



INTEGRITY IN PUBLIC LIFE

ADVICE NOTE FOR COUNCILLORS ON GIFTS AND HOSPITALITY

1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission, aims to provide assistance to councillors to help them comply with the provisions in the Councillors' Code of Conduct (the Code) in respect of gifts and hospitality. This Advice Note should, therefore, be read in conjunction with the Code, which can be found on the Standards Commission's website at: <https://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct>.
- 1.2 The Standards Commission has also produced a general Guidance document on the Code, which can be found on the Standards Commission's website at: <https://www.standardscommissionscotland.org.uk/guidance/guidance-notes>. This Advice Note is intended to supplement that general Guidance.

2. General Principles

- 2.1 The provisions in the Code on gifts and hospitality are designed to avoid any perception that councillors may be using their role to obtain access to benefits that members of the public would otherwise be expected to pay for, and also to prevent them from being influenced (inadvertently or otherwise) into making decisions for reasons other than the public interest. Any perception, whether justified or otherwise, that councillors are making decisions for their own personal interests or for those of their friends or family erodes public trust both in their role and the Council itself.
- 2.2 **Paragraphs 3.13 to 3.20** of the Code concern gifts and hospitality. These paragraphs are reproduced below:

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

- a) a minor item or token of modest intrinsic value offered on an infrequent basis;

- b) a civic gift being offered to the Council;
 - c) hospitality which would reasonably be associated with my duties as a councillor or as a member of an arm's length external organisation to which I have been appointed or nominated by my council ("ALEO"); or
 - d) hospitality which has been approved in advance by my council or the ALEO.
- 3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.
- 3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a councillor. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.
- 3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, my council.
- 3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to the Council at the earliest possible opportunity and ask for it to be registered.
- 3.20 I will promptly advise my council's Monitoring Officer if I am offered (but refuse) any gift or hospitality of any significant value and / or if I am offered any gift or hospitality from the same source on a repeated basis, so that my council can monitor this.

2.3 **Paragraph 3.14** of the Code prohibits you from seeking, or asking for, a gift or hospitality, in your role as a councillor. This is regardless of the circumstances or value of the gift or hospitality. The Code recognises, however, that you may be offered a gift or hospitality. It seeks to outline the limited circumstances in which such an offer can be accepted.

2.4 **Paragraph 3.13** of the Code makes it clear that the test is not whether the acceptance of any gift or hospitality could or would affect your decision-making as a councillor. Instead, the test for the acceptance of gifts or hospitality is an objective one. As a councillor, you should consider whether your acceptance of any gift or hospitality would lead an informed member of the public (i.e. someone who knows you are a councillor, the nature of the gift or hospitality, and who has offered it) to reasonably think it could influence your judgement, discussions or decision-making as an elected member. As in all such considerations, you should think not just of your own perception as to whether it could do so, but the perception of others. You should always consider whether you would have been offered the gift or hospitality if you were not a councillor.

2.5 It should be noted that 'gifts' and 'hospitality' can come in many forms. Beyond the more obvious things like bottles of wine or offers of lunch, they can include:

- the provision of services at a price below that generally charged to the public;
- the provision of a meal or drinks at a price below that generally charged to the public;
- incurring personal debts or obligations on someone's behalf;
- relief from indebtedness;
- loan concessions; and / or
- other financial inducements.

2.6 **Paragraph 3.18** of the Code provides that you must NOT accept any gift or hospitality from any individual or organisation who is awaiting a decision from, or seeking to do business with, the

Council (for example, from an applicant for a licence or from a company tendering for a contract). Again, this applies regardless of how small in nature or value the offered gift or hospitality may be. The ban on accepting a gift or hospitality from any individual or organisation who is awaiting a decision from, or seeking to do business with, the Council under paragraph 3.18 is absolute, meaning it is not qualified by any objective test.

