

Brixham Town Council Registration of Gifts and Hospitality

Gifts and hospitality

Under our Code of Conduct for Councillors and co-optees 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 £25.00.

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 Member or Officer above the value of £25.00 must register.

Your registration must be made *within 28 days of the date you received it*, by completing and sending the appropriate form (which is available on the Council's website) to the Town Clerk.

You must declare the *value* and details of the gift or hospitality received on the form, 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 by you *personally*; they should not be signed by support staff for you. Forms will be checked and returned if not completed properly.

You should register any offer of gift and/or hospitality over £25.00 which you have declined, since this protects both your position and that of the Council.

Where the value of any gift or hospitality is under £25.00 you may wish to declare receiving it.

However, in order to be transparent, if you receive a series of related gifts in connection with your role as a Member which are all under £25.00, but together total above £25.00, then you should register them if they are from the same person. If the small gifts received from different persons are connected in some way, it is *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 Town Clerk.

What is the value of the gift / hospitality?

You may have to estimate how much a gift or some hospitality is worth. The form requires you to give an estimate of the value. It is suggested that you take a common sense approach, and consider how much you reasonably think it would cost a member of the public to buy the gift, or provide the hospitality in question. If as a result you estimate that the value is greater than £25.00, then you should declare receipt.

Where hospitality is concerned, you can disregard catering on-costs and other overheads, e.g. staff and room hire. If the sandwiches or your meal, including drinks and alcohol, would cost £25.00 in a comparable establishment providing food of comparable quality, register it.

If you are not certain whether the value is under £25.00, 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 your gift and hospitality declaration in the same way as the register of disclosable pecuniary interests. It is open for inspection and also available on the Council's web site at www.brixhamtowncouncil.gov.uk. (follow link to 'Councillors' page). (You should have this in mind when completing declaration forms, as we cannot edit your comments.)

What happens if I do not register a gift or hospitality?

Failure to notify the Town 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 I accept gifts and hospitality?

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 Member;

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.

Name of person/ organisation who gave you gift or provided hospitality	Nature of gift or hospitality	Date when requirement to declare this interest expires <i>(ie 3 years following registration date)</i>

Name Printed

Signed..... Date.....

Checked and entered on register by
(the Town Clerk)

Date.....

Adopted: