

## **ADOPTION OF GUIDANCE ON ACCEPTANCE OF GIFTS AND HOSPITALITY**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected:

### **PROPOSED DECISION**

To approve the Guidance on Acceptance of Gifts and Hospitality at Appendix 1 to this report.

### **RECOMMENDATION TO COUNCIL**

To recommend to Council that the Guidance be adopted as an Appendix to the Member Code of Conduct.

### ***Reason for Decision***

To provide additional guidance for Members and Officers around the circumstances in which gifts and hospitality may be accepted, and when they should be declined.

### **Corporate Implications**

1. The Localism Act 2011 sets out the current requirements for standards arrangements for elected Members. WDC's Code of Conduct includes a provision requiring members to notify the Monitoring Officer, in writing, of any gift, benefit or hospitality with a value in excess of £50 which has been accepted from any person or body except the Council. Whilst there is no specific requirement for additional guidance on aspects of the Code, it can be of assistance to Members in their interpretation of their duties, and guidance has been adopted by a number of other authorities across the country. In particular, Chiltern DC and South Bucks DC have as an appendix to their Member Code a similar version of the guidance proposed.
2. The issue of acceptance of gifts and hospitality is an important one, since as well as the need to register those with a value of £50 or more, there is also an important need to first consider whether or not the offer should be accepted at all. Members are encouraged to seek advice in circumstances where they may be uncertain how to respond. Whilst it is not a requirement to have an appendix to the Code of Conduct providing guidance on gifts and hospitality, some other Councils do so, and it would be good practice and supportive of good governance to make such general guidance easily accessible in this way. Specific guidance of course remains available where required, and Members continue to be very much encouraged to seek it where needed, as general guidance cannot cover all eventualities.

## **Executive Summary**

3. The guidance on Gifts and Hospitality, as an appendix to the Members' Code of Conduct, will provide members with helpful guidance on the circumstances in which gifts and hospitality may be accepted, or should be declined.

## **Sustainable Community Strategy/Council Priorities - Implications**

4. The proposed guidance will support the Council's priorities in its Corporate Plan by helping to ensure its business is conducted in accordance with the law and proper standards, and principles of good governance.

## **Background and Issues**

5. The Code of Conduct for Members which has been adopted by the Council provides that if a gift or hospitality with a value of more than £50 is accepted, then there is an obligation to record this in a register. In practice, this forms part of the information which is published as part of Members' individual profiles within the modern.gov system, and viewable on the Council's website.
6. Since 2012, training has been provided to Members on the Code of Conduct including guidance for compliance, as part of induction and ad hoc training. So far however, there has been no specific written guidance on the area of gifts and hospitality, but as other councils across the country have this as part of their Codes, it would support good corporate governance principles for WDC to adopt similar guidance.

## **Options**

7. Supplementary guidance is not obligatory, and need not be adopted. Members are able to form their judgments based on the Member Code of Conduct itself, and their individual understanding of the legal requirements and public perception. However, as the Code of Conduct only currently deals with the requirement to register gifts and hospitality valued at over £50, but does not deal with what considerations should be taken into account in deciding whether or not to accept a gift or hospitality when proffered, whatever its value, the guidance will support members in ensuring that their behaviour complies with the wider requirements of the Code.

## **Conclusions**

8. Following approval by Full Council, the guidance will be included as an appendix to the Member Code of Conduct.

## **Next Steps**

9. Full Council will be recommended to adopt the guidance.

## **Background Papers**

None.