

STANDARDS COMMITTEE

22 APRIL 2026

REPORT OF THE MONITORING OFFICER

A.2 REVIEW OF THE MEMBERS' GIFTS AND HOSPITALITY POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Committee with a review of the Members' Gifts and Hospitality Policy conducted by Officers for the Committee's comment and suggestions along with subsequent approval of the review and any associated amendments.

EXECUTIVE SUMMARY

The current Members' Gifts and Hospitality Policy (the Policy) was last considered by the Standards Committee at its meeting on 14 March 2016.

The Council adopted the Local Government Association's Model Members' Code of Conduct (the Code) with effect from May 2023, which Members must adhere to. The General Principles of Councillor conduct state:

"Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty*
- I act lawfully*
- I treat all persons fairly and with respect; and*
- I lead by example and act in a way that secures public confidence in the role of councillor.*

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community*
- I do not improperly seek to confer an advantage, or disadvantage, on any person*
- I avoid conflicts of interest*
- I exercise reasonable care and diligence; and*
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest"*

Under "protecting your reputation and the reputation of the local authority" heading within the Code, Members are required to register and disclose their interests (paragraph 9) and consider their position with regards to Gifts and Hospitality (paragraph 10).

***“10. Gifts and Hospitality
As a Councillor:***

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.”

Section 2 of the Bribery Act 2010 makes it a criminal offence for a person to request, agree to receive, or accept a financial, or other advantage, to improperly perform or not perform, whether by her/himself or another, a relevant function or activity. In the context of the Council, the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially, or in a particular way by a person performing it in a position of trust.

The Members' Gifts and Hospitality Policy, as attached at Appendix A, is based upon the previous guidance which essentially remains unchanged however, the Code provisions have been replaced with the current Code of Conduct requirements, which are set out above.

The Policy aims to provide a clear set of rules for the protection of both Members and the Council, and which set out the General Principles to be applied when deciding whether it would be proper to accept any gift or hospitality; along with the procedure for declaring any such gift or hospitality.

The Policy includes at section (b)(viii) a list of circumstances, which the Committee is requested to agree, were appropriate for Members to choose to accept gifts and hospitality. Declarations will still be required in accordance with the Policy.

It is the responsibility of each individual Member to observe the Policy, but that the Monitoring Officer and Leadership Support Officers would assist where possible.

RECOMMENDATION(S)	
It is recommended that the Committee: (a) notes the outcome of the review of the Members' Gifts and Hospitality Policy, as set out in Appendix A; and (b) subject to any comments or recommendations that the Committee may wish to make following its consideration of the report and its debate, approves the updated Members' Gifts and Hospitality Policy for circulation to all District Councillors.	

REASON(S) FOR THE RECOMMENDATION(S)
To provide a timely update to the Committee as part of its agreed work programme.

ALTERNATIVE OPTIONS CONSIDERED
There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES	
Declarations of Interest, in accordance with the Members' Code of Conduct, forms part of effective and positive governance, being a theme of Financial Sustainability and Openness within the Corporate Plan for 2024-28, adopted by full Council at its meeting in November 2023 (minute no.76). Members' Declarations of Interests fall within Principle A of the Council's Annual Governance Statement, namely behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.	
LEGAL REQUIREMENTS (including legislation & constitutional powers)	
The Council's Members' Code of Conduct sets out the requirements for Councillors regarding the registration and disclosure of interests. The relevant legislation is the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The District Council adopted the Local Government Association's Model Code of Conduct with effect from May 2023, with interests defined as Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests. Paragraph 10 details Gifts and Hospitality.	
FINANCE AND OTHER RESOURCE IMPLICATIONS	
There are no finance or resource implications associated with this report.	
USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
This report is presented to the Committee in accordance with the work programme.	
ASSOCIATED RISKS AND MITIGATION	
Not presenting this information could have a detrimental impact on the Council's reputation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
None undertaken.	
EQUALITIES	
Equality considerations are taken into account for each decision made.	
SOCIAL VALUE CONSIDERATIONS	
Social value considerations are taken into account for each decision made.	
IMPLICATIONS RELATED TO DEVLOUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
Through the review Officers gave consideration to Colchester City Council's Guidance for Councillors regarding Gifts and Hospitality last updated in 2020 and Braintree District Council's Guidance contained within its constitution. Although the formats were different, the messages, principles and elements covered were broadly similar.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
This is taken into account for each decision made.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	No Wards are directly affected by the contents of the report.
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In accordance with the Committee's Work Programme, this is a review of the Members' Gifts and Hospitality Policy

Following the Committee's review of the Council's Members' Gifts and Hospitality Policy at its May 2016 meeting, guidance and a notification form was produced for all District Councillors. Reference to declarations of offers/receipt of gifts and hospitality was included within the mandatory Members' Code of Conduct training delivered by the Monitoring Officer in June and July 2023, and any subsequent Members' Code of Conduct training sessions.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Standards Committee on 14 March 2016 (minute no.16) **RESOLVED** that:

- a) The Monitoring Officer takes into account the Committee's proposed amendments and suggestions (including that all offered or received Gifts be declared but only Hospitality offered or received over £50 in estimated value) in redrafting the Gifts and Hospitality Policy;
- b) The Monitoring Officer circulates the revised Gifts and Hospitality Policy to the members of the Committee for their comments;
- c) The Monitoring Officer, in consultation with the Chairman of the Committee, be authorised to publish and publicise the final version of the Gifts and Hospitality Policy having taken the aforementioned comments into account.

Full Council on 22 November 2022 (minute no. 51) **RESOLVED** that Council approves:

- a) The adoption of the Local Government Association's Model Members' Code of Conduct, as set out in Appendix 2, for the purposes of Sections 27 & 28 of the Localism Act 2011, with a commencement date of the Annual Meeting of the Council in May 2023;
- b) That all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils;
- c) That all duly elected Tendring District Council members at the Council's elections in May 2023 attend mandatory training sessions on the new Code of Conduct; and
- d) That the new Code of Conduct be incorporated into Part 6 of the Council's Constitution in due course.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers associated with this report.

APPENDICES

Appendix A – Members' Gifts and Hospitality Policy – updated & reviewed 2026

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