

## Gifts and hospitality

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**Gifts, hospitality and the Code of Conduct:** Gifts and hospitality are covered by paragraphs 8 and 13 of the Code.

### What do I have to do?

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- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself "Have I been given this because I am a member?" If the answer is "yes" then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.
- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25.

### What are the implications?

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- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.

For further information on interests see our factsheet on personal and prejudicial interests.

### What happens if I do not know the value of the gift?

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- We suggest you register it anyway as a matter of good practice.

### Do I have to register gifts or hospitality I do not accept?

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- No, but you may wish to do so as a matter of good practice.

### What does "hospitality" mean under the Code?

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- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

### Do I have to register the interests of the donor of the gifts or hospitality?

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- No. We believe the Code only requires you to register the gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.

### Do I have to register gifts or hospitality from council-owned companies?

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- Yes. Wholly-owned companies are separate bodies from the authority.

### What about official gifts or hospitality given to the civic mayor or chair of a council?

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- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair's charity appeal also do not need to be registered.
- We take the view that there is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

### Find out more

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- The Code of Conduct: Guide for members May 2007 offers more guidance on the Code and can be downloaded [here](#).
- Call our enquiries line on **0845 078 8181**
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

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## Personal and prejudicial interests

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Personal and prejudicial interests are covered by paragraphs 8-13 of the Code of Conduct.

### What is a personal interest?

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You have a personal interest in any business of your authority where it relates to or is likely to affect:

1) An interest that you must register.

2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people or bodies with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:

- inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
- inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
- inhabitants of the authority's area (in all other cases).

### What should I do if I have a personal interest?

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You must declare that you have a personal interest and the nature of the interest as soon as it becomes apparent to you in all formal meetings before the matter is discussed.

However, where an interest arises solely from membership of, position of control or management on:

- any other body to which you were appointed or nominated by the authority
- any other body exercising functions of a public nature, for example if you have been appointed as a school governor
- you will only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest.

### What is a prejudicial interest?

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Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2) (c), for example setting the council tax.
- b) The matter affects your interests financially or is about a licensing, planning or other regulatory matter that might affect your interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

## What should I do if I have a prejudicial interest?

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You must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent.

You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.

You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).

If your authority does not provide members of the public with any right to speak, you would need to leave the meeting room after declaring the nature and extent of your interest. However, you can:


- Make written representations in your private capacity. These should be addressed to officers rather than members of the authority.
- Use a professional representative to make an application, for example a planning application, on your behalf.
- Arrange for another member of the authority to represent the views of your constituents.

## Find out more

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- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

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# Lobbying

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Lobbying is covered by paragraphs 5, 6(a), and 8-12 of the Code of Conduct.

## What is lobbying?

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Lobbying and campaigning is the practice of influencing decisions made by government at a national or local level. Many local councillors are involved in a number of groups or campaigns either as a member of a particular interest group or as an individual.

## What should I do?

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### 1) Register your interest

Membership of lobby or campaign groups should be included on your register of interests, as these are bodies "whose principal purposes include the influence of public opinion or policy".

Even if your lobby group does not keep a formal membership list, the Code of Conduct still applies to you. If you are acting as a member of the group – perhaps attending meetings or participating in group activities – you should still register your membership of the group and declare interests, where appropriate.

### 2) Declare your interest

If you are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision at your authority, you are required to declare a personal interest.

You should declare the existence and nature of your interest at the meeting so that members of the public are informed about interests that may relate to your decisions.

You can continue to participate unless the interest is also prejudicial.

You will not normally have a personal interest in the related discussion or decision of your authority if you merely campaigned on an issue as an individual (perhaps during an election campaign) but are not a member of or in a position of general control or management of a lobby group campaigning on the same issue.

### 3) Consider whether to withdraw from the meeting

Under the Code of Conduct, you only have to withdraw from a meeting where your personal interest is also prejudicial.

You cannot have a prejudicial interest in a matter if:

- The matter falls within one of the exempt categories of decisions under paragraph 10(2) (c). A full list of exempt categories can be found in our publication Code of Conduct: Guidance for members 2007 .
- The matter does not affect your financial interests or does not relate to a licensing or regulatory matter brought by you or a person or body in which you have a personal interest.

For example, you will not have a prejudicial interest in a developer's planning proposal which you and any groups you are a member of have campaigned against, if you, any person, or any body you have a personal interest in is not financially affected by the proposal. However, you may need to ask your monitoring officer about the common

law principles of bias and pre-determination if you are in this situation.

If your personal interest in a matter falls outside the exempt categories mentioned above, and does affect your financial or regulatory interests, you will then have to consider the following general test for prejudicial interests:

- Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?

If the answer is 'yes' then you would have a prejudicial interest.

If a prejudicial interest arose, you would still be allowed to address the meeting on the issue in order to answer questions or make representations, provided that the same right was available to members of the public.

## Find out more

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- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
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