- 2.7 The prohibition under paragraph 3.18 on you accepting a gift or hospitality from someone who is awaiting a decision from, or seeking to do business with, the Council also applies irrespective of whether you sit on a Committee with an influence on the outcome of such matters (such as a licensing or planning committee). This is because there could be a perception that you could still be in a position to influence colleagues into making the decision one way or another.
- 2.8 As you have a personal responsibility to comply with the Code, the onus is on you to ascertain whether the individual or organisation offering you gifts and/or hospitality is awaiting a decision from, or seeking to do business with, the Council. If you are in any doubt, you should ask officers to check. You should not accept the gift or hospitality until you have confirmed the position.
- 2.9 As noted above, it is accepted that you will be offered gifts and hospitality in your role as a councillor. It is further accepted that any person or organisation making such an offer may not necessarily be trying to influence you. You should be mindful, nevertheless, that this is a possibility. It is also a possibility that such an offer could give rise to a perception that influence is being sought.
- 2.10 It should be noted that serious organised crime groups can offer gifts and hospitality as a means of creating a relationship which could lead you, whether knowingly or unconsciously, to feel obliged to make a certain decision. Serious organised crime groups often target councils and councillors when seeking to obtain contracts and licences as a means of facilitating money laundering activities.
- 2.11 The Code makes it clear that the default position is you should refuse all offers of gifts and hospitality, except in the very limited circumstances listed at paragraph 3.15 of the Code. It should be noted that acceptance can include accepting the promise of a gift or hospitality (even if that gift or hospitality is not then provided).
- 2.12 Essentially, unless the gift or hospitality falls within one of the categories listed under paragraph 3.15, it should not be accepted. These categories are discussed in more detail under Section 3 below.
- 2.13 As a general rule, you should not accept gifts and hospitality that members of the public would otherwise have to pay for.

3. Categories of gifts and hospitality that can be accepted, in terms of paragraph 3.15

“A minor item or token of modest intrinsic value”

- 3.1 **Paragraph 3.15(a)** of the Code provides that you can accept minor gifts and hospitality of a modest intrinsic value. These would be items such as a pen or a notepad, or hospitality that a councillor would normally be expected to be offered in their everyday role – such as tea or coffee at a local event, or a sandwich or buffet lunch included as part of a daily rate charged and provided to all delegates at a training event or conference.

- 3.2 It is important to note that, unlike in the previous version of the Code, there is no financial limit of £50 in respect of gifts under the current version of the Code. Even gifts with a small monetary value, or limited hospitality, can create the impression that councillors are being influenced, and that there is a culture of ‘favouritism’ or ‘cronyism’ in the council. Such allegations are much easier to refute if no gifts or hospitality have been accepted.
- 3.3 It should also be noted that gifts and hospitality under this category can only be accepted if they are ones that are offered on an infrequent basis. While infrequent is not defined, it is unlikely that weekly, or even monthly, offers of gifts and hospitality from the same source would fall within this category.

Illustrations

Situation: you are offered a mug from the gift shop of a newly-opened local museum during its opening ceremony.

What you should do: you can accept the mug, because it is likely to fall within the definition of “a minor item or token of modest intrinsic value”.

Situation: you are offered a year’s membership to a new gym opening in your council ward.

What you should do: you should not accept the membership. A year’s membership would not be considered to be of a minor nature or of modest intrinsic value.

“A civic gift being offered to the Council”

- 3.4 The Code recognises under paragraph 3.15(b) that there may be situations where you will be expected to accept gifts on the Council’s behalf. Similarly, paragraph 3.19 of the Code recognises that there could be situations where, (particularly if you the civic leader of the council or are deputising for them) refusing to accept a gift might cause embarrassment or offence. If you consider that may be the case, you can accept the gift on behalf of the Council. In both circumstances, you are required to pass the gift to an appropriate officer at the earliest possible opportunity.

Illustrations

Situation: you are offered a book on local artists during a visit to a refurbished art gallery in your ward.

What you should do: you should accept the gift and pass it on to officers, who may wish to display it at Council Headquarters.

Situation: a Mayor of a twin town presents you, as Provost, with pennants, featuring her town’s coat of arms.

What you should do: accept the gift and pass it on to officers for appropriate public display.

Situation: a local distillery presents you, as a ward councillor, with a bottle of its latest blend of gin. The managing director explains he wants to thank all the ward councillors for their help in getting established in the area. There are no outstanding applications for consent at present with the council.

What you should do: you could accept this gift, if you consider refusing to do so would cause offence. However, you should then hand it to officers and ask for it to be registered as a gift to the Council.

