

# GUIDANCE ON HOSPITALITY, GIFTS AND OTHER BENEFITS RECEIVED BY MEMBERS FROM EXTERNAL ORGANISATIONS, BUSINESSES OR INDIVIDUALS

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## Introduction

1. This guidance is issued in accordance with the statutory Code of Conduct for Members and applies to Elected Members and Co-opted Members of Cardiff Council. It sets out the threshold or minimum value level determined by the Council under the Code, which is **£25**.
2. **All hospitality, gifts and other benefits received by Elected Members and Co-opted Members, which are estimated to exceed this value, must be notified to, and registered by, the Council's Monitoring Officer via Democratic Services.**

## Definitions

3.

Term	Definition
Hospitality received	Any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to Members in an official capacity or in the course of, or arising from, their official duties as Members. Hospitality received can include (but not exclusively) meals, travel opportunities, hotel accommodation, invitations to events, sport and theatre tickets.
Gift	Any tangible item given to Members in the course of, or arising from, their official duties and position held within the Council.
Other benefits	Any other benefit offered to Members in the course of, or arising from, their official duties and position held within the Council, not covered by the definitions listed above.

## Statutory and Council Framework

4. Paragraph 7 of the Council's Code of Conduct for Members states that:

*"You must not:*

- (a) *in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage.*

- (b) use, or authorise others to use, the resources of your authority-
- (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes."

5. Paragraph 9(b) of the Council's Code of Conduct for Members also states that:

*"You must...avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation."*

6. Paragraph 17 (Registration of Gifts and Hospitality) of the Council's Code of Conduct for Members further states that:

*"You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage."*

### **Acceptance and Refusal**

7. Whatever the value of the hospitality, gift or other benefit offered to a Member by an external organisation, business or individual, if its acceptance may place you under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused.

8. It is not possible to describe all the situations where an improper obligation may arise. However, these are some examples of circumstances in which offers to Members are likely to be seen as suspect:

- The offer of hospitality, gifts or other benefits which do not appear to have any proper purpose connected with the Council (e.g. the offer of private holidays or the use of holiday accommodation; personal gifts of substantial value or other benefits offered to Members at substantially below the price they would normally be offered to the public);

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- Hospitality, gifts or other benefits offered to Members who are closely involved, or who will participate, in decision making relating to an external organisation, business or individual seeking to do business with the Council and, for example, is involved in negotiating a contract; the sale or acquisition of a property; or has submitted a tender for a Council project;
- Regular and repeated hospitality, gifts or other benefits which are either offered or received from the same external organisation, business or individual;
- Hospitality, gifts or other benefits offered where a Member would be the sole guest on an essentially private occasion;
- Hospitality, gifts or other benefits offered for purely sporting or social occasions away from the Council's administrative area, where there would be no general expectation that the Council should be represented, nor any clear connection with Council business or functions.

It should be stressed that the above are examples only, and are not exhaustive. Each offer and its appropriateness should be considered on its merits and it will be necessary for Members to make a personal judgement as to whether it is appropriate to accept it.

8. Members must strike a balance between, on the one hand, taking an active part in the life of the community and ensuring that the Council is properly represented when it needs to be in a position to receive or impart information, and, on the other hand, the need to avoid the appearance of improper obligations.
9. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered by an external organisation, business or individual, it is appropriate to accept unless there are circumstances which clearly suggest that an improper obligation may be seen to arise.
10. If, for example, the external organisation, business or individual offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many Council services, all invitations received during such negotiations should be refused.
11. If, however, the matter is relatively minor and confined to one service area or a small group of individual Members or employees, it may be appropriate for those Members not involved directly or unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council business or functions.

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12. The offer of hospitality from other public bodies or organisations (e.g. UK Government, National Assembly for Wales, Welsh Government, Local Health Boards and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those Members who are offered hospitality, gifts or other benefits by such organisations would still need to consider whether acceptance is appropriate and likely to further the Council's interests. In addition, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting any hospitality, gifts or other benefits.
13. There may be rare occasions when Members may be offered gifts in the form of bequests by local residents, as a result of their undertaking official duties. Such offers of bequests should be discouraged wherever possible in order to avoid Members being subject to any accusations of impropriety and undue influence or persuasion having been brought to bear on the testator. However, if a bequest is made then the acceptance of small bequests by Members, which represent only a minor proportion of the estate in each individual case, will generally be considered as acceptable.
14. Elected Members and Co-opted Members are not required to obtain authorisation before accepting hospitality, gifts or other benefits offered in connection with their official role. However, Elected Members and Co-opted Members will be responsible for any decision they take to accept any hospitality, gift or other benefit.

### **Registration**

15. **Elected Members and Co-opted Members are required to register any hospitality, gifts or other benefits exceeding an estimated value of £25 for each occasion, item or payment.**
16. If there is any doubt about whether the item exceeds the threshold value, you are advised to register its receipt. However, for the avoidance of any doubt, items below the threshold values do not need to be registered by Members. The threshold value will be reviewed by the Council as necessary and appropriate, in consultation with the Standards and Ethics Committee.
17. Under the Members' Code of Conduct, Elected Members and Co-opted Members are required to make such registrations **within 28 days of receipt**. Members should use the applicable Member Registration Form ([4.C.039](#)), which must be completed and returned to the Democratic Services Manager for registration purposes. The register will be made available for public inspection.

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