



MEDSTEAD PARISH COUNCIL

GIFTS AND HOSPITALITY POLICY

1. Introduction

The Medstead Parish Council Code of Conduct for Councillors states that Councillors must declare to the Monitoring Officer any gift or hospitality which is offered to them in their capacity as members of the Council over the value of £50. This is the case whether or not it is accepted.

Councillors need to first determine whether or not a gift or hospitality can or should be accepted. It is important to note that just because a gift or hospitality may be less than £50, it does not necessarily mean that it is appropriate to accept it.

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the Council as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

This policy provides guidance to Councillors on the acceptance of gifts and hospital and the appropriate procedures to follow, and it is divided into three parts.

- i. The first part considers the Bribery Act 2010 and distils this into General Principles for determining whether or not it is appropriate to accept a gift or hospitality.
- ii. Assuming these principles are met, the second part considers circumstances where consent for a gift or hospital would be appropriate, in line with the requirements that it is “reasonable and proportionate”.
- iii. The third part describes the procedure for registering the gift or hospitality, whether it is accepted or declined. This procedure is advisory for gifts and hospitality less than £50 and mandatory when the value exceeds £50.

This policy is primarily aimed at Councillors as they are the ones who make decisions on expenditure, grants, contracts, planning etc, and they are covered by the Code of Conduct and the requirement to register gifts and hospitality with the Monitoring Office. However, staff must also comply with the Bribery Act 2010 and so the same principles apply to them, with internal procedures in place to deal with any gifts and hospitality to them are also covered in the third part of this policy.

2. General Principles on Accepting Gifts and Hospitality

The law on the acceptance of gifts and hospitality is set out in the Bribery Act 2010. The legislation does not set specific financial thresholds or limits for gifts or hospitality, so there is no “safe” minimum value. Even a promise of something with no money changing hands can be a criminal offence. Instead, the Act focuses on intention and context, and any gift or hospitality expenditure must be “reasonable and proportionate”. It is illegal if given with corrupt intent to induce improper behaviour, regardless of its value.

This policy aims to supplement these legal requirements to provide a clear set of rules for the protection of both Councillors and the Council. It should be read in conjunction with the Council's Code of Conduct for Members.

Gifts and hospitality include but are not limited to: i) the free gift of any goods or service; ii) the opportunity to acquire any goods at a discount or terms not available to the general public; iii) the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

The General principles below that guide the acceptance of gifts and hospitality are as follows (and for clarity addressed directly to Councillors).

a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Bribery Act 2010 makes it an offence for an individual to bribe another person or to accept a bribe. The maximum penalty for a conviction for one of these offences is up to 10 years imprisonment. There is an additional offence which applies to organisations of failing to prevent bribery. On a conviction for this offence the organisation could face an unlimited fine. Hence it is important that the Council provides clear guidance to Councillors.

Further, the Council's Code of Conduct for Members provides that you must act in the public interest, serving the Council and the whole community, rather than acting in the interests of any particular individual or section of the community, and that you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

b) You should only accept a gift or hospitality if there is a benefit to the Council

The only proper reason for accepting any gift or hospitality is that there is a benefit for the Council which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the Council, such as an opportunity to progress the business of the Council expeditiously through a working lunch, or to canvass the interests of the Council and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. Unless the benefit to the Council is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the Council's Code of Conduct provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the Council, would be a breach of the Code.

c) Never accept a gift or hospitality if acceptance might reasonably be open to misinterpretation

The appearance of impropriety can be damaging to the Council and to you as a Councillor. The Council's ability to govern rests, in part, upon its reputation for acting fairly and in the public

interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being reasonably interpreted as a sign that you or the Council favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must consider whether to refuse the gift or hospitality or what appropriate steps to take to reduce the likelihood of such a misunderstanding.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- i. Occasions when the Council is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- ii. Determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination.
- iii. Funding decisions, when the Council is determining a grant application by any person or organisation.

d) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this code. You should also take care to avoid giving any indication that you might be open to such an improper offer.