“Hospitality which would reasonably be associated with my duties as a councillor or as a member of an arm’s length external organisation to which I have been appointed or nominated by my council”

- 3.5 Paragraph 3.15(c) of the Code covers hospitality which would reasonably be associated with your duties as a councillor (or as a member of an ALEO to which you have been appointed or nominated to by your council). Examples of this could be:
- an invitation to a local school’s prizegiving ceremony or festive play;
 - tea or coffee at a local event; or
 - a sandwich or buffet lunch included as part of a daily rate charged and provided to all delegates at a training event or conference.
- 3.6 All councillors but especially those with a civic role or other office within the council or ALEO receive many invitations to events or occasions. Mostly these are genuine extensions of goodwill by prominent community participants who are simply keen to highlight to their elected representatives the role they play, whether that be in the local economy, industry or the life of the local community.
- 3.7 It is recognised that the variety of different events and occasions will require elected members to scrutinise closely whether they should accept an offer of hospitality, bearing in mind that these offers may provide opportunities to learn what is happening in your community, or more widely. Members will also wish to avoid causing any offence or appearing to be disinterested by refusing such an offer.
- 3.8 **Annex A** provides a series of considerations intended to assist you in scrutinising offers of hospitality, to help you reach fair and transparent decisions on what should be accepted and what should be declined. **Annex B** provides a few examples of typical scenarios and how you might use the considerations outlined in Annex A.

“Hospitality which has been approved in advance by my council or the ALEO”

- 3.9 Paragraph 3.15(d) of the Code covers hospitality which has been approved in advance by your Council (or an ALEO to which you have been appointed or nominated to by your Council). You should check your Council’s internal rules and policies on this and, if in doubt, seek advice from your Council’s Monitoring Officer.
- 3.10 If you wish to accept any offer of hospitality that falls outwith that which can be accepted under paragraph 3.15(c) you should, in the first instance, confirm that it is not being offered by any individual or organisation who is awaiting a decision from, or seeking to do business with, the council. You must then seek approval, from the Council’s or ALEO’s Chief Executive or the Council’s Monitoring Officer or their deputies. In seeking approval, you should clearly state the name of the individual or organisation who has offered the hospitality and what it will entail (including the date and venue). You should always try to seek approval in writing.

Illustration

Situation: you are invited to attend a drinks reception on the opening night for a three-day music festival being held in your Council area.

What you should do: you should check that neither the person or organisation who has invited you, nor the organisers are awaiting a decision from, or seeking to do business with, the council. Having done so, you should write to the Chief Executive or Monitoring Officer to ask for approval to attend. You should advise the Chief Executive or Monitoring Officer of the name of the individual or organisation who has invited you and the name of the individual or organisation who is hosting the event (if this is different). You should provide details about what you expect

the reception to entail and the date and venue. You should not attend the event until approval has been granted.

4. Bribery

- 4.1 **Paragraph 3.17** of the Code provides that you must not allow the promise of money or other financial advantage (including any form of gift or hospitality) to induce you to act improperly (i.e. in a way that is dishonest or is against the law, a rule, the Code or a policy) in your role as a councillor. You should note that this includes any money or advantage (including any gift or hospitality) given to you both directly and indirectly (i.e. via a friend, family member or associate or to a club or group you are a member of). The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce you to improperly perform a function.
- 4.2 The Standards Commission's Guidance on the Code makes the point that, aside from considerations of whether you have breached the Code or not, offers of such inducements can be a criminal offence for the person making the offer, the recipient, and the person being induced to act differently as a result of the offer:
- 4.3 You should note that, in terms of the [Bribery Act 2010](#), the following cases are offences:
Case 1 is where:
P offers, promises or gives a financial or other advantage to another person, and intends the advantage to induce a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity.
Case 2 is where:
P offers, promises or gives financial or other advantage to another person, and P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.
- 4.4 An example of bribery might be where a windfarm operator promises to pay community benefit to an organisation in your ward, provided you grant planning permission in circumstances where it would not otherwise be awarded (i.e. if the proper statutory test of considering the provisions of the development plan and all material planning considerations was not applied or if community benefit was wrongly taken into account in determining a planning application).
- 4.5 You should, therefore, be aware that irrespective of any of the provisions in the Code, a gift which induces an individual to improperly undertake a statutory duty, such as granting planning permission, is still likely to fall foul of the provisions of the [Bribery Act 2010](#). Such an action could result in a criminal prosecution.
- 4.6 You should seek legal advice immediately if you have any concerns that an offer either you or another person has received might fall foul of the Bribery Act.

