

OTTERY ST MARY TOWN COUNCIL

GIFTS AND HOSPITALITY POLICY

1. Introduction

- 1.1 The purpose of this policy is to provide guidance for all Councillors and Council employees when considering whether to accept gifts or hospitality from individuals or organisations as a result of their position with Ottery St Mary Town Council ('the Council') and their duties and responsibilities to record this correctly.
- 1.2 The Council must ensure that all Councillors and employees of the 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.
- 1.3 To do so will be deemed gross misconduct in accordance with the Council's Disciplinary Procedure for an employee and may be found to be a breach of the Member's Code of Conduct where a Councillor is concerned.
- 1.4 It is essential that members of the public have confidence in the integrity, impartiality and honesty of Councillors and employees.
- 1.5 This Policy covers all Councillors and employees of the Council.

2. Code of Conduct

- 2.1 When Councillors make their Declaration of Acceptance of Office they acknowledge in writing that they will comply with the Member's Code of Conduct; a copy of which all Councillors have received.
- 2.2 The conduct expected of Council employees is clearly detailed in their contract of employment and the Council's Staff Handbook.

3. General Caution

- 3.1 The Council's guidance is that any Councillor or employee ought to treat any offer or gift, favour or hospitality with caution that is made, or may be perceived to have been made, in connection with their position as an employee or Councillor.
- 3.2 The acceptance of gifts or hospitality is not always unlawful or inappropriate. The decision in every case is whether it is appropriate to accept any gift or hospitality that might be offered to you, the source of the gift or hospitality and having regard to how it might be perceived.
- 3.3 If any Councillor or employee has any doubt over whether or not to accept a gift or hospitality they should err on the side of caution and politely but firmly decline the

offer if an immediate response is needed, or alternatively seek the advice of the Chief Executive Officer (`CEO`)

4. The Legal Position

- 4.1 It is a criminal offence to corruptly solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council.
- 4.2 The onus would be on the individual to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council

5. Definitions

- 5.1 For the purposes of this policy, the following definitions are implied:
 - 5.1.1 A gift is defined as anything given, a present, either in or out of normal working hours, by suppliers or potential suppliers usually endorsed with their trade name or logo, or consumables such as food and/or drink etc.
 - 5.1.2 Hospitality is defined as “a friendly and generous reception and entertainment of guests” – this will include any lunches, dinners, drinks, events or accommodation paid or provided by potential suppliers of any goods or services.
 - 5.1.3 A reward is defined as “a thing given in recognition of service, effort or achievement” – this will include remuneration, reimbursement and fee, offered, paid, promised or implied.
- 5.2 Common gifts often include pens, diaries, calendars and other business stationery, articles of clothing, books or flowers and more occasionally, the offer of free or discounted food or refreshments

6. Appropriate Gifts & Hospitality

- 6.1 There are circumstances during the normal course as a Councillor or employee where gifts and hospitality may be accepted:
 - 6.1.1 Civic hospitality provided by another public authority.
 - 6.1.2 Any formal invite to an event in capacity as Civic Mayor, Deputy Mayor or other position.
 - 6.1.3 Normal and modest refreshment in connection with any meeting in the course of your work as a Councillor or employee (e.g. tea, coffee, biscuits etc).
 - 6.1.4 Small, low value gifts (below £25 such as pens, calendars, business stationery, flowers and other mementos or tokens).

- 6.1.5 Tickets for sporting, cultural and entertainment events that are sponsored or promoted by the Council or bodies to which the Councillor or employee has been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
- 6.1.6 Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting).
- 6.1.7 Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
- 6.1.8 Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from civic events).
- 6.1.9 Invitations to local Community clubs or groups hospitality events especially those who are tenants of the Council.
- 6.1.10 Invitations to attend a local community event in an official capacity as a Councillor or employee of the Council where hospitality is available.
- 6.2 The above may include that offered by existing concession or licence holder or tenants of the Council, but should not be accepted in any period of tender for said contract or a non-existing concession or licence holder (see section 7.1 below).

7. Principles for Accepting Gifts and Hospitality

- 7.1 In deciding whether it is appropriate to accept any gift or hospitality, the Councillor or employee must consider the following:
 - 7.1.1 Do not accept a gift or hospitality as an inducement or reward for anything you do as an employee or Councillor. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
 - 7.1.2 Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - 7.1.3 Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - 7.1.3.1 From parties involved with the Council in a competitive tendering or other procurement process.
 - 7.1.3.2 From applicants for planning permission and other applications for licences, consents and approvals in which the Council has an involvement, even as a consultee.
 - 7.1.3.3 From applications for grants, including voluntary bodies and other organisations applying for public funding from the Council.
 - 7.1.3.4 From parties in legal proceedings with the Council.
 - 7.1.4 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - 7.1.5 Do not solicit any gift or hospitality and avoid giving any perception of doing so.

8. Gifts Received

- 8.1 Councillors or employees on receiving gifts of value may pass them to the Mayor to be used for fundraising activities rather than retaining them personally.
- 8.2 Gifts received in this nature should still be recorded on the Register of Gifts & Hospitality (see section 9 below).

9. Registration of Gifts & Hospitality

- 9.1 Councillors and employees 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 CEO, who will enter it on to the Council's Register of Gifts & Hospitality.
- 9.2 This notification should include:
 - 9.2.1 A full description of the gift and/or hospitality offered;
 - 9.2.2 The best estimate of its market value or cost;
 - 9.2.3 Who provided it;
 - 9.2.4 Where and when it was received;
 - 9.2.5 Whether it was accepted or declined;
 - 9.2.6 Intention if accepted i.e. consume, partake in hospitality, share with other employees, mayor's fundraising etc.
- 9.3 The only exception to 9.1 above is those gifts and hospitality offers included at section 6.1 of this policy; to record every item of this nature would be considered excessive and a needless use of employees' time.
- 9.4 Upon receiving notification of a gift or hospitality, the CEO will advise (if relevant) whether the Councillor or employee is able to either retain the gift or partake in the hospitality on offer.
- 9.5 In the situation of the CEO being the intended recipient, they should include the entry in the Register of Gifts & Hospitality and inform the Mayor and Chair of the Human Resources Management Committee of the way in which they deem the offering be best handled.

10. Inappropriate Gifts and Hospitality Offered

- 10.1 If any person who has or seeks to have dealings with the Council offers a Councillor or employee, or a member of their immediate family (i.e. spouse, partner or child) a gift or hospitality and the Councillor or employee has concerns about the reasons for the offer then they should refuse, politely but firmly.
- 10.2 All such refusals should be notified orally or in writing as soon as is reasonably possible to the CEO, or in the case of the CEO, to the Mayor and Chair of the Human Resources Management Committee
- 10.3 For the avoidance of doubt, inappropriate gifts and hospitality are deemed to conflict with the principles at section 7.1

11. Policy Enforcement

- 11.1 Any failure to comply with this policy by a Council employee may be deemed gross misconduct in accordance with the Council's Disciplinary Procedure and therefore could result in an employee's summary dismissal.
- 11.2 Any failure to comply with this policy by a Councillor may lead to a Code of Conduct investigation by East Devon District Council's Monitoring Officer; if a breach of the Code of Conduct is upheld there are various sanctions that can be enforced.
- 11.3 It is the CEO'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.
- 11.4 The CEO is responsible for ensuring all Councillors receive a copy of this policy upon joining the Council and are reminded annually of the process for registering offers of gifts and hospitality.
- 11.5 The Council's Register of Gifts & Hospitality will be published annually on the Council's website to ensure complete transparency.