

Guidance for Councillors on Gifts and Hospitality

1. Purpose of this Guidance

- 1.1. This Guidance supports the Members' Code of Conduct by providing practical advice to councillors and co-opted members on the acceptance, refusal, declaration and registration of gifts and hospitality received in connection with their role as a member of West Surrey Shadow Authority.
- 1.2. The purpose of this Guidance is to help councillors exercise sound judgement, maintain public confidence in the integrity of the Shadow Authority's decision-making and promote openness and transparency. It should be read alongside the Members' Code of Conduct and does not replace or amend the obligations contained within the Code.
- 1.3. This Guidance applies to all elected and co-opted members of West Surrey Shadow Authority.
- 1.4. This Guidance cannot cover every circumstance in which gifts or hospitality may be offered. Councillors are expected to exercise their own judgement, having regard to the principles set out in the Members' Code of Conduct and this Guidance. Where there is any doubt about whether a gift or hospitality should be accepted or declared, advice should be sought from the Monitoring Officer before accepting the offer wherever practicable.

2. Key Principles

- 2.1. Councillors should always remember that they are public office holders and must act in a way that maintains public confidence in the integrity of the Shadow Authority and its decision-making.
- 2.2. The acceptance of gifts or hospitality should always be exceptional rather than routine. Even where an offer is made with good intentions, councillors should carefully consider whether accepting it could create, or reasonably be perceived to create, an obligation or influence over the performance of their duties.
- 2.3. In deciding whether to accept or refuse a gift or hospitality, councillors should have regard to the Seven Principles of Public Life, particularly integrity, objectivity, openness and accountability.
- 2.4. When considering an offer, councillors should ask themselves:
 - Why is this being offered to me?

- Would I have been offered it if I were not a councillor?
- Could accepting it reasonably be perceived as influencing my judgement or decision-making?
- Would I feel comfortable if the details were made public?
- Would accepting it undermine public confidence in the Shadow Authority or in my role as a councillor?

2.5. Where there is any doubt, the safest course is to seek advice from the Monitoring Officer before accepting the offer or, where that is not practicable, to decline it.

3. Deciding Whether to Accept Gifts and Hospitality

3.1. Each offer of a gift or hospitality should be considered on its own merits. There is no single rule that applies in every circumstance and councillors are expected to exercise sound judgement.

3.2. When deciding whether acceptance would be appropriate, councillors should take account of all the relevant circumstances, including:

- who is making the offer;
- why the offer is being made;
- the nature and estimated value of the gift or hospitality;
- whether the person or organisation making the offer currently has, or is likely to have, dealings with the Shadow Authority or West Surrey Council;
- whether the Shadow Authority is considering, or is likely to consider, a matter affecting the person or organisation making the offer;
- whether the offer is proportionate and consistent with normal business or civic practice; and
- how acceptance might reasonably be perceived by members of the public.

3.3. Councillors should not accept any gift or hospitality which:

- could reasonably be regarded as an inducement or reward for carrying out their duties;
- places them under an obligation to the person or organisation making the offer;
- could reasonably give rise to a perception of improper influence or preferential treatment;
- is excessive or disproportionate in the circumstances; or

- could otherwise undermine public confidence in the integrity of the Shadow Authority or its decision-making.
- 3.4. Particular care should be exercised where offers are made by, or on behalf of:
- prospective contractors with West Surrey Council;
 - developers or applicants in relation to planning or licensing matters with the sovereign Councils;
 - organisations who may seek funding, grants or other financial assistance from West Surrey Council;
 - organisations involved in procurement or tendering exercises; or
 - any individual or organisation involved in regulatory, enforcement or legal proceedings with the sovereign Councils.
- 3.5. Acceptance of gifts or hospitality from these individuals or organisations will not always be inappropriate. However, councillors should exercise particular caution and seek advice from the Monitoring Officer where there is any doubt.

4. Registration Requirements

- 4.1. Under the Members' Code of Conduct, councillors are required to notify the Monitoring Officer of any gift or hospitality offered or received in connection with their role as a councillor where the estimated value is £50 or more.
- 4.2. Notification must normally be made within 28 days of the gift or hospitality being offered or received.
- 4.3. The requirement to register applies whether the offer has been:
- accepted;
 - politely declined; or
 - accepted and subsequently donated or otherwise disposed of.
- 4.4. The declaration should include, where known:
- the date of the offer or receipt;
 - the name of the individual or organisation making the offer;
 - the nature of the gift or hospitality;
 - the estimated value;
 - the reason for the offer, if known; and
 - the action taken (for example accepted, declined or donated).
- 4.5. Where a number of related gifts or offers of hospitality are received from the same source, councillors should consider their cumulative value. Where the

combined estimated value reaches or exceeds the registration threshold, the gifts or hospitality should be registered.

