

GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS

1. ~~General~~Introduction and General Principles

- i. ~~The principles set out in this code of practice apply to everyone working for the Council or on the Council's behalf including agency workers, secondees, interns, consultants and contractors, as well as Members. The code of practice applies equally to gifts and hospitality~~equally to gifts and hospitality given to relatives of Members and Officers.
- ii. ~~The aim of the code is to guard against the risk of allegations of impropriety by Members and Officers, however contracted, by providing advice on a number of key issues relating to~~
~~This code has been issued in order to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted and authorised.~~
This code will be taken into consideration should a question arise as to whether any gift or hospitality was properly accepted. If Members and Officers are in any doubt as to whether they might accept a gift or hospitality they should decline it.
- iii. ~~iv. Members and Officers should exercise the utmost care in accepting hospitality or gifts where there could be a real or perceived conflict with their official duties. Members and Officers must not accept gifts or hospitality which might, or might reasonably appear to compromise their personal judgement or integrity or place them under an improper obligation. Consideration should always be given to the perspective of the public, so would a member of the public perceive that the gift or hospitality might influence how the Council acts. Members and Officers must never canvass or seek gifts and hospitality.~~
- iv. ~~Failure by Officers to comply with this code may be subject to the Authority's disciplinary procedures and in some instances could amount to an offence.~~

2. Legal Position

- i. With regard to Members, the Council's Code of Conduct contains a number of obligations which Members and co-opted Members must comply with to ensure that their integrity cannot be brought into question by the acceptance of gifts and hospitality. The Code is reproduced in full in the Constitution. ~~Failure to comply with the Code may be taken as evidence of maladministration by the Ombudsman on complaint being made or form the basis of a code of conduct complaint.~~
- ii. With regard to Officers, Section 117(2) of the Local Government Act 1972 provides that an Officer of a Local Authority shall not, under the colour of ~~his or her~~their office of employment, accept any fee or reward whatsoever other than ~~his or her~~their proper remuneration. The expression 'any fee or reward' includes such things as unauthorised commissions, gifts or presents. Any person who contravenes this commits a criminal offence and is liable to disciplinary

proceedings.

- iii. The Bribery Act 2010 makes it an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, it is a criminal offence for employees to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other public function, regardless of what decision is made. The maximum sentence for a bribery offence is 10 years imprisonment. ~~The Bribery Act 2010 also makes it an offence for the Council to offer or pay bribes and both the individual and the organisation may be prosecuted.~~ Members and ~~officers-Officers~~ should bear this in mind in applying the Code of Practice on Gifts and Hospitality and recording their reasons for acceptance of any hospitality. ~~The Bribery Act 2010 also makes it an offence for the Council to offer or pay bribes and both the individual and the organisation may be prosecuted.~~
- iv. ~~This code should be read by Officers in conjunction with the Officer Declaration of Interests Policy which provides further information in relation to perceived conflicts of interest and methods of recording those conflicts.~~

3. Gifts

- i. ~~The acceptance of gifts is a dangerous practice.~~ As a general rule any offers of gifts, especially from organisations or persons who do work for, or might provide goods or services to the Council, or who need some decision from the Council (eg on a planning application) should be tactfully refused. ~~The acceptance of such gifts could be perceived as promoting a conflict of interest that might compromise the impartiality of Members or Officers in decisions they are required to make.~~
- ii. Exceptions to this general rule would include modest gifts of a promotional character, including such things as calendars, diaries, articles for use in the office, ~~for example low value items given out at a conference or eventete,~~ or a small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- iii. Gifts outside of this description must be politely and firmly refused. If you find refusal difficult you should draw attention to the Council's ~~policy-Code of Practice~~ by way of explanation for your refusal. Where such gifts are sent or simply left, they should, if the sender can be identified, be returned. Otherwise the gifts should be recorded ~~in the central register of Gifts and Hospitality~~ and made secure. Arrangements will then be made for them to be officially appropriated to the benefit of the Council or charity.— Officers should always advise the appropriate ~~Service-Manager,~~ or Director if a 'larger' gift is offered at any time.
- ii.iv. ~~Each Department-department~~ should make arrangements to record ~~all gifts (including modest gifts referenced in paragraph 3.2) and hospitality~~

offered/received such offers in the central Register of Gifts and Hospitality maintained by the Monitoring Officer. Details provided should include, the nature and perceived value of the gift, the source of the gift and the reasons for acceptance or refusal. The central register of Gifts and Hospitality is reviewed by the Monitoring Officer and details are reported quarterly to the Senior Leadership Team and annually to Standards Committee. Members should notify the Monitoring Officer of any gifts offered so that they may be included in the central register of Gifts and Hospitality for Members. Any gifts with a value in excess of £50 will also be added to the Member's register of interests in accordance with the Code of Conduct. Where a Member is uncertain about the approximate value of a gift or hospitality they should ascertain the value from the giver of the gift or provider of the hospitality.

- iii-v. It is important that the Council is entitled to be the beneficiary of 'preferential' trading terms NOT individuals. Where possible any such inducement should be translated into cash discounts available at to the Authority.

4. Hospitality

- i. When to accept hospitality is very much a matter of judgement given the particular circumstances.
- ii. These guidelines are directed at any hospitality offered by firms or contractors and not hospitality offered when a Member or Officer is attending a function organised by a local authority or professional body.
- iii. You must exercise the utmost discretion in accepting 'outside' hospitality of any kind. Members and Officers should not encourage business contacts to provide hospitality to them, or indirectly to other colleagues, friends or relatives.
- iv. In general terms it will usually be more acceptable to join in hospitality offered to a group than to accept something unique to yourself. Contact established at a social level can often be helpful in pursuing the Council's interest. What is important is to avoid any suggestion of improper influence and to avoid giving others the opportunity reasonably to impute improper influence.
- v. Meals provided to allow parties to discuss business, or following, or prior to, such a discussion are usually acceptable. A useful test will often be whether you would provide refreshments if the venue were reversed. Examples of hospitality which is likely to be unacceptable would be paid holidays, complimentary tickets to sporting events, use of company flats or hotel suites, or special concessionary rates which are not openly, and as a matter of practice, available equally to other organisations. In addition, where the Council is involved in a procurement exercise, accepting hospitality from known bidders or known potential bidders is not acceptable.
- vi. Any hospitality offered should be notified to the Chief Executive Monitoring Officer in the case of Members and Directors, to the appropriate Director in the case of Service Manager Heads of Service and staff reporting direct to Directors, and to the appropriate Service Manager Head of Service or Manager in the case of other staff. and All offers of hospitality should be recorded in the central Registers of Gifts and

~~Hospitality is kept by them for that purpose.~~ In the case of Officers, the acceptance of any hospitality should (wherever possible) first be authorised by the appropriate Director or ~~Service Manager~~Head of Service or (in the case of a Director) by the Chief Executive. ~~In the case of Members, if the hospitality is accepted and in excess of £50 in value this will also be added to the Member's Register of Interests forms in accordance with the Code of Conduct.~~ If an offer of hospitality is accepted, the reason why it is appropriate to accept should be recorded in the register. ~~Similarly, if the offer of hospitality is refused this should also be included in the central register.~~

- vii. The hospitality registers will be made available to the public for scrutiny on request. The registers will be inspected ~~annually~~quarterly ~~on behalf of~~by the Monitoring Officer and will be reported to ~~Senior Leadership Team, with an annual report to~~ the Standards Committee.