



DETAILS OF POLICY	
Policy No	<b>GPC20</b>
Policy Title	<b>Gifts &amp; Hospitality</b>
Committee/Working Party Responsible	<b>Staffing Committee</b>
Version	<b>1</b>
Adoption Date	<b>19<sup>th</sup> February 2018</b>
Details of Revisions	<b>To be reviewed at start of new Council Term (every 4 years)</b>

## The Policy

This policy covers members of the Council including co-opted members and all employees of the Council, who are advised to treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. Their personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance of a gift or hospitality.

It is everybody's responsibility to understand and abide by the laws of the land which does of course include those covering bribery and corruption. The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered and to give regard as to how it might be perceived.

Having said the responsibility lies with each individual to decide, in all instances there are certain ceilings decided by the Council which must be advised to protect all parties. It is not however considered to be an issue when gifts and / or hospitality are received from family and friends (as birthday, wedding or other festive presents) that are not related to any position with the Council. People should however question any such gift or hospitality offered from an unusual source.

The acceptance of facilities or hospitality provided by the Council or gifts given to the Council that are accepted formally on the Council's behalf and are retained by the Council and not personally, is not covered by this guidance. However, if a gift is accepted then it must be disclosed promptly.

In the interests of clarity, the expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible but gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Members of the Council including co-opted members and all employees of the Council must:

Not accept any gift or hospitality as an inducement or reward for anything done in their role with the Council. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it and report it to either the Parish Manager or the Chair of the Council (**“Reward” includes remuneration, reimbursement and fee**).

Not accept a gift or hospitality of significant value or whose value is excessive in the circumstances. What is deemed to be a significant value will be determined and advised by the Council from time to time.

Not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

Not solicit any gift or hospitality and avoid giving the perception of so doing.

Not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- (a) From parties involved with the Council in a competitive tendering or other procurement process.
- (b) From applicants for planning permission and other applications for licences, consents and approvals.
- (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
- (d) From parties in legal proceedings with the Council

Members of Council must inform either the Parish Manager or the Chair of the Council of gifts and hospitality of £25 or more within 28 days of the date of receipt of the gift or hospitality and must by that time, complete and lodge a Register of Interests Form listing that item.

A series of gifts under these ceilings but exceeding these ceilings in total must be treated as a gift in excess of that ceiling.

Employees must inform either the Parish Manager or the Chair of the Council of gifts and hospitality, whatever their value, within 28 days of the date of receipt of the gift of hospitality. Failure to do so in almost all circumstances will be considered a case of gross misconduct.

When a gift is given after the event as thank you for services rendered it may well be that the receipt of that gift is sanctioned, but it is for the Council to decide.

At all times transparency should be paramount making all transactions clear to all concerned and protecting the recipient from false allegations.

### **Appendix – The Legal Background**

It is essential to remember that Members of local authorities are subject to the provisions of special legislation with onerous requirements imposing sanctions under the criminal law, designed to protect the public interest and public confidence. In consequence, the offer of gifts or hospitality, even on a modest scale, needs to be approached with caution. The particular legislation is contained in:-

- the Bribery Act 2010
- the Local Government Act, 1972 (Section 117(2))

The legislation provides that anyone who corruptly gives, promises or offers any gift, loan, fee, reward or advantage to any person as an inducement to or reward for any Member, (or Officer or servant) of a public body for doing or forbearing to do anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person such an inducement or reward.

It is particularly to be noted that the giving or acceptance of any money, gift or other consideration is deemed to have been given or received corruptly as such an inducement or reward unless the contrary is proved. This represents a departure from the general principle that a person is deemed innocent until proven guilty.

The question of what is and what is not acceptable is not precisely defined, although many local authorities and other public bodies have their own internal rules and requirements to report and record all offers of hospitality. Modesty should never be exceeded and as a measure of this it is appropriate to consider whether the scale of provision is such that it could be reasonably returned by the recipient at public expense on a subsequent occasion. It is also appropriate to consider whether either the hospitality or the scale of it would cause embarrassment to either the giver or the receiver were it to become public knowledge.

It is not possible to list all the activities which might constitute an offence under the legislation. But the essential message is that those dealing with Members of local authorities and other public bodies must do so against the background and purpose of the above statutory restrictions and should always act within the spirit and framework of the legislation. It needs to be remembered that any offer or receipt of hospitality is prima facie a criminal offence, unless the contrary is proved.

The special legislation is additional to the general provisions of the criminal law governing conspiracy, fraud etc. It should also be borne in mind that the commission of a criminal offence or even conduct falling short of such an offence which is contrary to the internal rules of an authority may result in an otherwise legal enforceable contract

Reviewed	
----------	--