

APPENDIX 24

PROTOCOL ON GIFTS AND HOSPITALITY

Introduction

The following procedures must be followed when offers of gifts or hospitality are made to Members and employees of the Borough Council:

1. The public have the right to expect the highest standards of conduct, integrity and probity in the public service. Holders of public office must not place themselves under any financial or other obligations to individuals or organisations that might influence them in the performance of their official duties. In addition, public servants must be open in their dealings. There should be no hidden motive for the decisions or actions they take and information should be restricted only when wider public interest demands.
2. Local government employees may not accept any fee, reward or gift other than their proper remuneration for doing their job (Local Government Act 1972).
3. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.

Legal Position

It is a criminal offence for a Council employee corruptly to solicit or accept any gift or consideration as an inducement or reward. If the gift or consideration is from someone holding or seeking a contract with the Authority, it is deemed to have been received corruptly unless the employee proves to the contrary. It is also a criminal offence for Council employees to accept any fee or reward other than their proper remuneration. Accepting any gift or consideration in the knowledge or belief that it is intended as an inducement or reward is an offence whether the employee receiving it is actually influenced or not. **Generally, all offers of gifts or hospitality should therefore be refused unless they are of an extremely minor nature.**

General Principles

It is important that the Council maintains a good relationship with other agencies, local businesses and the community. In attempting to promote this, employees will, from time to time, be faced with decisions as to whether or not to accept gifts and hospitality.

In some circumstances a rigid refusal may cause unnecessary offence. However, it is vital to dispel the impression of improper influence being exerted over the Council. It may be more acceptable to join in hospitality being offered to a group than to an individual employee.

Common sense is the general principle governing the acceptance of gifts and hospitality. Employees should consider the nature and scale of the gift, the hospitality being offered and the surrounding circumstances including the relationship between the donor and the Council.

The main criterion in accepting hospitality is whether the decision can be fully justified to the Council and to the public.

Although it is impossible to cover every situation, the following guidelines should help employees to reach an objective decision where necessary.

Gifts

All offers of gifts from agencies or people who provide, or might provide, goods, works or services to the Council, or who need a decision from the Council (eg, planning applications) must be refused tactfully.

The only exceptions to the rule are:

- Modest promotional gifts such as calendars, diaries or office stationery
- Small gifts of token value on the conclusion of courtesy visits to an organisation's premises

More expensive promotional gifts or, for example, bottles of spirits or wine, must be refused.

Gifts sent by post or left at an employee's place of work must be properly returned with a polite letter. If this is not possible, the gift can be handed to the Mayor's Charity and an explanatory note sent to the donor.

Hospitality

Invitations or free tickets to attend social functions or sporting events should **only** be accepted when the occasion is part of community life or the Council should be seen to be represented. **Such offers are acceptable only when they are clearly required as part of the conduct of Council business.**

It is, of course, not always possible or desirable to reject offers of hospitality on a modest scale. A working lunch of modest standard to enable parties to continue to discuss business and the offer of limited hospitality when visiting an organisation on Council business would be acceptable.

When hospitality has to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operating within the Council.

Employees may accept hospitality through attendance at conferences and courses, with the prior approval of the Executive Director for their Service or the Chief Executive and providing this would not compromise a purchasing decision.

Prior approval of your Executive Director or the Chief Executive should be sought before accepting invitations to attend receptions, luncheons and promotional events.

To avoid jeopardising the integrity of subsequent purchasing decisions, the cost of approved visits to inspect equipment including software demonstrations should be met by the Council. Particular care should be taken to avoid accepting any hospitality offered by tenderers when undertaking such visits.

Procedure for Acceptance/Refusal

The acceptance of gifts or hospitality other than those approved by the Council may be treated as serious misconduct which will be dealt with under the Council's

disciplinary procedure. In certain circumstances, this could ultimately lead to prosecution.

For their own protection, employees if in doubt about their particular circumstances should seek advice from their Executive Director or, if necessary, the Chief Executive.

A central register is maintained by the Head of Legal and Governance recording all gifts and hospitality offered and action taken.

All offers of gifts or hospitality, even if they are refused, (apart from the exceptions detailed above) must be recorded in the Register.