5. Decision Making

- 5.1 **Paragraph 3.18** of the Code provides that you must never accept any gift or hospitality from any individual or organisation who is awaiting a decision from, or seeking to do business with, your Council.
- 5.2 Where anyone is awaiting a decision from, or seeking to do business with, your Council, you

should not accept any form of gift or hospitality from them, no matter how small in nature or value. This is irrespective of whether you sit on a Committee with an influence on the outcome of such matters, as there could still be a perception that you might be in a position to influence colleagues making the decision one way or another.

- 5.3 This is an especially risky area for councillors. Businesses – both local and national, such as large-volume housebuilders or pub and restaurant chains – will be keen to maintain good relations with elected representatives at all levels. Their intention in offering the occasional gift or invitation to a social event may not be intended to influence you directly. However, the public perception of commercial interests ‘oiling the wheels’ in this way can bring councils – and individual councillors – into disrepute.
- 5.4 This is particularly the case if those businesses have outstanding applications that are due to be considered by one of the Council’s quasi-judicial or regulatory committees, such as planning or licensing. Whether or not you are on such a committee, you should make it your business to know whether such applications are in progress. You should never accept any offer of a gift or hospitality if you are in any doubt as to whether the individual or organisation making the offer is awaiting a decision from, or seeking to do business with, your Council.
- 5.5 In addition, the receipt of gifts and hospitality, where there is a specific objective that may be behind it, risks straying into the scope of the [Bribery Act 2010](#), as above. It may also lead to the decision itself being struck down subsequently.

Illustrations

Situation: *as Leader of the Administration, you are contacted by a well-known celebrity chef who plans to expand his chain of high-end restaurants into your area. He proposes meeting at his existing operation, in a neighbouring council area, to carry out what he calls ‘a taste test.’ Although you are not a member of either the Licensing Board or the Regulation and Licensing Committee, you are aware that premises for the expansion have been identified in your area, and applications for the relevant consents are in the system.*

What you should do: *you should refuse the invitation. Accepting it could give rise to a perception that the council is already minded to consider the application favourably.*

Situation: *you have been asked by a developer’s agent to meet with her client to discuss ‘exciting new proposals’ for a long-derelict site in your area. The agent also mentions in the phone call that her clients have spare tickets for the next rugby international, and wondered if you would like them?*

What you should do: *you should refuse the offer of tickets, perhaps suggesting they be donated to a local school or sports club instead. If you decide to meet to discuss the proposals, you should arrange for an officer to be present, and check that there are no outstanding planning applications with the same developer.*

Situation: *an all-trades contractor who has recently set up business in the area contacts you to complain that they are unable to win any of the repairs and maintenance contracts for council houses because of ‘the unfair way the in-house team is assessed favourably.’ They offer to discuss the issue in more detail over lunch at their offices.*

What you should do: *you should decline such an invitation. The purpose of the meeting is quite clearly to influence you to change the way the contracts are awarded. You could offer to meet them at another time of day, with a senior official from the council’s procurement team, to discuss their concerns.*

Case Example

A complaint alleged that a councillor had failed to declare hospitality received from a recipient of planning permission who was to make further applications for the same development, during a site visit. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or further hospitality other than being provided with light refreshments mid-morning. Evidence suggested that these had been provided by the developers, following a Council request. This was not regarded as inappropriate for the purposes of the Code.

6. Advising Officers

- 6.1 **Paragraph 3.20** of the Code provides that you should advise your council's Monitoring Officer promptly if you are offered (but refuse) any gift or hospitality of any significant value and / or if you are offered any gift or hospitality from the same source on a repeated basis.
- 6.2 The requirement for councillors to advise their Council's Monitoring Officer of any offers of any gifts or hospitality from the same source on a repeated basis is intended to ensure the Council can take action if it appears the same individual or organisation is attempting to influence its elected members and decision-making.
- 6.3 Council officers may be better placed than an individual councillor to detect patterns of behaviour by organisations who are trying to influence the Council. Similarly, if officers are made aware of persistent attempts to offer hospitality to, for example, members of a planning committee, they are better placed to contact the organisation, point out the difficulties they are causing, and persuade them to desist.

