

LITTLEHAMPTON TOWN COUNCIL

Hospitality and Gifts Policy

1. Introduction

- 1.1 The purpose of this policy is to ensure that all Members and employees of the Town Council are aware that they should not use their position(s) with the Council for their own personal gain or for the personal gain of third parties (normally external companies and suppliers) to whom they have a professional/ business association. To do so will be deemed gross misconduct in accordance with The Council's Disciplinary Procedure and Policy.
- 1.2 To remind all Members and employees of their duty and responsibility to declare all gifts and offers of hospitality, regardless of the reason for the gift or hospitality and only to accept the same in accordance with these guidelines.
- 1.3 To ensure that the recording and disposal of all such offers are consistently applied.
- 1.4 To ensure that all recording and monitoring procedures are subject to an independent review.
- 1.5 It is essential that members of the public have confidence in the integrity, impartiality and honesty of Council Members and employees.
- 1.6 This Policy covers all Town Council Members and employees of the Council.

2. Principles of the Policy

- 2.1 Council employees should avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation. As well as avoiding actual impropriety, the appearance of it should also be avoided.
- 2.2 In addition, Council employees should not benefit personally in any way from their position as paid employees of the Council.

3. The Legal Position

- 3.1 The Public Bodies Corrupt Practices Act 1889 states that it is an offence for any employee or Member corruptly to receive or agree to receive any gift, loan, fee, reward or advantage for doing or not doing something in connection with the work of the Council.
- 3.2 The Prevention of Corruption Act 1916 states that where such a gift, loan etc. is received by an employee or Member from a person seeking a contract with the Council then the gift or loan is deemed to have been received corruptly. This would

place the giver and the receiver in the position of having to prove that they did not act dishonestly.

- 3.3 Section 117 Local Government Act 1972 states that an employee of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.

4. Definitions

- 4.1 A gift is defined as anything given, a present, either in or out of normal working hours – examples of this will include, calendars, diaries, and other goods given by suppliers or potential suppliers usually endorsed with their trade name or logo, consumables such as food and/or drink etc.
- 4.2 Hospitality is defined as “a friendly and generous reception and entertainment of guests.” – This will include any lunches, dinners, drinks, or accommodation paid or provided by potential suppliers of any goods or services.
- 4.3 Interests in Contracts is defined as having any concern, legal and/or financial stake either in the employee’s own right or by way of personal/ family ties in the offering and or arranging of any contract concerning the Council, regardless of monetary value – this will include sourcing and distribution of work either for the employee’s own benefit or for a friend or relative.

5. Policy Operation

- 5.1 Any Member or employee offered a gift or hospitality, even if not accepted and regardless of monetary value, must declare it by providing the full details in writing to the Town Clerk, who will enter it into a Register of Hospitality.
- 5.2 The Town Clerk will assess whether the employee should be able either to retain the gift or partake of the hospitality on offer. As a rule, small gifts (worth £25 or less, e.g. pens, diaries, calendars, chocolates and flowers) can be retained by the employee for use or sharing in the office, but not exclusively by themselves. Such gifts should not be taken home. Any gift displaying advertising material or company logos should not be displayed in any area accessible to the public, e.g. reception areas or foyers.
- 5.3 Members must similarly report any gift or hospitality to the Town Clerk, who will discuss the retention or otherwise of the offer by the Member, with the Town Mayor. A record will also be kept of these gifts or offers of hospitality to Members.
- 5.4 If the Member or employee is in any doubt as to whether they have approval to accept the hospitality or gift, they should err on the side of caution and either pay for any meals and drinks themselves or make it clear that the acceptance of any gift is solely on the understanding that it will be passed to the PA to the Mayor and Town Clerk for charity fund-raising purposes.

- 5.5 The Town Clerk will be unlikely to allow employees to retain any gifts that can be used as part of the Mayors Fundraising causes, with the exception of small gifts as mentioned above. All other gifts will be forwarded to the Mayor's Secretary and will not be retained in departments. Either the Mayor will use the gift for fund raising activities or it will be returned to the donor.
- 5.6 If any person who has or seeks to have dealings with the Council offers a Member or employee, or a member of their immediate family (i.e. spouse, partner or child) a gift or hospitality and the Member or employee has concerns about the reasons for the offer then he/she should refuse. All such refusals should be notified orally or in writing as soon as is reasonably possible to the Town Clerk who will seek advice.
- 5.7 Any Member or employee potentially having a conflict of interest in the sourcing and/or awarding of any goods or services (regardless of monetary value) should advise the Town Clerk of this immediately in writing. The Clerk will then decide, having considered all relevant facts, whether to allow the Member or employee to continue to work on the allocation of the contract. The Clerk's decision will be sent to the Member or employee in writing to provide an audit trail.
- 5.8 Any bequests to Members or employees arising from the provision of a Council service by that Member or employee to a member of the public should be declared immediately to the Town Clerk. The Clerk will make enquiries into the circumstances surrounding the bequest and, in consultation with the Mayor, will determine whether or not the bequest was in any way improperly sought or encouraged by the member of staff concerned and whether receipt of the bequest would amount to misconduct.
- 5.9 If the Member or employee is unhappy with the decision of the Town Clerk, they should register their appeal in accordance with The Appeals Stage of the Grievance Procedure within 10 working days of receipt of the Clerk's decision.
- 5.10 Any failure to comply with this policy may be deemed gross misconduct in accordance with the Council's Disciplinary Policy and Procedure and therefore could result in an employee's summary dismissal.
- 5.11 It is every Manager's responsibility to ensure that all employees for whom they are responsible have a copy of this policy. All new employees should be given a copy of this policy as part of the induction process. Heads of Service are responsible for ensuring that this policy is adhered to within their service.
- 5.12 Also refer to the Council's Anti Bribery and Anti-Fraud & Corruption policies.