

## Appendix 1

### Policy on Gifts, Hospitality and Sponsorship

#### 1. Introduction

- 1.1 The Council has adopted a Code of Conduct for Members and a Staff Code of Conduct. Each code is based on the Nolan Committee's Seven Principles of Public Life. All councillors, co-opted members and staff are expected to abide by the code which is relevant for them. In addition all councillors, co-opted members and staff are also bound by this Policy on Gifts, Hospitality and Sponsorship which contains provisions which are applicable to all those working for the Council in their respective capacity.

#### 2. General provisions

- 2.1 It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.
- 2.2 The Council has adopted the following guidelines to help but they may be used in a disciplinary setting to determine if you are in breach of the relevant Code of Conduct.
- 2.3 One of the most difficult questions on which advice is sought, is the giving and receiving of hospitality and gifts. Staff and councillors need to appreciate that gifts, hospitality and sponsorship, wrongly accepted, can amount to or be construed as bribery within the meaning of the Bribery Act 2010.
- 2.4 It is impossible to prepare guidance to cover all situations, and you should always take advice whenever complex or potentially contentious situations occur. Staff can talk to their Chief Officer, to the Head of Human Resources or the Head of Corporate Governance. Councillors can talk to the Chief Executive or the Head of Corporate Governance.
- 2.5 One test to apply in this situation is "What would the man or woman in the street think"? Ask yourself whether if they knew the circumstances, they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift or hospitality? If the answer to either of these questions is "yes", you should refuse the offer.
- 2.6 Bear in mind that it is not enough to avoid actual impropriety. It is important for your reputation and that of the Council to avoid any occasions for suspicion and any appearance of improper behaviour.

#### 3. Advice on when to accept or refuse gifts and hospitality

| <u>Who is it from?</u>           | <u>What is it?</u>  | <u>Action</u>   | <u>Explanatory Paragraph</u> |
|----------------------------------|---|---|------------------------------|
| <u>Grateful member of public</u> | <u>A gift of nominal value (below £35) and no ulterior motive is apparent</u> | <u>Accept if refusal would give offence.</u><br><u>Record in Register</u> | <u>4.1, 4.3, 6.1, 6.2</u>    |
| <u>Grateful member of</u>        | <u>A gift of value</u>  | <u>Refuse unless refusal</u>  | <u>4.2, 6.1, 6.2</u>         |

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| <u>public</u>   | <u>above £35</u>   | <u>would give offence</u><br><u>If accepted, donate to</u><br><u>Mayor's Charity Appeal</u><br><u>Record in Register</u>   |                                      |
| <u>Frequent gifts</u><br><u>from a member</u><br><u>of public</u>   | <u>A gift of nominal</u><br><u>value (below £35)</u>                                 | <u>Refuse unless refusal</u><br><u>would give offence.</u><br><u>If accepted, donate to</u><br><u>Mayor's Charity Appeal.</u><br><u>Record in Register</u>   | <u>4.3, 6.1, 6.2</u>                 |
| <u>A person or</u><br><u>company</u><br><u>engaged in</u><br><u>negotiating a</u><br><u>contract or other</u><br><u>matter with the</u><br><u>Council</u> | <u>Any gift,</u><br><u>hospitality or</u><br><u>sponsorship</u>                      | <u>Try to avoid such</u><br><u>situations. If they arise,</u><br><u>refuse.</u><br><u>Record in Register.</u>  | <u>4.4, 6.1, 6.2</u>                 |
| <u>Any member of</u><br><u>the public</u><br><u>Any Community</u><br><u>Group</u><br><u>Any business</u><br><u>connected with</u><br><u>the Council</u>   | <u>Offers of</u><br><u>hospitality in the</u><br><u>course of</u><br><u>business</u> | <u>Consult Chief Executive</u><br><u>in advance</u><br><u>Accept if there is a</u><br><u>genuine need to impart</u><br><u>information, represent or</u><br><u>promote the interests of</u><br><u>the Council in the</u><br><u>community.</u><br><u>Record in Register.</u> | <u>5.1 – 5.3,</u><br><u>6.1, 6.2</u> |
| <u>Any member of</u><br><u>the public</u><br><u>Any Community</u><br><u>Group</u><br><u>Any business</u><br><u>connected with</u><br><u>the Council</u>   | <u>Offers to attend</u><br><u>purely social or</u><br><u>sporting functions</u>      | <u>Consult Chief Executive</u><br><u>in advance</u><br><u>Accept only when these</u><br><u>are part of the life of the</u><br><u>community or where the</u><br><u>Council should be seen</u><br><u>to be represented.</u><br><u>Record in Register</u>                     | <u>5.1 - 5.3,</u><br><u>6.1, 6.2</u> |
| <u>Any business</u><br><u>connected with</u><br><u>the Council</u>  | <u>Attendance at</u><br><u>relevant</u><br><u>conferences and</u><br><u>courses</u>  | <u>Consult Chief Executive</u><br><u>in advance</u><br><u>Accept where it is clear</u><br><u>the hospitality is</u><br><u>corporate rather than</u><br><u>personal.</u><br><u>Record in Register</u>   | <u>5.4, 6.1, 6.2</u>                 |

