

# Appendix 2

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## **GIFTS & HOSPITALITY GUIDANCE**

**PRODUCED BY T&W Internal Audit in conjunction with Legal Services and Human Resources**

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## 1 INTRODUCTION

1.1 The following guidance supplements the Law, the Council's Constitution and Financial Regulations, the Code of Conduct for Members and the Council's Code of Conduct for Employees.

1.2 This guidance applies to all Members<sup>1</sup> and employees covered by the Council's main Financial Regulations. They are equally applicable to school staff and Governors covered by the Financial Regulations for Schools.

1.3 The principles of this guidance are:

- (A) Individuals covered by this guidance will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
- (B) Members and/or employees must refuse offers of gifts or hospitality where any suggestion of improper influence is possible. There can be little doubt that the acceptance of gifts or hospitality by Members or employees from persons who have, or seek to have, dealings with the authority would be viewed by the public with grave suspicion and would make the Member or employee concerned, and the Council, extremely vulnerable to criticism. This particularly applies where the offer is to an individual Member or employee.
- (C) Individuals covered by this guidance will not accept personal gifts or hospitality for their use or the use of others. Civic gifts from other public bodies or overseas study visits are acceptable.
- (D) Never accept gifts or hospitality of any nature from a tenderer:
  - 1) In the immediate period before or after tenders are invited; or
  - 2) During the tender process (including between invitation to tender and acceptance).

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<sup>1</sup> The term "members" is used in this guidance to include elected, co-opted and independent members.

- (E) Individuals covered by this guidance will not use their position within the Council for their personal gain or the personal gain of others.

1.4 To a large extent the reputation of local government depends on the conduct of its Members and employees and what the public believes about their conduct. Members and employees are expected to use common sense in assessing any situation where improper influence could be construed and no Member or employee should do anything which could give rise to accusations of improper influence and which could not be justified publicly. Disciplinary action will be taken against employees who fail to comply with this procedure. Members' failure to comply will be referred to the Monitoring Officer who will instigate the appropriate action.

1.5 If an employee is in any doubt about the right course of action to take he/she should always seek the advice of his/her Manager. If a Member is in any doubt about the right course of action he/she should seek the advice of the Monitoring Officer.

## **MEMBERS**

1.6 All issues in respect to gifts and hospitality for Members will be dealt with by the Monitoring Officer. Members will inform the Monitoring Officer of any gifts or hospitality offered or received as per the requirements of their Code of Conduct. It is the Members responsibility to update their register of interests where gifts and/or hospitality are accepted for a value of over £25.00<sup>2</sup>. A checklist is attached at **Appendix A** to assist members in supplying relevant information in respect to gifts and hospitality.

## **EMPLOYEES**

1.7 It is the responsibility of the Senior Management PA Support Team to maintain a gifts & hospitality register/file on the Intranet. The contacts are Kristy Butler and Sian McEwan. **Appendix B** is a copy of the form that needs to be completed by employees and maintained in the register file.

1.8 Schools and other decentralised establishments should set-up their own registers.

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<sup>2</sup> Members are reminded that the threshold value of £25.00 is the cumulative value from one source i.e. several gifts or hospitality from one source with a total value over £25.00.

- 1.9 This guidance does not apply where the giving is a token gift received as a “Thank you” from a customer/client in appreciation of good customer service (“token” means an item with a value of less than £25.00).

## **2 GIFTS**

- 2.1 Employees are reminded that under the provisions of Section 117 of the Local Government Act 1972, they are forbidden under the cover of their office and employment to accept any fee or reward other than their proper remuneration. Any person who contravenes this provision would be liable on summary conviction to a fine not exceeding £2500.
- 2.2 Members and employees should tactfully refuse any personal gifts offered to him/her or to a member of his/her family by or indirectly attributable to, any person or body (i.e. a contractor or supplier) who has, or may have, dealings of any kind whatsoever with the authority. This applies equally to accepting gifts from persons or a body that has applied, or may apply, to the Council for any planning or other kind of decision.

### ***The only exceptions to this rule are:***

- Small gifts of only token value (£25.00 or less) often given by way of trade advertisements or of a promotional nature to a wide range of people, e.g. calendars, diaries, mugs, pens, office stationery (including clocks), tape measures and similar articles for use in the office.
  - Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises.
  - Gifts/token presentations from foreign visitors/dignitaries e.g. presentation wine glasses and pennants which should be retained on Council premises.
  - Small gifts (value not exceeding £25.00) where the Member or employee concerned and also perhaps his/her spouse are personal friends of the donor and where refusal would be regarded as inappropriate. In such cases however, whilst the gift may be accepted the Member/employee concerned should explain to the donor the problems of accepting such gifts in the future.
- 2.3 In the event of any employee receiving a gift without warning which does not fall in any of the exceptions mentioned above this should immediately be given to his/her SDM/Assistant Director/Director. This person will be responsible for deciding whether the gift should be returned or whether it could be forwarded to the Mayor’s Charity Fund (see paragraph 2.5 below) or other deserving cause. In such cases, the person making the decision should inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