Illustration

Situation: *a company seeking to obtain planning permission for a major mixed-use development invites you to an 'information event,' which is to take place in a restaurant just ahead of the formal pre-application meeting with the public at another venue. You are minded to decline - you've spoken to your ward colleagues and one has said they're thinking of going, whilst the other one has declined.*

What you should do: *you should decline the invitation and contact your council's Monitoring Officer to let them know a number of councillors have been invited to the event. The Monitoring Officer may then decide to write to all councillors advising them not to attend.*

7. Registration; Transitional Arrangements

- 7.1 The Code provides, at **paragraph 4.21** that:

4.21 I understand the requirements of paragraphs 3.13 to 3.20 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

- 7.2 As outlined above, the default position now is you should refuse to accept any gifts and hospitality, except in very limited circumstances. However, if you have accepted gifts and hospitality under previous versions of the Code (which allowed you to accept them), any entries to that effect should remain on your Register of Interests for the term of office.

8. Further Sources of Information

- 8.1 If you have any queries or concerns about this Advice Note or how to interpret or act in accordance with the provisions in the Code, you should seek assistance from your Monitoring Officer or their deputies.
- 8.2 Further information can also be obtained from the Standards Commission by emailing: enquiries@standardscommission.org.uk



ANNEX A: HOSPITALITY REASONABLY ASSOCIATED WITH YOUR DUTIES AS A COUNCILLOR OR MEMBER OF AN ALEO

You should consider the following questions and matters when scrutinising any offer of hospitality, in order to reach a fair and transparent decision on whether it can be accepted or should be declined.

WHAT?

- What does the offer of hospitality involve?
- Is it what it appears to be?
- Do I know exactly what is involved? And what is expected of me?
- What is the value of the hospitality? Does it have a face value?
- Does the offer involve expense to the Council or ALEO?
- Could accepting the offer involve any use of council or ALEO resources? If so, is that use in accordance with my council's relevant policies?

Note: You may find yourself in a situation where you feel compromised or uncomfortable because you have turned up to an event without really knowing what was involved, what was expected of you or who else would be present. The more modest the event, the less it may give rise to an appearance of excessive influence. The more active a part you play (for example, giving a speech), the less unnecessary your attendance may appear. Furthermore, the more business-focused the event, the less there will be an appearance or perception of entertainment, frivolity and / or personal gain. On the other hand, however, such an event might alert you to the possibility of future business to be transacted with the council, or potential applications for licences or permissions.

Accepting an offer of hospitality that could incur costs to the Council or ALEO may place you under increased scrutiny.

You should also be mindful of the provisions in the Code that prohibit the use of council resources for purposes outwith the undertaking of your council duties in accordance with any relevant policies.

WHY?

- Why has the donor gifted or offered the hospitality?
- What does the donor expect of me?
- In what capacity am I being gifted or offered this?
- What will the council gain from me accepting the hospitality?
- What will or could the donor gain from me accepting the hospitality?
- What will or could I personally gain from accepting the hospitality?

Note: Once you have established what exactly is being offered, perhaps the most important question is why is that being offered? What lies behind the offer? What do each of the parties stand to gain or be perceived to be gaining from the hospitality? Most donors will anticipate receiving some advantage or they would not be offering the opportunity. Almost exclusively, donors will not be aware of restrictions in the Councillors' Code of Conduct and, instead, it may be routine practice in their line of business or activity to entertain or host guests in this way. Nevertheless, you must be aware of the perceptions that arise when a member of the public is aware of all the circumstances surrounding your acceptance of hospitality.

WHERE?

- Where is the hospitality to be offered?
- Is it in your own ward? Your own council area? Within Scotland?
- What is the connection between the location or venue and your council?
- What type of location is it?
 - Are the premises council owned?
 - Are the premises community or publicly accessible ?
 - Are the premises privately owned and controlled?
 - Are the premises licensed or entertainment oriented?

Note: The closer the event is to the community you serve, the more likely it will appear to be of genuine interest or value to the council and that community. The more remote, extreme or unusual the venue, the more doubt can arise as to whether your attendance is genuinely motivated or, instead, has some other purpose. Nevertheless, many councils have genuine and productive connections outwith their area in a national or global sector (for example, agriculture & fishing, manufacturing, energy and tourism). Making yourself aware of the location and type of premises will allow you to take an informed and well-rounded view of how acceptance of the hospitality it is likely to be perceived.

WHEN?

