GRAPPENHALL AND THELWALL PARISH COUNCIL
GIFTS AND HOSPITALITY POLICY

(Adopted at the Council Meeting on 21st September 2023)

1 Introduction

1.1 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.

1.2 In the context of the Parish 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.

1.3 The Code of Conduct for Council Members adopted in March 2023 indicates that Councillors should not accept gifts or hospitality, irrespective of their estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their 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, licence or other significant advantage.

1.4 It indicates that Councillors must register any gift or hospitality over the value of £50.00 offered in their capacity as members of the Council with the Monitoring Officer within 28 days of its receipt. It also indicates that Councillors must register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept**.**

1.5 The Code of Conduct indicates that the appropriateness of acceptance should always be considered beforehand. In order to protect their position and the reputation of the Parish Council, Councillors should exercise caution in accepting any gifts or hospitality which are (or which they believe to be) offered to them because they are a Councillor.

1.6 The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case the gift/hospitality could be accepted but must be publicly registered.

1.7 Gifts and hospitality not related to the Member's role as a Councillor, such as Christmas gifts from friends and family do not need to be registered. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with the duties of a Councillor.

1.8 This Policy sets out Guidance for Members (both elected and co-opted) and Officers of Grappenhall and Thelwall Parish Council on the principles regarding the acceptance of gifts and hospitality.

2 What are the rules?

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

2.2 Registration must be made within 28 days of the date you received it, by completing and sending the appropriate form to the Clerk to the Council.

2.3 The value and details of the gift or hospitality received must be declared 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 if the gift or hospitality has been accepted the reason for that acceptance.

2.4 The form must be signed by the recipient; it should not be signed by support staff for the recipient. Forms will be checked and returned if not completed properly.

2.3 Any offer of a gift and/or hospitality over £50.00 which is declined, must also be registered in order to protect both the position of the Member/Officer and that of the Council.

2.4 Where the value of any gift or hospitality is under £50.00 the Member/Officer should consider whether to declare receiving it.

2.5 To be transparent, a series of related gifts that are received in connection with the Member/Officer's role which are all under £50.00, but together total above £50.00, should be registered if they are from the same person. If the small gifts received from different people are connected in some way, it is good practice to register them.

2.6 Even if all Members/Officers, or a number of them, received the same gift or were invited to the same event, individual notifications must be made.

2.7 The Register of Gifts and Hospitality is maintained by the Clerk to the Council.

2.8 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.

3. What is the value of the gift or hospitality?

3.1 The value of a gift or some hospitality should be estimated, and the form requires an estimate of the value to be made. It is suggested that a commonsense approach is taken, and Members/Officers should consider how much it would reasonably cost a member of the public to buy the gift or provide the hospitality in question. If as a result the value is estimated to be greater than £50.00, then it should be declared.

3.2 Where hospitality is concerned, catering on-costs and other overheads, eg. 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, it should be registered.

3.3 If a Member/Officer is not certain whether the value is under £50.00, the safest course is to register it and give an approximate value.

4. Will the register be open to the public?

4.1 The press and public have the right to inspect the gift and hospitality declarations 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.grappenhallandthelwallpc.org.uk (Members/Officers should have this in

mind when completing declaration forms, as comments cannot be edited.)

5 What happens if a gift or hospitality is not registered?

5.1 Failure to notify the Clerk to the Council 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.

6 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.

6.1 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.

6.2 In considering whether to accept gifts or hospitality Members/Officers should have regard to the following general principles:

Members/Officers should:

- never accept a gif/hospitality as an inducement or reward for anything which you they do as a Member/Officer;
- never accept a gift/hospitality which might be open to misinterpretation;
- never accept a gift/hospitality which puts them under an improper obligation; and
- never solicit a gift/hospitality.