

## **Members' Gifts and Hospitality Protocol**

### **1. Introduction**

This protocol is for members of the London Borough of Brent ("the Council"), and so applies to the Mayor, Deputy Mayor, Members of the Council and co-opted Members of the Council.

### **2. Key points:**

Your attention is drawn to the following:

- You must register any gift or hospitality worth **£50 or over** that you receive in connection with your official duties as a member, and the source of the gift or hospitality;
- You must register the gift or hospitality **within 28 days** of receiving it;
- You automatically have a personal interest in a matter being considered at a meeting if it relates to or is likely to affect a person whom you received the gift or hospitality from. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, and then decide whether that interest is also a prejudicial interest;
- The Brent Members' Code of Conduct says you are required to comply with this protocol;
- Ask yourself "would I have been given this if I was not a member?"; "why now?"; "what was the purpose of the gift or hospitality?"; "is it reasonable and proportionate?"; "is anything expected in return? and "will I have a conflict of interest?"
- Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor that acceptance will not confer any advantage for that donor in his/her dealings with the Council;
- At all times be guided by the general principles and obligations of conduct (see the Brent Members' Code of Conduct). In particular, acceptance of inappropriate gifts and hospitality could call your integrity, objectivity, honesty and leadership into question. It could also bring your office and the Council into disrepute and be perceived as an abuse of your position; and
- If in doubt, ask the Monitoring Officer for advice.

### **3. Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. The Council's interpretation of gifts and hospitality includes:

- The 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, (except that which is provided by the Council), or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, wine, flowers and bouquets. Common hospitality includes lunches provided by external bodies. You should also be cautious when purchasing anything if additional services, privileges or advantages are offered, which might be related to your position as a Member.

#### **4. General Caution**

You should treat with extreme caution any offer or gift, favour or hospitality that is made to you. Your personal reputation and that of the Council can be seriously jeopardised if you inappropriately accept gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This protocol is intended to enable you to make your own decision.

#### **5. Criminal Law**

It is a criminal offence to solicit corruptly or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. For example 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 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 Council.

You must immediately report to the Monitoring Officer 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.

#### **6. Limits of Guidance**

This protocol does not apply to:

- 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 Member, however, you should question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Council.
- Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

## **7. Principles to Apply in Relation to Gifts and Hospitality**

In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles, irrespective of its value:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a 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 payment of fees.
- Do not accept a gift or hospitality 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:
  - a) From parties involved with the Council in a competitive tendering or other procurement process.
  - b) From applicants for planning permission and other applications for licences, consents and approvals.
  - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - d) From applicants for benefits, claims and dispensations.
  - e) From parties in legal proceedings with the Council.
- Do not accept a gift 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.
- Cash or monetary gifts or equivalents (e.g. gift vouchers) should always be refused without exception and the refusal notified to the Monitoring Officer. When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
  - is there a benefit to the Council in accepting the invitation?
  - is the entertainment too lavish?
  - are you accepting too much hospitality from the same source?

Where you are in any doubt as to the best course of action, advice should be sought from the Monitoring Officer.

## **8. Gifts and hospitality declined**

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer particularly if they are of value. When gifts or hospitality are declined, the person making the offer should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

## **9. Registration of Gifts and Hospitality**

Paragraph 11 of the Brent Members’ Code of Conduct requires Members to register, within 28 days of election to office, details of personal interests where they fall within categories set out at paragraph 13 of the Code. Thereafter a Member must, within 28

days of becoming aware of any new interest or change to any registered interest, register details of that interest or change.

## 10. Series of gifts or hospitality adding up to £50 or more in value

(a) If you receive

- gifts or hospitality; or
- a series of gifts or hospitality from the same source

that add up to £50 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year. You may have to estimate the value of the gifts or hospitality.

## 11. Gifts and hospitality below the £50 threshold

You can still register any gift or hospitality you receive which you estimate to be below the £50 threshold should you consider that, given the circumstances, this would be appropriate and in your best interests. Members are encouraged to register any gift or hospitality which they regard as significant even if it is below £50 in value.

## 12. Declarations

Under the Brent Members' Code of Conduct, you have a **personal interest** in any business of the Council where that business of the Council relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

In accordance with Brent Member's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of a meeting. Members must say to which item their interest relates.

If they have a personal interest, Members must also consider whether or not that interest is a **prejudicial interest** and take the necessary action.

If a member of the public, knowing all the relevant facts, would view a Member's **personal interest** in the item under consideration as so substantial that it is likely to prejudice the Member's judgment of the public interest **and** it affects the financial position of the person you received the gift and hospitality from or it relates to a regulatory matter (e.g. planning or licensing), then the Member has a **prejudicial interest**.

If a Member has a **personal interest** then they must declare the interest but can stay, speak and vote. If the Member has a **prejudicial interest** then they must declare the interest, cannot speak or vote on the item (but can participate to the extent that members of the public can) and must leave the room.

It is not necessary to declare the specifics of the gift or hospitality received. It is sufficient to indicate the agenda item which the declaration relates to, the organisation or individual the gift or hospitality was received from, and to state that the details of that gift and/or hospitality may be found on the register of gifts and hospitality.

## **12. Mayor**

(a) On the whole, a Member who is currently serving as the Council's Mayor has to comply with the same rules as other Members.

(b) However, gifts that are clearly made to the Council, for example a commemorative goblet which is kept on display in the Council's offices, do not need to be registered in the Member's register of gifts and hospitality. However, such gifts will be recorded by the Council for audit purposes.

(c) Where the Mayor is invited to social functions or gifted with presents publicly in the capacity of the "Mayor", he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Member acting as Mayor, receives any gifts or hospitality in his/her capacity of a Member, there is a requirement to register such gifts and hospitality. The question a Member needs to ask themselves is "Would I have received this hospitality even if I were not the Mayor?" If the answer is "yes", then it must be registered.

## **13. Enforcement**

The requirements of this protocol form part of the Brent Members' Code of Conduct. A breach of this protocol could result in a complaint under the Code.

Allegations of any breach of this protocol must be made in writing to the Monitoring Officer who is the Chief Legal Officer.

Fiona Alderman  
Monitoring Officer and Chief Legal Officer

16 September 2015