

**Date:** 25 March 2008

**Report:** GUIDANCE ON GIFTS AND HOSPITALITY

### **Purpose of the report**

1. To invite the Authority to approve revised guidance for members on gifts and hospitality.

### **Strategic Planning Framework**

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

- ***Best Value Performance Plan objectives***

There is an action to continue to develop effective corporate governance, and also to introduce a new code of conduct for Authority members. Although the latter has been done, it has given rise to a need to review this guidance.

### **Background**

3. The Authority has a Code of Practice for Members on Gifts and Hospitality. A copy is contained in the Members' Handbook (Section I).
4. The existing guidance is based on the code of conduct that applied prior to August 2007. With the adoption of a new Members' code of conduct with effect from 1 August, the guidance is now out of date. This was reported to the Standards Committee in November 2007, when the Committee asked Messrs John Blackie, Graham Dalton and Atiq Hassan to work with me to produce a revised version of the guidance, which could be put to the Authority for adoption.
5. Comments were obtained from all three members, and the matter referred back to the Standards Committee at its meeting on 5 February 2008, when it approved the attached document. The Standards Committee now recommends the Authority to approve this guidance as a replacement for the existing document.
6. Members are asked to note that the Authority's code of conduct, which is based on the national model, does not prohibit members from receiving gifts and hospitality, and merely requires gifts and hospitality worth over £25 to be registered. It therefore does not seem appropriate to impose a blanket ban on members receiving gifts and hospitality.

7. There have in the past been very few occasions on which members of this Authority have registered the receipt of gifts or hospitality. That in itself does not obviate the need for guidance, not least because items under £25 are not registrable and one would therefore not expect to find any information in relation to them; and having such guidance would be considered to be a part of good governance arrangements in any event.

### **RECOMMENDATION**

8. That the Authority adopt the document attached, in place of the existing guidance for members on Gifts and Hospitality.

**Richard Daly**  
**Solicitor / Monitoring Officer**

6 February 2008

Background documents:

Report to Standards Committee on 5<sup>th</sup> February 2008

# YORKSHIRE DALES NATIONAL PARK AUTHORITY

## GUIDANCE FOR MEMBERS IN RELATION TO GIFTS AND HOSPITALITY

### 1. **Purpose of this Guidance**

- 1.1 This guidance provides a set of principles that should assist Members of the Yorkshire Dales National Park Authority in deciding their response to offers of gifts or hospitality. It is intended to help maintain the actual and perceived integrity of the Authority in the way it conducts its affairs. There is no sanction on members who breach this guidance (unless they also breach the Authority's code of conduct), but such action may well prove detrimental to the Authority's standing and reputation.
- 1.2 The Authority's Code of Conduct requires all Members to register as a personal interest the receipt of any gift or hospitality with an estimated value of at least £25, and Members must observe that requirement at all times. However, this guidance, which has been endorsed by the Authority, gives more specific and detailed advice for Members, with a view to maintaining and protecting the Authority's reputation, and helping members to deal with what can sometimes be awkward situations.

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

- 2.1 This guidance only applies to gifts and hospitality which may be offered to you because you are a member of the Yorkshire Dales National Park Authority. This may happen on a personal basis (to you alone), or on a collective basis (eg where a number of members attending the same event all partake of a free lunch or dinner). This guidance does not apply to hospitality which will be paid for by the Authority itself (eg where the Authority is paying for you to attend a conference, and the conference dinner is included in an overall fee for the event).
- 2.2 This guidance also does not apply to any gifts made to the Authority which a member receives on behalf of the Authority, save to say that these should be passed on to the Chief Executive, pending a decision on their use by the Authority.
- 2.3 This guidance does apply to gifts made or offered to members for their own use. These may be physical objects, such as a bottle of wine or a book; cash; tickets for cultural or sporting events etc. This guidance also does apply to hospitality offered to members: that is, any food, drink, accommodation or entertainment which is provided free of charge or heavily discounted.

