

GIFTS AND HOSPITALITY - GUIDANCE NOTE TO STAFF AND COUNCILLORS

1. Introduction

- 1.1 The public are entitled to demand of local government officers and Councillors, conduct of a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives.
- 1.2 It is a serious criminal offence for officers or Councillors 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 an official capacity. If an allegation is made in such circumstances, the burden of proof will fall upon the officer or member to show that they have not in any way been influenced by improper motives. For this reason it is most important for the council to set clear guidance for all employees and Councillors.
- 1.3 This is intended to assist staff and Councillors in making a decision as to whether a gift or hospitality can be accepted. This guidance will be drawn to the attention of all staff upon joining the council. Staff are reminded that breaches of the code may result in disciplinary action and in serious cases, could result in dismissal. Councillors are reminded that a breach of this guidance may result in a complaint against them to the monitoring officer.

2. Gifts

- 2.1 In general, gifts should be refused. A gift is any item or service that you receive free of charge. It also includes any goods or services which you personally are offered at a discounted rate or on terms not available to the general public. It does not include staff offers/discounts which are negotiated or accepted corporately by the Isle of Wight Council. A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the council or one who has an interest in a council decision.
- 2.2 In normal circumstances, only minor gifts of nominal or low value value, such as pens, diaries, mouse mats, flowers, bottle of wine, chocolates and other business and promotional material may be accepted. In some very special circumstances, (where, for example, visiting dignitaries are involved), refusal may cause unintentional offence and this should be taken into consideration.
- 2.3 It may also be acceptable to passport gifts of modest value where they are genuinely to be given or offered as a prize to a resident that we support such as looked after child or vulnerable adult. However, prior to agreeing to receive such as gift, advice should be sought from a chief officer or the monitoring officer.
- 2.3 More substantial gifts must not be accepted under any circumstances. These may include, for example, cash, vouchers, or cases of wine or hampers. In such circumstances, the gift should be returned in a courteous manner accompanied if appropriate by the following or similar statement:

"Thank you for your kind offer of Unfortunately, the council has a clearly defined policy on receiving gifts or hospitality and I am unable to accept it. I therefore return the gift."

- 2.4 For the purpose of consistency, it is not appropriate to accept gifts and to donate them to a charity save that if a gift is received either whether the donor is unknown or where it is impracticable to return the gift to the person or organisation making the gift, or where it would cause undue offence then the gift should be passed to the Monitoring Officer to be donated to the chairman's Charity or otherwise disposed of as appropriate. Where possible, the donor will be informed of the action taken.
- 2.5 If in doubt, staff should consult their chief officer or monitoring officer before accepting any gift. Councillors should consult the council's monitoring officer.

3. **Legacies**

- 3.1 A legacy is an amount of money or property left to someone in a will. Staff may not accept legacies from clients. If it becomes known to any employee that they are likely to benefit from a legacy made by a former or existing client, they must inform their chief officer as soon as possible. The chief officer will then consider what action to take and if necessary consult the head of paid service and monitoring officer. If the beneficiary is also a relative of the former client, it is advisable that they notify their chief officer as soon as they are aware of the legacy in order to avoid any misinterpretation.

3.2 **Hospitality**

- 3.3 Hospitality means invitations to a meal or an event eg tickets to a show, or to a sporting event. The same principles which apply to gifts apply to the offer and acceptance of hospitality. Generally, offers of hospitality must be declined. It must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the council or where purchasing decisions may be potentially compromised.
- 3.4 Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the council's wider interest in the community. Staff may, for example, need to attend functions in support of local councillors. It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of low value/proportionate forms of hospitality is acceptable. In addition, a working breakfast, lunch, dinner or refreshments provided during the course of attending training, seminars, conferences or official events held by the council may be accepted, and hospitality provided by another public authority would also normally be acceptable.
- 3.5 The following criteria should be applied when deciding whether or not to accept offers of hospitality:

- (i) whether the nature of the hospitality is appropriate - tickets to a major sporting event must invariably be refused, but an invitation to an Island event which meets the criteria below may be appropriate.
- (ii) whether the Council's interest is better served by attendance.
- (iii) whether the scale of the hospitality is appropriate to the circumstance.
- (iv) whether the hospitality is modest and can be considered as part of the normal business process to foster good relations.
- (v) whether the hospitality is offered by a person or organisation who is not tendering or about to tender for council business.
- (vi) whether Councillors are attending an event which meets these criteria and it is appropriate that they are accompanied by an officer.
- (vii) whether it is more appropriate to bear the expense oneself.

