



## **Elstree and Borehamwood Town Council**

### **Gifts and Hospitality Protocol**

#### **1 INTRODUCTION**

This protocol provides rules and guidance for members and staff of the Town Council.

#### **2 GENERAL CAUTION**

Treat with extreme caution any offer of 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 your Town Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of favours, 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. This Protocol offers general principles to enable you to make your own decision.

#### **3 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.

#### **4 LIMITS OF GUIDANCE**

This Protocol does not apply to:

- gifts and hospitality you may receive from 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.

#### **5 MEANING OF GIFTS AND HOSPITALITY**

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

Gifts and hospitality include the:

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

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets.

You should, however, be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to your position as a member of your Town Council.

## **6 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, for example:

- civic hospitality provided by another public authority.
- normal and modest refreshment in connection with any meeting in the 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 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).

## **7 PRINCIPLES TO APPLY IN RELATION TO GIFTS AND HOSPITALITY**

In deciding whether it is appropriate to accept any gift, favour or hospitality, you must apply the following principles:

Do not accept a gift, favour 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, offered, paid, promised or implied.

Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

Do not accept a gift, favour 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, including from other Town Council members.
- from applicants for planning permission and other applications for licences, consents and approvals in which your Town Council has an involvement, including applications from other Town Council members.
- 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, favour or hospitality if you believe it will put you under any obligation to the provider as a consequence.

Do not solicit any gift, favour or hospitality and avoid giving any perception of so doing.

## **8 GIFTS RECEIVED AND DONATED TO A TOWN MAYOR'S OR CHAIRMAN'S APPEAL**

It may be customary for some Town Council members on receiving gifts of value not to retain these personally but to pass them to the Town Mayor or Chairman for use in relation to a charity appeal.

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

## **9 REGISTRATION OF GIFTS AND HOSPITALITY**

The Code of Conduct for your Town Council provides that:

a member must, within 28 days of receiving any gift or hospitality over the value of £25.00, provide written notification to the Town Clerk of the responsible authority of the existence and nature of that gift or hospitality.

Whilst the notification requirement in the code is limited to gifts or hospitality over the value of £25.00, members are encouraged to give notification of any significant gift or hospitality they receive.

Members must complete the gifts, favours and hospitality registration form for all notifications.

## **10 REPORTING OF INAPPROPRIATE GIFTS AND HOSPITALITY OFFERED**

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 your Town Council.

You must immediately report to the Town Clerk 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.

<p><b>Renewal Date of Policy:</b> 7 October 2021 <b>Authority:</b> General Management Committee <b>Review Period:</b> every 3 years <b>Next Review:</b> October 2024</p>
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## **Elstree and Borehamwood Town Council**

### **Notification of Receipt of Gifts, Favours or Hospitality**

What was the gift, favour or hospitality? (Give full description)

What is your best estimate of its market value or cost?

Who provided it?

When and where did you receive it?

Signed

Name in Capitals