit would not have been available but for the acceptance of the gift or hospitality, then the presumption is that the gift or hospitality is for your personal benefit.

5.1.3 Soliciting Gifts or Hospitality - You should never solicit or invite an offer of a gift or hospitality and you must also avoid giving the impression that you might be open to such an offer.

5.1.4 Misinterpretation of intent - Gifts or hospitality offered should not be accepted where the circumstances are likely to be misinterpreted by a reasonable councillor of the public. The appearance of impropriety can be as damaging to the Council as actual impropriety. Examples of situations where the Council could be challenged or discredited include, but are not limited to:-

- competitive procurement and tendering exercises
- planning decisions
- determination of grants or other requests for funding

Breach of any of these principles may constitute a breach of your Code of Conduct.

6 You may accept a gift or hospitality in the following circumstances:-

- Reasonable refreshment in connection with any meeting in the ordinary course of your duties as a Councillor, such as tea, coffee, soft drinks and biscuits.

- Small gifts with a low intrinsic value.

- Modest working lunches, provided to enable you to discuss business with colleagues.

- Reasonable hospitality, provided at external visits, meetings or conferences.

- When non acceptance of a gift has the potential to cause offence in relation to different cultural beliefs.

7 Registration process

7.1 To register the acceptance of a gift or hospitality, please contact the Monitoring Officer.

8 Where can I get further advice?

8.1 If you have any questions or require detailed advice about the application of this guidance then in the first instance please seek assistance from the Monitoring Officer.