



FOUR MARKS PARISH COUNCIL REGISTRATION OF GIFTS AND HOSPITALITY POLICY

Gifts and hospitality

Under the adopted Code of Conduct, Councillors must declare any gift or hospitality which is offered (whether or not they are accepted) in their capacity as members of the Council over the value of £50.00.

The appropriateness of acceptance should always be considered beforehand. It should also be noted that the mere fact that a gift or hospitality does not have to be notified under the protocol does not necessarily mean that it is appropriate to accept it.

What are the rules?

Every individual gift or item of hospitality received by a Councillor or Officer above the value of £50.00 must be registered.

Registration must be made within 28 days of the date of receipt, by completing and sending the attached form to the Executive Officer/Clerk.

The value and details of the gift or hospitality received on the form must be declared, as well as whether the donor of the gift has or has had in the past or likely to have in the future, dealings with the Council and also if the gift or hospitality has been accepted the reason for that acceptance. The form must be signed personally. Forms will be checked and returned if not completed properly.

Any offer of gift and/or hospitality over £50.00 which has been declined must be registered, since this protects both the position of the Councillor and that of the Council.

Where the value of any gift or hospitality is under £50.00, declaration of receipt may be advisable.

However, in order to be transparent, if a series of related gifts are received in connection with the role as Councillor which are all under £50.00, but together total above £50.00, then they should be registered if they are from the same person. If the small gifts received from different persons are connected in some way, it would be good practice to register them.

Even if all members, or a large number of them, received the same gift or were invited to the same event, they must each make individual notifications.

The Register of Gifts and Hospitality is maintained by the Executive Officer/Clerk and published on the website www.fourmarks-pc.org.uk.

What is the value of the gift / hospitality?

It may be necessary to estimate how much a gift or some hospitality is worth. The form requires an estimate of the value. It is suggested that a common sense approach is taken, and consideration given to how much it would reasonably cost a member of the public to buy the gift, or provide the hospitality in question. If the estimated result of the value is greater than £50.00, then receipt should be declared.

Where hospitality is concerned, catering on-costs and other overheads, e.g. staff and room hire can be disregarded. If the sandwiches or meal, including drinks and alcohol, would cost £50.00 in a comparable establishment providing food of comparable quality, this should be registered.

If the value is not certain to be under £50.00, the safest course is to register it and give an approximate value.

Will the register be open to the public?

The press and public have the right to inspect gift and hospitality declarations in the same way as the register of disclosable pecuniary interests. Councillors are asked to take this into consideration when completing declaration forms, as comments cannot be edited.

What happens if a gift or hospitality is not registered?

Failure to notify the Executive Officer/Clerk of the receipt of a gift or hospitality is a breach of this protocol and consequently also a breach of the Code of Conduct. An alleged breach of the Code can be the subject of a complaint to the Monitoring Officer who can decide whether there should be an investigation into the allegation.

Should gifts and hospitality be accepted?

Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them in the first place.

Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases, the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement, then the matter should be reported in accordance with established procedures.

The Bribery Act 2010, which came into force on 1 July 2011, creates offences of “bribing another person” (active bribery) and of “being bribed” (passive bribery). The offences consist of “promising, offering or giving” or “requesting, agreeing to receive or accepting an advantage (financial or otherwise)” in circumstances involving the improper performance of a relevant function or activity. In the context of the Council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or in a particular way, by a person performing it in a position of trust. There is a maximum penalty of 10 years imprisonment or an unlimited fine for these offences. In considering whether to accept gifts or hospitality Members should have regard to the following general principles:

Never accept a gift or hospitality as an inducement or reward for anything which you do as a Councillor; Only accept a gift if there is a commensurate benefit to the Council; Never accept a gift or hospitality which might be open to misinterpretation; Never accept a gift or hospitality which puts you under an improper obligation; and Never solicit a gift or hospitality.



Register of Members' Gifts and Hospitality

I

(Insert full name)

as a member of Four Marks Parish Council, wish to register a gift or hospitality of the estimated value of £50 or more on any one occasion, which was received in connection with an official duty as a Four Marks Parish Council member as required by the Council's Code of Conduct.

Please enter the details of the gift or hospitality (including from whom this was received) below:

Signed:

Date: