

Section D

Gifts and Hospitality Guidance for Members

GIFTS AND HOSPITALITY

SECTION D: GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS

General Introduction

Manchester City Council's Code of Conduct for Members (the Code) requires members to notify the Monitoring Officer in writing of a personal interest in any business of the Council where it relates to or is likely to affect the interests of any person from whom the member has received a gift or hospitality with an estimated value of at least £100 (an interest under paragraph 11.2(c) of the Code).

In addition to the obligation to notify under paragraph 11.1 of the Code, the Council requires members to notify the Monitoring Officer of any gifts or hospitality accepted by either themselves or their partner by or on behalf of the elected member in connection with their appointment as an elected member or representative of the Council with an estimated value of at least £100.

It is also a breach of the Code for a member to conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute or for a member to use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

The following protocol aims to assist members in complying with these obligations and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

Legal position

The Bribery Act 2010 provides that it is a criminal offence for a member (either personally or through a third party whether for the member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the member to demonstrate that any such advantage has not been corruptly obtained. This guidance should be considered in conjunction with the Council's Anti-Bribery Policy.

1. Gifts and hospitality

Members are advised to treat with caution any offer, gift, or hospitality that is made personally to them in their capacity as an elected member/representative of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the member's independence should not be compromised e.g. planning or licensing approvals.

The requirements for notification of a personal interest under paragraph 11.2(c) of the Code and any other gifts or hospitality accepted by the member or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 are set out at 2.1 below. It is recommended that where a member refuses any gift or hospitality offered to them or to their partner in connection with their position as an elected member/representative of the Council, the member should notify the Monitoring Officer of the refusal as soon as reasonably practicable. The Council's Monitoring Officer will maintain a register for this purpose.

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Below are some examples regarding acceptance of gifts and hospitality:

1.1 Gifts

All gifts and hospitality should only be accepted if they are in furtherance of the Council's objectives.

Generally personal gifts should not be accepted as an objective view could be that a gift was only given because of the persons standing as a Councillor. The exception is where the gift is of purely token value given to a wide range of people e.g. a pen or key ring, the member should be able to accept such a gift and as it will usually be substantially less than £100 in value there should be no need to register it.

Where the gift is of low value and refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council the member should be able to accept it, and again as it will usually be substantially less than £100 in value there should be no need to register it.

Whilst it may be acceptable to accept a token or gift of low value on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be notified to the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than £100). The Monitoring Officer in consultation with the chair of the Standards Committee will determine whether it is appropriate for the member to retain the gift in question.

1.2 Hospitality

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that the member's judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality with an estimated value of at least £100 should be notified to the Monitoring Officer.

Examples of hospitality which may be acceptable are set out below but depend on the particular circumstances, for example, who is providing the hospitality, why the member is there and the nature of the dealings between the Council, the member and the provider of the hospitality:

- A working meal provided to allow parties to discuss or to continue to discuss business;
- An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Council has contact; or
- Invitations to attend functions where the member represents the Council (opening ceremonies, public speaking events, conferences).

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The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements;
- Offers of complimentary theatre and sporting tickets for the member/family or free travel; or
- Paid for corporate invites for evenings out with representatives from a company or firm who have dealings with the Council or who are likely to have dealings in the future.

Members are again advised to err on the side of caution and if in any doubt as to the integrity of the offer/invite, the member should consult the Monitoring Officer or refuse.

2. Personal Interests under paragraph 11.2(c) of the Code

Paragraph 11.2(c) provides that a Member has a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom a Member has received a gift or hospitality with an estimated value of at least £100.

2.1 Registration of a personal interest under paragraph 11.2(c) of the Code and other gifts and/or hospitality

A personal interest under paragraph 11.2(c) of the Code must be registered within 28 days of the member's election or appointment to office

In addition, members must notify the Monitoring Officer of any gifts or hospitality accepted by them or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 within 28 days of the receipt of the gift or hospitality.

2.2 Disclosure of a personal interest under paragraph 11.2(c) of the Code and other gifts and/or hospitality

When a member attends a meeting of the Council at which the relevant business is considered, the member must disclose their personal interest under paragraph 11.2(c) of the Code where they are aware/ought reasonably to be aware of the existence of the personal interest.

The member must disclose to the meeting the existence and nature of that interest at the commencement of consideration of the relevant business or when the interest becomes apparent.

Where a member has a personal interest under paragraph 11.2(c) of the Code they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

2.3 Personal interests under paragraph 11.2(c) of the Code and prejudicial interests under paragraphs 13.1 – 13.5 of the Code and other gifts and/or hospitality

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When disclosing a personal interest under paragraph 11.2(c) of the Code members must also consider whether the personal interest is a prejudicial interest under paragraph 13.1 of the Code. If this is the case, paragraphs 13.2 – 13.5 of the Code apply.

Where the personal interest is also a prejudicial interest under paragraph 13.1 of the Code, if the interest is not registered and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest within 28 days of the meeting at which the interest was disclosed.

3. Notifications

Notifications of gifts and hospitality should be sent to the Monitoring Officer at the following address.

Governance and Scrutiny Support Unit
Chief Executive's Department
Manchester City Council
3rd Floor
Town Hall Extension
Albert Square
Manchester M60 2LA

A form for this purpose is available from the Governance and Scrutiny Support Unit who administer the register on behalf of the Monitoring Officer.

4. The register of members' interests

Notifications will be included in the register of members' interests, a copy of which is available for public inspection and is published on the Council's website (subject to the rules on sensitive interests set out in paragraph 16 of the Code).

This register is subject to scrutiny by the Standards Committee and inspection by the Monitoring Officer, Head of Internal Audit and Risk Management and External Auditors.

5. Gifts which cannot be retained

Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the Council or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer following consultation with the Chair of the Standards Committee.

6. Conclusion

Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear.

Breaches of this protocol may result in a breach of the Code of Conduct for Members.

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7. Review of guidance

This guidance was last reviewed in **2019** and shall be reviewed every 3 years thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.