3.6 Any intention by Councillors or staff to accept hospitality other than of a minor nature, must be authorised in advance by the relevant chief officer. In case of doubt, staff should consult their chief officer for guidance. In the case of councillors, an appropriate declaration should be completed in advance of the hospitality being accepted. In the event of doubt, the council's monitoring officer should be consulted for guidance.

3.7 If offers of hospitality are declined, those persons or organisations making the offer should be courteously informed of the procedures and standards operating within the council with, if appropriate, the following or similar statement:

"Thank you for your kind offer of Unfortunately, the council has a clearly defined policy on accepting gifts and hospitality and I am therefore unable to accept."

3.8 Below are some examples of acceptable and unacceptable hospitality:

4. **Acceptable**

- 4.1 working lunches provided that their purpose is to continue the work underway in the meeting.
- 4.2 attendance in an official capacity at functions to which invitations have been sent to other local authorities.

5. **Unacceptable**

- 5.1 holidays or weekends away
- 5.2 the use of a company flat or suite
- 5.3 lunch with a developer who is applying for planning permission

- 5.4 tickets to a theatre, concerts or sporting events which are offered in order to influence your decisions and which you would not attend in an official capacity

6. **Recording of Gifts and Hospitality**

Staff

- 6.1 Whether accepted or not, gifts and hospitality, or offers of them (other than the items of nominal value such as those indicated in para 2.2), must be recorded using the prescribed form (See appendix 1) and sent through to the following email address:
where they will be maintained.

Councillors

Isle of Wight Council elected Councillors are required to record gifts and hospitality that have a value in excess of £50 or those that in aggregate, exceed £50 in any consecutive twelve months. Councillors can if they wish record gifts and hospitality for lesser values.

For Councillors, the register is maintained by democratic services. The council has a prescribed format for the register (as set out in appendix 2)

- 6.2 All Registers of gifts and hospitality will be reviewed every six months by the Monitoring Officer or her/his deputy.

7. **Legislation in relation to Gifts and Hospitality**

- 7.1 An outline of the legislation applicable to the acceptance of gifts and hospitality is given below.

(i) **Bribery Act 2010**

The Bribery Act 2010 reformed criminal law, replacing the Prevention of Corruption Acts 1889-1916 by providing comprehensive scheme of bribery offences. The act covers a wide range of both direct and indirect bribery offences, and includes offences committed by individuals and corporate bodies. Penalties for non-compliance are serious, with a maximum penalty for the most serious cases being ten years imprisonment. The act created two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive, or acceptance of an advantage

(ii) **Local Government Act 1972**

It is a criminal offence under Sub-section 2 of Section 117 for council employees to accept any fee or reward other than their remuneration. An offender is liable on conviction to pay a fine.

GIFTS AND HOSPITALITY REGISTER

(OFFICER/STAFF)

1. Name:
2. Job title:
3. Name of company (or individual) offering hospitality:
4. Relationship with council:
5. Type of hospitality/gift offered/received:
6. Date hospitality/gift offered/received:
7. Declined: YES / NO
8. Where hospitality took place:
9. Is there a cost to the authority? YES / NO

If yes, how much? £.....

Signed (Officer):

Date:

Monitoring Officer's signature:

Date:

GIFTS AND HOSPITALITY REGISTER

(COUNCILLOR)

Only to be used for gifts and hospitality in excess of £50

1. Councillor's Name:

2. Name of company (or individual) offering hospitality:

3. Relationship with council:

4. Type of hospitality/gift offered/received:

5. Date hospitality/gift offered/received:

6. Declined: YES / NO

7. Where hospitality took place:

Signed (Councillor):

Date:

Monitoring Officer (or representative) signature:

Date: