

Gifts and Hospitality

Guidance for Elected and Co-opted Members at Swindon Borough Council

From time to time elected and co-opted members may be offered gifts or hospitality from others. This Guidance is intended to assist members in deciding whether to accept a gift or hospitality.

1. What gifts and hospitality are covered by the rules?

Only gifts or hospitality valued at over £50 received by you in your capacity as an elected or co-opted member of the Council are required to be declared. This includes food, drink, accommodation, entertainment, or other items or benefits which are given to you at no cost or heavily discounted.

You do not need to declare presents or hospitality that you receive in your private capacity, for example from family or friends.

2. When do I have to declare receipt?

You must declare any gifts or hospitality within 28 days of receipt. Please do not “save up” declarations and submit them together as some may not then be declared within the required 28 days.

3. Do I have to declare gifts and hospitality received under £50 in value?

No, but you may wish to declare receipt of any gifts or hospitality, regardless of its value. If you receive a series of small gifts or low value hospitality over a period of time from the same source then you should declare them if the total value exceeds £50.

4. Do I have to declare gifts and hospitality that I have declined?

Yes. The Council’s Standards Committee has decided that all gifts and hospitality valued over £50 offered to elected and co-opted members should be declared, even where they are refused. It is considered good practice to declare an offer that you have not accepted, especially if you have any doubts or concerns about the reason for the offer.

5. What if I don’t know the value of the gift or hospitality?

It is important to remember that you are only expected to *estimate* the value of gifts or hospitality received. The value of some gifts however may be easy to establish. For example, a quick search online will often give you a good idea of the gift’s value.

Hospitality can be harder to gauge but this should still be possible. Tickets to advertised events should be easy to value, for example. For other forms of hospitality, try to make an estimate of what you think someone might expect to pay for a similar commercially run function or event. For example, a three course meal with wine and coffee is unlikely to cost less than £50.

If you are still unsure about the value contact the Monitoring Officer.

6. What things are ok to accept?

It is generally appropriate to accept a gift or hospitality in the following circumstances:

- Civic hospitality offered by another public authority.
- Council-supported events—tickets for sporting, cultural and entertainment events that are supported by the Council.
- Modest working lunches, provided to enable the parties to discuss business.
- Reasonable hospitality provided at external visits, meetings or conferences, provided that this is also available to other attendees.

In all other cases, gifts and hospitality should only be accepted where there is a proportionate benefit to the Council.

7. And when should I not accept an offer of a gift or hospitality?

If you accept a gift or hospitality, you need to consider how that might look to members of the public. You should never accept gifts of cash or items with a monetary value (e.g. gift cards). You also need to think about what the motivation of the person making the offer might be. So if you are involved in making decisions on, for example:

- Competitive procurement and tendering exercises;
- Individual planning or licensing decisions; and
- Awarding grants or other funding,

then you need to consider whether the gift or hospitality is intended to try to influence you in your decision making or that it might appear that way to the public. If you have any doubts, refuse.

8. How do I declare a gift or hospitality?

A central register is maintained by the Council's Monitoring Officer, and there is a supplemental Disclosure of Receipt of Gifts and Hospitality Form available for you to complete (contact Committeeservices@swindon.gov.uk to request it).

You need to complete the form and send it to the Monitoring Officer within 28 days of receiving the gift / offer. The form will be placed on the Register which is open to public inspection.

9. How to I decline a gift or offer of hospitality?

In order to avoid causing offence, you may wish to consider writing to the person or organisation offering you the gift or hospitality to thank them for their offer, explaining why you feel unable to accept, and offering to either return the gift or donate it to the Mayor's Charities. A sample letter is attached to this Guidance at Annex A.

You will then need to complete the a supplemental Disclosure of Receipt of Gifts and Hospitality Form (available from Committeeservices@swindon.gov.uk) and send it to the Monitoring Officer within 28 days of being offered and declining the gift / hospitality, or donating it to the Mayor's Charities. The form will be placed on the Register which is open to public inspection.

10. What are the consequences of not declaring an offer of a gift or hospitality?

Bribery is a serious criminal offence and allegations of corruption by an elected member of the Council are likely to be the subject of a Police investigation.

In addition, the Code of Conduct applicable to members of Swindon Borough Council is underpinned by the Seven Principles of Public Life (the 'Nolan Principles'). One those Principles states specifically:

'Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.'

The failure to declare an offer of a gift or hospitality is therefore likely to place a member in breach of the Code of Conduct.

Annex A - Sample letter declining an offer of a gift or hospitality

Dear,

I would like to thank you for your recent *gift / offer of hospitality* but must inform you that my role as an *elected / co-opted* member of the Council prevents me from accepting it. I therefore *return the gift herewith / decline the offer*.

I do not wish to imply in any way that your *gift / offer of hospitality* was intended to secure any improper influence or affect your dealings with me or Swindon Borough Council.

However, as I am sure that you appreciate, such offers may be misinterpreted and, in common with most public authorities, *elected / co-opted* members are advised to decline offers of gifts and hospitality to avoid misunderstandings and accusations of impropriety from the public or third parties.

Whilst I would like to extend my thanks for your *gift / offer of hospitality*, your understanding as to why this has been declined is very much appreciated.

If, alternatively, you would like me to donate your *gift / offer of hospitality* to the Mayor's chosen charities, please let me know so that I can ensure this happens.

Yours sincerely,