

East Devon District Council

Councillors' Gifts and Hospitality Protocol

1. Introduction

This protocol outlines the principles and procedures for the acceptance and registration of gifts and hospitality by councillors of East Devon District Council. It aims to ensure transparency, maintain public trust, and prevent any conflicts of interest.

The public are entitled to demand of councillors, conduct of a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives. It is a serious criminal offence for councillors to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in an official capacity. If an allegation is made in such circumstances, it will be for the councillor to show that they have not in any way been influenced by improper motives. For this reason, it is important for the council to set clear guidance for all councillors.

This protocol is intended to assist councillors in making a decision as to whether a gift or hospitality can be accepted. Councillors are reminded that a breach of this guidance may result in a complaint against them to the Monitoring Officer.

2. Scope

This protocol applies to all councillors of East Devon District Council including co-opted members. It should be read in conjunction with the Members' Code of Conduct.

It only applies to your role as a councillor. You do not need to register gifts and hospitality which are not related to your role, such as Christmas gifts from your friends and family. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the chair of the planning committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

Hospitality does not need to be registered where it is provided or reimbursed by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an external training event. Therefore, hospitality at a civic reception arranged by the council would not need to be registered. However, the hospitality should be registered if it is provided by a person or body other than the authority and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in Council offices. **However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.**

Gifts that are clearly made to the Council, for example, a commemorative goblet which is kept on display in the Council's offices, do not need to be registered in the register of gifts and hospitality. However, such gifts should be recorded by the council for audit purposes.

3. General Principles

- **Integrity and Honesty:** Councillors must act with integrity and honesty, avoiding any actions that could be perceived as improper.
- **Transparency:** All offers of gifts and hospitality, whether accepted or refused, with an estimated value of at least £50 or a number of gifts or hospitality from the same donor which individually are below the estimated threshold but which cumulatively result in an estimated value of at least £50 in any calendar year, must be declared appropriately and recorded to maintain transparency.
- **Accountability:** Councillors are accountable for their actions and decisions regarding the acceptance of gifts and hospitality.

4. Definitions

- **Gift:** Any item or service received without payment or at a discount not available to the general public.
- **Hospitality:** Any form of entertainment, meals, or accommodation provided free of charge or at a reduced rate.

5. Acceptable Gifts and Hospitality

- Gifts and hospitality up to an estimated value of £50 may be accepted without declaration. However, you should always consider whether it is appropriate to accept it and the presumption should always be not to accept significant gifts or hospitality.
- All other offers of gifts or hospitality of an estimated value of £50 or over must be declared and recorded.

6. Prohibited Gifts and Hospitality

- Gifts or hospitality that could be perceived as an attempt to influence decision-making or secure preferential treatment must not be accepted.
- Frequent or lavish gifts and hospitality from the same source must be avoided.
- Gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for

any permission (e.g. planning permission), licence or other significant advantage.

7. General Considerations: Gifts

- In general, gifts should be refused.
- A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the council or one who has an interest in a council decision. Simply accepting gifts or hospitality and then registering it does not mean that it becomes reasonable in such circumstances.
- In normal circumstances, only minor gifts of token value, should be accepted.

8. General Considerations: Hospitality

- The same principles which apply to gifts apply to the offer and acceptance of hospitality. Generally, offers of hospitality should be declined.
- It must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the council, or where purchasing decisions may be potentially compromised.
- Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the council's wider interest in the community.
- For example, if you have been invited as a ward councillor to a local festival along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the Council on a particular matter.
- It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of modest forms of hospitality is acceptable.
- As with gifts, accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not 'made right' by being recorded on a public register.
- The following should be considered when deciding whether or not to accept offers of hospitality:
 - (a) whether the nature of the hospitality is appropriate.
 - (b) whether the scale of the hospitality is appropriate to the circumstance.
 - (c) whether the hospitality is modest and can be considered as part of a normal councillor role to foster good relations.

(d) whether the hospitality is offered by a person or organisation who is tendering or about to tender for council business or submitting an application to the council e.g. an application for planning permission or a licence.

(e) whether it is more appropriate to bear the expense oneself.

- If offers of hospitality are declined, those persons or organisations making the offer may be courteously informed of the procedures and standards operating within the council with, if appropriate, the following or similar statement:

"Thank you for your kind offer of [insert details of gifts or hospitality]. Unfortunately, the council has a clearly defined policy on receiving gifts and hospitality and I am therefore unable to accept."

9. Declaration and Registration

- All offers of gifts and hospitality over the financial threshold in paragraph 5 must be declared within 28 **calendar** days of receipt.
- Councillors must register offers (whether accepted or refused) with the Monitoring Officer (via Democratic Services) using the online form provided.
- Councillors must also disclose the existence of any gift or hospitality at a Council meeting where the gift or hospitality received is relevant to the matter of business being discussed, irrespective of whether it has been registered with the Monitoring Officer.

10. Procedure for Declaring Gifts and Hospitality

1. **Complete the Declaration Form:** Councillors must complete the relevant online declaration form, providing details of the gift or hospitality offered, its value, the circumstances of the offer and whether it was accepted. If you do not know the value, please estimate how much you think it is worth.
2. **Submit the Form:** Submit the completed form to the Monitoring Officer via Democratic Services using the online form.
3. **Record Keeping:** The Monitoring Officer will maintain a register of all declared gifts and hospitality.

11. What about gifts or hospitality that fall below the threshold in the code?

Councillors should consider whether a gift or hospitality below the estimated value of £50 threshold should also be declared, for example:-

- You should always notify the Monitoring Officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the Council (or is about to) even where that

hospitality falls below the limit set. While that would not be a matter for the public register, it allows the Council to be aware of any patterns.

- Also, an accumulation of small gifts you receive from the same source over a year that add up to a sum over the threshold should be registered in the interests of transparency and to ensure compliance with the Members' Code of Conduct.

12. Review and Monitoring

- The register of gifts and hospitality will be reviewed every six months by the Standards Committee to ensure compliance with this protocol. The name of the councillor receiving the gift and details of the donor shall be disclosed.
- Any breaches of this protocol may result in a complaint to the Monitoring Officer.

13. Training and Awareness

- Regular training sessions will be provided to councillors to ensure understanding and compliance with this protocol.
- This protocol will be included in the induction program for councillors.

14. Review of Protocol

- This protocol will be reviewed every five years to ensure it remains fit for purpose and compliant with any changes in legislation or best practice. **Make sure date clear**