### 3. **Guidance**

- 3.1 Members should always keep uppermost in their minds the good reputation of the Authority, and think how that reputation might be affected by public knowledge of acceptance of any gift or hospitality which they may be offered.

This principle is particularly critical where the person or body offering the gift or hospitality is in the process of dealing with the Authority, or has – or wishes to have – some business relationship with the Authority, for example as a contractor, or as an applicant for a financial grant or for planning permission. It is never appropriate to accept a gift or hospitality in such circumstances. Members should always be sensitive to the timing of any offer of a gift or hospitality in relation to decisions that the Authority may be taking which may affect the potential donor. Where it is necessary to visit a contractor, or to inspect a site or facilities, this should be done at the expense of the Authority.

3.2 Neither is it ever appropriate for a member to accept personal business, cash, discounts on goods, paid holidays, use of company flats or facilities or similar gifts, irrespective of whether the donor is hoping to do business with the Authority.

3.3 Where a member is attending:

- an event, such as a training event, seminar, conference, open day, festival, official opening etc as a representative of the Authority; or
- a meeting, to which the Authority has been invited or in the organisation of which the Authority has been involved

then it will normally be appropriate for the member to accept gifts or hospitality which are:

- of a token nature, such as pens, notepads etc; or
- given to the member in recognition of some special service, such as giving a speech or opening a fete; or
- incidental to the event and available to all attendees or delegates, for example lunch, dinner or drinks.

3.4 Offers of gifts or hospitality made by other public bodies, or by professional or academic institutions may normally be accepted, subject to 3.1 and 3.2 above. The same applies to offers to attend private social or sporting functions when these are part of the life of the local community, or where the Authority should be seen to be represented.

3.5 In circumstances where you need to decline to accept a gift or hospitality which is offered, this should be done tactfully. It will help you to explain to the potential donor that the Authority has this guidance, and that all members are expected to observe it.

3.6 If you only realise after you have accepted a gift or hospitality that perhaps it would have been wiser not to have done so, seek advice from the Chief Executive or the Monitoring Officer. It may be possible to return a gift, and/or to make arrangements to ensure that you are not involved in any imminent decisions which may affect the donor.

#### **4. Registration and Declaration**

- 4.1 You must register as a personal interest any gift or hospitality which you have received in your capacity as a Member of the Authority and which has a value of at least £25. A number of small gifts or hospitality from the same source over a short period of time that add up to £25 or more should be treated as a single gift or instance of hospitality, and registered. If you are not sure of the value, err on the side of caution, and register any gift or hospitality which may exceed £25. The details to be registered are the identity of the donor and the nature of the gift or hospitality, and these must be registered within 28 days of receipt of the gift or hospitality.
- 4.2 You also need to declare this as a personal interest whenever it is relevant to business transacted at Authority meetings, Committee meetings and site visits for a period of three years from the date of registration. In declaring it as an interest, you should state the nature of the gift or hospitality, who gave it to you, and how the Authority business under consideration relates to that person or body. You also need to consider whether your interest is not only personal, but also prejudicial.
- 4.3 You do not need to register or declare any gifts or hospitality which you are offered but do not accept.
- 4.4 The Register of Members Interests is open for public inspection by arrangement with the Monitoring Officer.
- 4.5 Subject to the fact that it is for you to decide whether you have a personal and / or prejudicial interest and then to take the necessary action, the Chief Executive will seek to ensure that any member with a relevant registered interest is removed from procurement or contractual decisions as appropriate.

#### **5. Review of this Guidance and further advice**

- 5.1 This guidance and its operation will be reviewed annually by the Standards Committee. Any further clarification or interpretation of the Code that may be found necessary will be formally communicated to all Members and officers.
- 5.2 If you require any further advice, either in relation to any particular situation or generally, please ask the Monitoring Officer or the Chief Executive. Further general advice is available on the Standards Board's website:  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)