## 2.4 ***Acceptable but only if donated to Mayor's Charity Fund***

Certain gifts from **suppliers/contractors** may be accepted which would either be difficult to return or which would cause offence if they were returned. These gifts should **not** be retained by the individual who received them but should be forwarded to the Assistant Director/Director who will record them in the appropriate register and organise donation to the Mayor's Appeal. These items include:

- Bottles of wine and spirits
- Boxes of biscuits, chocolates and Easter Eggs
- Books, atlases and maps
- CDs – music or computer games
- Decorative objects such as glass tankards, glass crystal, china ornaments and paperweights
- Soft / cuddly toys

2.5 **If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.**

2.6 **In all cases a record should be kept of all gifts offered and whether they were accepted or not.** The action taken should be recorded in the appropriate Gifts and Hospitality register.

## 3. **GIVING AND RECEIVING HOSPITALITY**

3.1 Any hospitality **given** by Members and/or employees should be justified as in the public Interest. The hospitality given should be on a scale appropriate to the occasion and must not be extravagant. To ensure consistency if there is any doubt about what is appropriate, members should consult the Monitoring Officer and officers their Assistant Director/Director or the Human Resources SDM or Audit, IG & Insurance SDM.

3.2 Where hospitality is to be given at events to support/develop relationships with the business community (including the Council hosting a table at an event) which may include alcohol (as is the culture/accepted practice within such circles) then the officer attending should provide justification and seek authorisation from the Managing Director (or Director in his absence). The justification should include reasons for attending and an estimate of the extent of the hospitality. The Managing Director (Director) in his authorisation will set an upper limit for the expenditure on alcohol for that event and copy the authorisation and limit to the Employment Services and Audit, IG & Insurance SDM's. This limit will be based on the cost of half a bottle of "average" wine (at that specific event) per person. The officer will pay and obtain receipts for the expenditure up to the limit and claim it back using the normal expense claim forms attaching a copy of the authorisation and receipts. The officer authorising the claim will then be able to authorise reimbursement based on the appropriate information being attached.

- 3.3 Hospitality should only be **accepted** where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.
- 3.4 Wherever **hospitality is offered this must be recorded in the appropriate Gifts & Hospitality register. The record must also show whether the hospitality was accepted or refused.**
- 3.5 **If there is any doubt about whether hospitality may be accepted then the hospitality should be politely and tactfully refused.**
- 3.6 The following are examples of hospitality that is acceptable and unacceptable: -

#### ***Acceptable***

- Invitations to attend functions where the Member or employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or functions which they attend by virtue of their position on the Council or their professional position.
- A working lunch provided to enable the parties to continue to discuss business.
- Attendance at an event held at a Council owned venue or hosted/sponsored by the Council to the extent that is reasonable and the Member/employee is representing the Council in an official capacity i.e. by virtue of their position within/on the Council.

#### ***Unacceptable***

- Personal invitations to sporting events or other entertainment with representatives from a company or organisation which has dealings with the Council. Examples: tickets for football matches (including AFC Telford), cricket games, music concerts, golf days, boxing matches, fashion shows and after dinner speaker celebrity events.
- Tickets for other non-work related event or venue, examples: the cinema, the theatre, entry to exhibitions, Granada TV Studios tour, Blackpool Pleasure Beach and Alton Towers.
- Holidays, weekend breaks, air or rail travel or the use of a company's own holiday accommodation.

- Non-working lunches/evening meals e.g. entertainment by outside bodies or organisations involving expensive meals where work is not discussed, cabarets, nightclub entertainment etc.
- The provision of any service. Any approach should be politely but firmly refused and if required an explanation provided to the person or organisation who offered the service.

**APPENDIX A**

**CHECKLIST FOR THE INFORMATION MEMBERS SHOULD RECORD IN RESPECT TO GIFTS OR HOSPITALITY OFFERED, ACCEPTED OR REJECTED**

<b>Members Name:</b>	
<b>Contact no:</b>	

<b>Date of offer</b> (gift or hospitality):	
<b>Offer made by and relationship to T&amp;W:</b> (e.g. current supplier, prospective supplier, contractor):	
<b>Reason:</b> details of & reason for offer:	
<b>Approximate cost :</b>	
<b>If Hospitality</b> - list any alcoholic drinks included:	
<b>Gift/hospitality accepted:</b>	

<b>(YES/NO)</b>	
<b>If GIFT</b> Action taken: (e.g. donated to Mayors Charity fund)	