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### 3.4. Gifts

3.4.1 A gift offered to you may be accepted if refusal would give offence, if:-

- (a) it is of nominal value (below £35.00) e.g. calendars, diaries, pens, a bottle of wine, flowers etc., and
- (b) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (be careful where the offer comes from a person or company seeking work from the Council).

3.4.2 Gifts outside the scope of the above guidelines, should normally be refused, unless refusal would give offence. In such a case, the gift could be accepted and donated to the Mayor's Charity Appeal, with a suitable explanation to the person or company concerned. Receipt of gifts in these circumstances should be reported in accordance with paragraphs relating to Register for Gifts and Hospitality below. They should always be refused if an ulterior motive is apparent.

3.4.3 ~~Gifts offered by grateful members of the public can similarly be accepted where the value is nominal (below £35.00) and a refusal might otherwise give offence.~~ Some members of staff and councillors however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances, gifts should normally be refused. Alternatively, if refusal would give serious offence, they could be accepted and the rules mentioned above applied.

3.4.4 In any event, you should refuse an offer or try to avoid situations where you are likely to be offered a gift from a person or company engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council, for making a decision on a contract or for monitoring the service received from the person or Company concerned. If the contract or other matter has been completed, and there is no obvious likelihood of a renewal, then the previous paragraphs apply.

### 4.5. Hospitality

4.5.1 You should only accept offers of hospitality if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Any hospitality accepted, should be properly authorised and recorded. (See paragraphs relating to Register for Gift and Hospitality below).

4.5.2 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.

4.5.3 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

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[4.45.4](#) Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Chief Executive is consulted in advance and where the Council is satisfied that any purchasing decisions are not compromised.

### **[5.6.](#) Register for Gifts and Hospitality**

[5.16.1](#) You must record all gifts and hospitality received, **including any offered but rejected**, in the Register maintained by the Chief Executive. This must include all offers of gifts and hospitality. Each entry in the Register must be authorised by the Chief Executive and in the case of hospitality accepted, it must be authorised in advance of attendance of the particular event.

[5.26.2](#) In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of yourself, the Council and local government generally.

### **[6.7.](#) Sponsorship - giving and receiving**

[6.47.1](#) Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. How would this look to the ordinary man or woman in the street? Particular care must be taken when dealing with contractors or potential contractors (i.e. contractors who could bid for Council work).

[6.27.2](#) Where the Council wishes to sponsor an event or service neither you nor any person connected with you must benefit personally from such sponsorship in any way. In all cases there ought to be full disclosure of the arrangements and consultation with the Chief Executive at an early stage.

[6.37.3](#) Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved with your work as a councillor or member of staff and any outside interests.

[6.47.4](#) In each arrangement for sponsorship, care shall be given to recording the arrangement and the decision making process so that there is a clear audit trail for the purposes of transparency and accountability.