

Document 4.3

PROTOCOL ON GIFTS AND HOSPITALITY

Adopted 27 March 2017

Review by March 2019

1 Introduction

1.1 This protocol provides rules and guidance for Councillors of Hertford Town Council.

2. General Caution

2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Councillor.

2.2 Your personal reputation and that of Hertford Town Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

2.3 This Protocol offers general principles to enable you to make your own decision as to whether you accept gifts or hospitality..

3. Criminal Law

3.1 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 Hertford Town Council.

3.2 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 Hertford Town Council.

4. Limits of Guidance

4.1 This Protocol does not apply to:

1. Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a Councillor. You should however question any such gift or hospitality offered from an unusual source
2. The acceptance of facilities or hospitality provided to you by Hertford Town Council
3. Gifts given to Hertford Town Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally

5. Meaning of Gifts and Hospitality

5.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

5.2 Gifts and hospitality include:

- ▶ The free gift of any goods or services
- ▶ The opportunity to acquire any goods or services at a discount or at terms not available to the general public
- ▶ The opportunity to obtain goods or services 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

5.3 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. You should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to your position as a Councillor of Hertford Town Council.

6. Appropriate Gifts and Hospitality

6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Councillor.

1. Civic hospitality provided by another public authority
2. Normal and modest refreshment in connection with any meeting in the course of your work as a Councillor (e.g. tea, coffee and other normal beverages and biscuits)
3. Tickets for sporting, cultural and entertainment events that are sponsored or promoted by Hertford Town Council or bodies to which you have been appointed by Hertford Town Council, and the tickets are offered in relation to that sponsorship or promotion
4. Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens)
5. Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom Hertford Town Council has a business connection
6. Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events)

7. Principles to Apply in Relation to Gifts and Hospitality

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

1. Do not accept a gift or hospitality as an inducement or reward for anything you do as a Councillor. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it
2. “Reward” includes remuneration, reimbursement and fee
3. Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances
4. 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 Hertford Town Council in a competitive tendering or other procurement process
 - ▶ From applicants for planning permission and other applications for licences, consents and approvals in which Hertford Town Council has an involvement

- ▶ From applicants for grants, including voluntary bodies and other organisations applying for public funding from Hertford Town Council
 - ▶ From parties in legal proceedings with Hertford Town Council
- 7.2 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- 7.3 Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- 8. Gifts Received and Donated to the Mayor’s Appeal**
- 8.1 Councillors may on receiving gifts of value pass them to the Mayor in relation to a charity appeal rather than retain them personally.
- 8.2 Councillors should indicate this intention to the provider and make this clear on the registration form¹.
- 9. Registration of Gifts and Hospitality**
- 9.1 A member must, within 28 days of receiving any gift or hospitality over the value of £25.00, provide written notification to the Monitoring Officer at East Herts Council of the existence and nature of that gift or hospitality.
- 9.2 Whilst the notification requirement in the code is limited to gifts or hospitality over the value of £25.00, members are encouraged to give notification of any significant gift or hospitality they receive.
- 9.3 Members must complete the gifts and hospitality registration form² for all notifications.
- 10. Reporting of Inappropriate Gifts and Hospitality offered**
- 10.1 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 Hertford Town Council.
- 10.2 You must immediately report to the Monitoring Officer at East Herts Council any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.3 You may thereafter be required to assist the Police in providing evidence.

¹ Usually available via the Town Clerk

² Usually available via the Town Clerk