

BURSTALL PARISH COUNCIL

GIFTS AND HOSPITALITY POLICY

COUNCIL COMMITMENT

Burstall Parish Council requires councillors to complete a Declaration of Interest form on taking office and to submit this form within 28 days. If any change to circumstances occurs during the councillors term of office, a new declaration should be made within 28 days of that change occurring.

The Declaration of Interest form includes the registering of any gifts or hospitality worth at least £25 which the member has received by virtue of their office.

Councillors Declaration of Interest forms are recorded by MidSuffolk District Council and can be viewed at:

<https://baberghmidsuffolk.moderngov.co.uk/mgParishCouncilDetails.aspx?ID=425&LS=1>

As with other registered interests, a councillor has a personal interest in any matter under consideration at a meeting if it is likely to affect a person giving that councillor a gift or hospitality. The existence and nature of the gift or hospitality must be declared as an interest at the meeting. You will also need to consider whether your interest is prejudicial.

The Policy does not apply to:

- Gifts and hospitality you may receive from family and friends that are not related to your position as a parish 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 Parish Council.

Gifts given to the Parish Council that you accept formally on the Parish Council's behalf are retained by the Parish Council and not by you personally.

LEGAL CONTEXT

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 the Parish Council (Bribery Act 2010).

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 the Parish Council.

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 the Parish Council.

If this happens, you must immediately report to the Monitoring Officer¹ 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.

SCOPE

Gifts and hospitality include:

- The free gift of any goods or services

¹ <https://www.babergh.gov.uk/the-council/compliments-comments-and-complaints/>

- An opportunity to acquire any goods or services not available to the general public, or at a discount or at terms not available to the general public
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event
- The use of a free car.

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

When making purchases you should be cautious if additional services, privileges or advantages are offered which might be related to your position as a member of the Parish Council.

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:

- Civic hospitality provided by another authority
- Normal and modest refreshment in connection with any meeting in the course of your work as a Parish 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 the Parish Council or bodies to which you have been appointed by the Parish Council, and the tickets offered in relation to that sponsorship or promotion
- Small low value gifts (below £25 such as pens, diaries, calendars, flowers and other mementos and tokens)
- Drinks or other modest refreshment received in the normal course of socializing arising consequently from Parish Council business
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Parish Council has a business connection
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from civic events).

GUIDANCE PRINCIPLES TO APPLY IN RELATION TO GIFTS AND HOSPITALITY

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

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Parish 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.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- From parties involved with the Parish Council in a competitive tendering or other procurement process
- From applicants for planning permission and other applications for licences. Consents and approvals in which the Parish Council has an involvement
- From applicants for grants, including voluntary bodies and other organisations applying for public funding from the Parish Council
- Do not accept gifts or hospitality if you believe it will put you under any obligation to the provider as a consequence
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

MAKING A DECLARATION OF A GIFT OR HOSPITALITY

If a gift or hospitality has an estimated value below £25, you should consider whether declaration would be appropriate in the circumstances. However, if you receive a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered as an accumulation. You may have to estimate the value of gifts or hospitality.

You are encouraged to register any gift or hospitality you receive which you estimate to be below the £25 threshold but there is no obligation to make a disclosure at a Council meeting of the source of the gift or hospitality.

The declaration should be made on the Council's Declaration of Interest form and submitted to the Clerk of the Council within 28 days of receipt of the item being registered.

The declaration should include the following:

- 1) A full description of the gift or hospitality
- 2) A best estimate of its market value or cost
- 3) Who provided it
- 4) When and where was it received.

The declaration should be signed and dated by the Councillor making the registration.