- Is there something important about the timing of this offer?
 - Is there an election looming?
 - Is there an important contract to be awarded?
 - What does the donor have to gain at this time, rather than any other?
 - Is it an anniversary, centenary or one-off special event that will not occur again?
- Is this the first time the donor has gifted or offered the hospitality? Or is there a regular practice or historical precedent?
- Would you expect this to be offered or gifted this again in the future?

Note: Consider the timeframe of when you are being offered the hospitality, whether that be in the present or in the future. The frequency and any historical precedent of hospitality are important. Repetitive or frequent offers are more likely to create a perception of undue influence. Some periods would be wholly inappropriate to accept hospitality that might be acceptable at other times, for example prior to the agreement of a significant contract or the start of an application process. Timing could also be seen to be mitigating – if, for example, a ‘once in a generation’ anniversary is occurring, entertainment associated with that uniquely special occasion may be acceptable as one-off whereas more frequent events of that nature would likely not be acceptable.

WHO?

- To whom has the offer of hospitality been made?
- In what capacity am I being gifted or offered this?
- Has it been offered only to me or also to other councillors or officers?
- Why has the donor gifted or offered it to me specifically? Or, if also to others, why this group?
- Does the offer relate to any of my roles at the council?
- Would any other councillor or council officer be better placed to accept/attend it?
- Who else will be in attendance at the event?
- Have I been invited to bring any other members of my family or friends?
- Who has made the offer of hospitality?
 - Are they doing business with the council or intend to in the future?
 - Are they a private sector body with commercial interests?

Note: Certain positions held by some councillors will attract invitations or offers of hospitality to events associated with those duties (for example, being the Provost, Leader, chair of a policy committee, or a portfolio holder). Attendance may be helpful to build your knowledge so as to better fulfil the role. It can also serve to build the relationship with a sector or interest group associated with the role's duties. Generally speaking, the more commercial interests or profit a company or group could potentially gain from a relationship with the council, the more pertinent it is for you to be aware of the motives behind an offer of hospitality and the likely public perception of it being accepted. It is important that there is scope for this vital aspect of council business. However, the more excessive, lavish or extensive the hospitality on offer, the more the appearance or perception of undue influence. It is often the case that an offer will include the ability to bring a 'plus one', to ensure that the invitee is not uncomfortable alone at an event that would otherwise involve partners or groups of people enjoying the occasion together. You should be aware that the impression of hospitality being excessive or unnecessary can increase when you take family or friends along with you. You should consider whether, instead, a 'plus one' invitation could be extended to a fellow councillor or officer who could assist in the relationship-building or networking objective.

ARRIVING AT A DECISION

When all of the above considerations are taken into account, it is clear that the range of events, the motivation for the offer, where they are held, the timing of them, and to whom they are offered can all impact on whether it could be said to be hospitality reasonably associated with your duties as a councillor.

In the forefront of your mind should be the objective test: you should consider whether your acceptance of any hospitality would lead an informed member of the public (i.e. someone who knows you are a councillor or perceives you are acting in that capacity, the nature of the gift or hospitality, and who has offered it) to reasonably think it could influence your judgement, discussions or decision-making as an elected member. As in all such considerations, you should think not just of your own perception as to whether it could do so, but the perception of others. You should always consider whether you would have been offered the gift or hospitality if you were not a councillor. If your instinct suggests that all is not well, then it is safest to err on the side of caution and decline.

There are rarely clear-cut scenarios. The same event might be reasonably associated with duties as, for example, being the Provost, but not other councillors. To assist, the spectrum of potential implications is shown in the following illustration:

		RISK	
WHAT?	<ul style="list-style-type: none"> Modest Active duties Business focussed Ceremonial 	Passive	Excessive
WHY?	<ul style="list-style-type: none"> Goes with the role Builds Cllr knowledge Builds relationships Active participation Knowledge share / exchange 	<ul style="list-style-type: none"> Entertainment Maintains relationships Historical duty 	Pure entertainment / enjoyment / treat
WHEN?	<ul style="list-style-type: none"> One-off Infrequent Special anniversary etc. 	<ul style="list-style-type: none"> Cyclical Regular 	<ul style="list-style-type: none"> Unduly repetitive Frequent Pre-election period Contract / Tender pending Quasi-judicial applications pending
WHERE?	<ul style="list-style-type: none"> Local Council facilities Community / Public facilities 	<ul style="list-style-type: none"> National Privately Owned Licensed 	Overseas
WHO TO?	<ul style="list-style-type: none"> Provost Leader Policy Chair / Vice / Sub Officers in attendance 	No Role	
WHO FROM?	<ul style="list-style-type: none"> Public Sector Charity 		<ul style="list-style-type: none"> Private Sector Commercial Applicant for planning or licence.