- 4.6. Gifts or hospitality received solely in a councillor's private capacity, and which are unrelated to their role as a councillor, do not need to be registered under this Guidance.
- 4.7. The Monitoring Officer will maintain a Register of Gifts and Hospitality and arrange for relevant entries to be published in accordance with the Shadow Council's agreed arrangements.

5. Illustrative Examples of Gifts and Hospitality

- 5.1. The following are examples of gifts and hospitality which may normally be accepted, provided councillors have considered the principles set out in this Guidance and, where applicable, comply with the registration requirements in the Members' Code of Conduct:
 - civic hospitality provided by another local authority or public body;
 - modest refreshments or working meals provided as part of meetings, conferences or official engagements;
 - hospitality provided in connection with partnership working or joint projects where it is ancillary to the business being conducted;
 - modest souvenir or commemorative gifts received during civic or ceremonial events;
 - low-value promotional items, such as pens, diaries, calendars or similar items distributed generally to attendees; and
- 5.2. The following are examples of gifts or hospitality which should normally be declined:
 - cash or cash equivalents;
 - vouchers or gift cards;
 - gifts of significant value;
 - travel, accommodation or hospitality provided primarily for personal benefit;
 - tickets to sporting, cultural or entertainment events offered primarily for personal benefit rather than in connection with official duties;
 - discounts or preferential treatment not generally available to members of the public;
 - gifts or hospitality offered during procurement exercises, planning, licensing or regulatory matters at sovereign Councils, or whilst another decision affecting the donor is under consideration; and
 - any gift or hospitality which could reasonably be regarded as seeking to influence a councillor in carrying out their duties.

- 5.3. These examples are intended to assist councillors in exercising their judgement and are not exhaustive. Each offer should be considered on its own merits and in the context in which it is made.

6. Particular Circumstances

6.1. Civic and ceremonial events

- 6.1.1. Attendance at civic, ceremonial or community events forms part of a councillor's representative role. Modest hospitality offered as part of such events will often be appropriate, provided acceptance would not give rise to any actual or perceived conflict of interest.

6.2. Conferences, training and external events

- 6.2.1. Councillors may, from time to time, attend conferences, seminars, site visits or other events as part of their official duties. Attendance should normally be connected with the councillor's official duties and represent an appropriate use of public office.
- 6.2.2. Reasonable refreshments and hospitality which are incidental to attendance at such events will not normally give rise to concern. However, councillors should carefully consider any additional hospitality, accommodation or travel offered by third parties and satisfy themselves that acceptance would not compromise, or reasonably appear to compromise, their impartiality.

6.3. Gifts which cannot reasonably be refused

- 6.3.1. There may occasionally be circumstances where refusing a gift would cause offence or be inconsistent with accepted civic or diplomatic practice.
- 6.3.2. Where this occurs, councillors should notify the Monitoring Officer as soon as reasonably practicable. Consideration should then be given to whether the gift should be retained by the Shadow Authority, or otherwise disposed of by the Monitoring Officer in such ways as they consider appropriate, with a written record to be kept of the disposal decision.

7. Further Guidance

7.1. Gifts received in my private capacity

Gifts and hospitality received solely in a private capacity, which are unrelated to a councillor's role as a member of the Shadow Authority, do not need to be registered under the Members' Code of Conduct

7.2. Estimating the value of gift or hospitality

Where the value is not known, councillors should make a reasonable estimate. If there is any doubt as to whether the registration threshold has been met, the safest course is to register the gift or hospitality or seek advice from the Monitoring Officer.

7.3. Declined offers

Where the Members' Code of Conduct requires the registration of declined offers, these should be notified to the Monitoring Officer in the same way as accepted gifts or hospitality.

7.4. What if several councillors receive the same gift or hospitality?

Each councillor is individually responsible for complying with the Members' Code of Conduct. Where the same gift or hospitality is offered to several councillors, each councillor should make their own assessment and, where required, submit their own declaration.

7.5. Holding other public offices

This Guidance applies only to gifts and hospitality received in your capacity as a member of the Shadow Authority.

Where gifts or hospitality are received in another public role, they should be declared in accordance with the requirements of that organisation. If there is uncertainty about the capacity in which an offer has been made, advice should be sought from the Monitoring Officer.

7.6. What if I am unsure?

If there is any doubt about whether a gift or hospitality should be accepted, declined or registered, councillors should seek advice from the Monitoring Officer before accepting the offer wherever practicable.

8. Further Advice

- 8.1.** The Monitoring Officer is responsible for maintaining the Register of Gifts and Hospitality and providing advice to councillors on the application of the Members' Code of Conduct.

- 8.2. Councillors are encouraged to seek advice at an early stage whenever they are uncertain about the acceptance, refusal or registration of any gift or hospitality. Seeking advice before accepting an offer can help avoid misunderstandings and ensure that public confidence in the Shadow Authority's decision-making is maintained.