

# Code Of Practice for Members - Gifts and Hospitality

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# Code Of Practice For Members - Gifts and Hospitality

## 1. Introduction

- 1.1 This Code gives guidance to Members on the acceptance or offers of gifts or hospitality and on the entry details for the register. It must be read and interpreted in conjunction with the District Council's Code of Conduct.

## 2. Legal Position

- 2.1 Particular legislation is contained in The Public Bodies Corrupt Practices Act 1889 and The Prevention of Corruption Acts 1906 and 1916.
- 2.2 The legislation provides that anyone who corruptly gives, promises or offers any gift, reward or advantage to any person as an inducement to or a reward to any Member, Officer or servant of a public body for doing or refraining from doing anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person any such inducement or reward.
- 2.3 It should be noted that the giving or acceptance of any money, gift or other consideration is **deemed to have been given or received corruptly** as such an inducement or reward **unless the contrary is proved**.

## 3. Code of Conduct for Members of Staffordshire Moorlands District Council

- 3.1 Members will be aware of the Council's Code of Conduct for Members which the District Council has adopted and which, on accepting office, all Councillors are required to observe. Section 5 of the Code deals with registration of receipt of certain gifts and hospitality.

## 4. Guidelines For Members

- 4.1 In the light of the legislation and the Code of Conduct some additional guidelines for Members concerning the acceptance of offers of gifts and hospitality, private transactions, sponsorship and entries in the register are set out in the following paragraphs.

## 5. Gifts

- 5.1 Members should treat with extreme caution the offer of any gift by organisations or persons who do, or might, provide work, goods or services to the Council, or who might be applying to the Council for some kind of decision, e.g. planning permission.
- 5.2 The general rule should be to refuse and return to the donor all such gifts, the best course of action being to state that it is against Council policy and that you are not allowed to accept gifts. Casual gifts offered by contractors or others, e.g. at Christmas time, may not be connected in any way with performance of duties so as to constitute an offence. However, such offers should still be politely but firmly declined.

- 5.3 The only exceptions to the rule are insignificant items of token value worth less than £25. Examples of such gifts might be pens, diaries and paperweights which are given by way of trade advertisements or given during official courtesy visits or attendance at seminars or conferences.

## **6. Hospitality**

- 6.1 Members should only accept offers of hospitality worth more than £25 if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded in the register kept by the Executive Director and Monitoring Officer. They must be registered where the value of the hospitality exceeds £25.
- 6.2 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.
- 6.3 When receiving authorised hospitality, Members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

## **7. Private Transactions**

- 7.1 Members having official dealings with contractors and other suppliers of goods and services should avoid transaction of any kind of private business by any means other than normal commercial channels.
- 7.2 Members should not abuse their Council position to obtain favourable or preferential rates which are not generally available and offers of discount beyond those on general offer by the firms should not be accepted.

## **8. Sponsorship - Giving And Receiving**

- 8.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 8.2 Where the Council wishes to sponsor an event or service neither a Member nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Executive Director and Monitoring Officer and details recorded in the register. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, Members should ensure that impartial advice is given and that there is no conflict of interest involved.

## **9. Register of Gifts or Hospitality**

- 9.1 The register of Gifts and Hospitality for Members of Staffordshire Moorlands District Council is maintained by the Executive Director and Monitoring Officer. In accordance with the Council's Code of Conduct for Members every gift or hospitality received which is valued at £25 or more must be registered.

- 9.2 Members wishing to record any offers or acceptances in the register, or needing advice, should contact the Executive Director and Monitoring Officer or any member of staff in Democratic Services.
- 9.3 Information in the register should include:
- (i) The person or body making the offer and date the offer was made;
  - (ii) The person to whom the offer was made;
  - (iii) The gift or hospitality, etc. offered;
- 9.5 The register will be open to public inspection.