ANNEX B: EXAMPLES OF TYPICAL SCENARIOS

Below are few examples of typical scenarios experienced and how you might use the ‘WHAT? WHY? WHEN? WHERE? WHO?’ approach, outlined in Annex A, to arrive at a decision as to whether hospitality could be said to be reasonably associated with your duties as a councillor and, if so, whether it should be accepted or declined.

You should note that keeping a record of these considerations will assist you in demonstrating that the acceptance of the hospitality was compatible with the provisions of the Code, as doing so will show the careful consideration you gave to all of the factors.

Three local ward members attending annual wreath laying at War Memorial followed by tea and biscuits in the village hall.					
WHAT?	WHY?	WHEN?	WHERE?	WHO?	
Modest Ceremonial Active	Respect Role Relations	Annual Infrequent Special	Local Public/ Community	All 3 local Public Entry	
Cllr A of Council X invited to Scottish Golf Open in Council Y at invitation of GoFaster Leisure Ltd, whose application for planning permission for a golf course in Council area X is pending					
WHAT?	WHY?	WHEN?	WHERE?	WHO?	
Lavish Passive Entertainment Alcohol	Entertainment Enjoyment Treat	Annual	Outwith Council Area Licensed	No role Offer made by private sector company	
Cllr B of Council Y, Chair of the Leisure Committee, invited to Scottish Golf Open in Council Y at invitation of Scottish Golf					
WHAT?	WHY?	WHEN?	WHERE?	WHO?	
Lavish Passive Entertainment Alcohol	Goes with the role Builds Cllr Knowledge Builds Relationships Active Participation Knowledge Share/Exchange	Infrequent Special	Local Area	Role Offer made by public sector organisation.	
Five councillors who are known to have an interest in country music are invited, with partners, by LoudMusic Promotions Ltd to a country music Festival					
WHAT?	WHY?	WHEN?	WHERE?	WHO?	
Lavish Passive Entertainment Alcohol	Entertainment Enjoyment Treat	Annual/Cyclical	Local	Family & Friends No role Offer made by private sector company.	

Councillor invited to Premier League football match including hospitality suite					
	WHAT?	WHY?	WHEN?	WHERE?	WHO?
	Lavish Passive Entertainment Alcohol	Entertainment Enjoyment Treat	Occur regularly - no special event	Local Area	No role Offer made by commercial organisation.
Chair of Economic Development Committee invited to Energy Trade Expo in Norway					
	WHAT?	WHY?	WHEN?	WHERE?	WHO?
	Active Duties Business Focussed	Goes with the role Builds Cllr Knowledge Builds Relationships Active Participation Knowledge Share/Exchange	One-off Infrequent	Overseas Incurs council expense	Officer accompanied
Local councillor invited with partner to school prizegiving to hand out prizes and cheese and wine afterwards					
	WHAT?	WHY?	WHEN?	WHERE?	WHO?
	Modest Alcohol Ceremonial Active Role	Goes with the role Builds Relationships	Annual Special event	Local Area	Role Officers in attendance
Council has sponsored a table at an annual industry awards ceremony. Leader, Committee Chair and senior officers have seats at the table. Local windfarm company invites ward councillor from where its headquarters are located					
	WHAT?	WHY?	WHEN?	WHERE?	WHO?
	Lavish Passive Entertainment Alcohol	Entertainment Enjoyment treat	Annual Special event	Local Area Licensed Private venue	No role, but is a ward councillor. Offer made by private sector company.
Council has sponsored a table at an annual industry awards ceremony. Leader, Committee Chair and senior officers have seats at the table. Local windfarm company invites ward councillor, who sits on a planning committee that is likely to be required to make a decision on a planning application from the company.					
	WHAT?	WHY?	WHEN?	WHERE?	WHO?
	Lavish Passive Entertainment Alcohol	Entertainment Enjoyment treat	Annual Special event	Local Area Licensed Private venue	No role Potential to be involved in quasi-judicial decision-making Offer made by private sector company.