3. Circumstances where consent is advised as acceptable

If the General Principles are all met in the previous section, it may be possible to accept a gift or hospitality, but it has to be in an appropriate context, and it has to be demonstrably “reasonable and appropriate”. EHDC’s own policy advises that Councillors may accept gifts and hospitality in the following circumstances and Medstead Parish Council guidelines should be consistent with that:

- i. Civic hospitality provided by another public body.
- ii. Modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits.
- iii. Tickets for sporting, cultural and entertainment events which are sponsored by the Council.
- iv. Small gifts of low intrinsic value, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise.

- v. A modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the Council if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable.
- vi. A modest working lunch in the course of a meeting in the offices of a party with whom the Council has an existing business connection where this is required in order to facilitate the conduct of that business.
- vii. Modest gifts with a value from another public authority or given on the occasion of a visit by or to the authority.
- viii. Hospitality received in the course of an external visit or meeting which has been duly authorised by the Council.
- ix. Other unsolicited gifts, where it is impossible or impracticable to return them to the person or organisation making the gift. In this situation, depending on the value, it may be appropriate for the gift to be donated to a charitable cause by the Council and the Clerk to thank the person or organisation on behalf of the Council.

This policy does not apply to the acceptance of facilities or hospitality provided to the Parish Council, or gifts given to the Parish Council that you accept on behalf of the Parish Council and are retained by the Parish Council.

4. Procedure for Registering Gifts and Hospitality

Every individual gift or item of hospitality received by a Councillor above the value of £50 must be registered. Registration must be made within 28 days of the date of receipt, by completing and sending the form in the Appendix to the Clerk, who will inform the Monitoring Officer as required.

The value and details of the gift or hospitality received on the form must be declared, 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 personally.

Any offer of gift and/or hospitality over £50 which has been declined must be registered, since this protects both the position of the Councillor and that of the Council.

Where the value of any gift or hospitality is under £50, declaration of receipt may be advisable.

In order to be transparent, if a series of related gifts are received in connection with the role as Councillor which are all under £50, but together total above £50, then they should be registered if they are from the same person. If the small gifts received from different persons are connected in some way, it would be 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 Clerk and published on the website www.medsteadpc.org.

If the Clerk receives a gift or hospitality, for transparency, the Chairman should countersign the declaration form, but it is not a matter for the Monitoring Officer.

The following guidance is intended to help with filling in the form.

i. What is the value of the gift / hospitality?

It may be necessary to estimate how much a gift, or some hospitality is worth as the form requires an estimate of the value. It is suggested that a common sense approach is taken, and consideration given to how much it would reasonably cost a member of the public to buy the gift, or provide the hospitality in question. If the estimated result of the value is greater than £50, then receipt should be declared. Where hospitality is concerned, catering overheads, e.g. staff and room hire can be disregarded. If the food, including drinks and alcohol, would cost £50 in a comparable establishment providing food of comparable quality, this should be registered. If the value is not certain to be under £50, the safest course is to register it and give an approximate value.

ii. Will the register be open to the public?

The press and public have the right to inspect gift and hospitality declarations in the same way as the register of disclosable pecuniary interests. Councillors are asked to take this into consideration when completing declaration forms, as comments cannot be edited.

iii. What happens if a gift or hospitality is not registered?

Failure to notify the 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.

Version control

Version	Date adopted	Minute ref.
Gifts and Hospital Policy 2026	First adopted xx	Minute xx

This Gifts and Hospitality Policy will be reviewed every two years by F&GP and re-adopted by Full Council.



MEDSTEAD PARISH COUNCIL

GIFTS AND HOSPITALITY DECLARATION

Name & address of person or company giving or offering a gift or hospitality	Date offered
Name of Councillor (or Officer) given or offered gift or hospitality	
Description, value and circumstances of offer of gift or hospitality and connections with the donor	Decision
	<p>REFUSE / ACCEPT</p> <p>.....</p> <p>Date</p>
Details of action taken following refusal or acceptance. For example: inform giver, return gift	

Name of Councillor (or Officer) receiving gift / hospitality:.....

I, as a member of Medstead Parish Council, wish to register a gift or hospitality of the estimated value of £50 or more on any one occasion, which was received in connection with an official duty as a Medstead Parish Council member, as required by the Council's Code of Conduct.

Signature of Councillor**Date**.....

Counter signature (Clerk):**Date**.....