

5L GIFTS & HOSPITALITY POLICY

1. Policy

- 1.1 You must only accept offers of hospitality and gifts if there is a genuine need to impart information or represent the Council through the particular engagement. Offers to attend purely social or sporting functions must be accepted only when these are for the benefit of the Council. All gifts and hospitality received must be properly recorded in the Register of Gifts and Hospitality which shall be maintained by the Monitoring Officer.
- 1.2 Gifts and hospitality must not be accepted unless you are sure that the nature of value is such that it will not attract public criticism. If in doubt, Officers must consult with their Director in the first instance and Members must contact the Monitoring Officer before responding to any offer.
- 1.3 Local Governments Member's and Officer's actions are totally open to public scrutiny and therefore you must ensure that any actions would not embarrass you if you were required to explain them.

2. Individuals Affected

- 2.1 All Members and Officers at Nuneaton and Bedworth Borough Council.

3. General Rules

- 3.1 The following general rules should apply:
 - 3.1.1 Always refuse where you think there may be an ulterior motive.
 - 3.1.2 Be sensitive to the possibility that the giver may consider that even small gifts or humble hospitality will elicit prompt service or preferential treatment.
 - 3.1.3 Never accept gifts or hospitality from anyone who is or may be in the foreseeable future, tendering for a contract with the Council.
 - 3.1.4 Never accept gifts of hospitality from anyone who is or may be in the foreseeable future, seeking planning consent from the Council.
 - 3.1.5 Never accept gifts or hospitality from anyone who is in conflict with the Council.
 - 3.1.6 Always refuse expensive gifts. Small items, such as diaries, pens etc where these are inexpensive and given freely to a variety of customers are acceptable, providing they do not conflict with the rules stated under section 1 of this policy.
 - 3.1.7 The continued acceptance of gifts of an inexpensive or small nature may cumulatively become inappropriate.

4. Procedure for receiving and giving gifts/hospitality

- 4.1.1 The basic rule is that no hospitality should be accepted, there are of course certain exceptions to this.
- 4.1.2 All hospitality that is received must be recorded in the Register of Gifts and Hospitality. Failure to register any gift or hospitality in the Register may result in disciplinary action. The Register is to be reviewed at least once a year by the Standards Committee. The Register will also be published on the Council's Internet Site.
- 4.1.3 The Managing Director or Directors may not approve their own hospitality and should record any items in the Register.
- 4.1.4 Small gifts of promotional material such as stationery and calendars may be accepted. All other offers are to be refused. Any firm or individual who wishes to make some gesture of goodwill to the Council should be directed to the Mayor's Office.
- 4.1.5 Gifts of a value of over £20, that are delivered should either be returned or passed on to a suitable charity – the Mayor's Office would seem the most appropriate in these circumstances. The sender should be advised of the course of action taken and the facts recorded in the hospitality register.
- 4.1.6 The Localism Act 2011 introduced a requirement for all Councillors to register Designated Pecuniary Interests and other interests required under the Code of Conduct, e.g. any property they own, any shares and business interests, their employment details and any other public bodies on which they sit. In addition, Members and Officers are required to register separately any gifts or hospitality over £20 that they have received. A register will be compiled and will be available online and a copy kept with the Managing Directors PA
- 4.1.7 Hospitality should only be accepted where:-
- it is offered in the genuine course of business (to gain or impart information) . It must not be allowed to compromise purchasing or other decision of the Council. (Either in reality or in the perception of the public);
 - the Council would offer similar levels of hospitality in similar circumstances;
 - It is a working lunch or dinner;
 - Where you are joining other guests at cultural/sporting events or public performances as a representative of the Council. This would depend on the appropriateness of the invitation in terms of the level of hospitality and status of the member of staff.
- 4.1.8 It is not appropriate for a Member or Officer to accept hospitality to attend any form of social function or sporting event (even if in their own time) unless such events are directly related to the hosts business and the matter in hand with the Council.

- 4.1.9 Paid holidays or concessionary travel rates would not be considered acceptable. Where you have any misgiving over the appropriateness of the offer, this must be referred in the first instance to your Director in the case of an Officer and the Monitoring Officer in the case of a Member.
- 4.1.10 It has been deemed that the cost of visits to potential suppliers may be met by the supplier as long as they are relevant and reasonable.
- 4.1.11 Acceptance by Members or Officers of hospitality whilst in attendance at conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.

4.2 Giving Gifts/Hospitality

- 4.2.1 All Gifts and Hospitality given must also be recorded in the Register of Gifts and Hospitality for Members and Officers. Failure to register any gift or hospitality in the Register may result in disciplinary action being taken against the Officer and the relevant action in the case of a Member.
- 4.2.2 Gifts and Hospitality should only be given where an expected demonstrable benefit to the Council has been proven to and authorised by a Director. In offering hospitality, Members and Officers need to bear in mind that the money is coming from the public purse and needs to be spent carefully.
- 4.2.3 Members and Officers are reminded that unless previously sanctioned by their Director, the provision of any gifts and hospitality by themselves is not reclaimable.

It is important that the following principles are read by Members alongside this Code:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

BRIBERY ACT 2010

Under the provisions of the Bribery Act 2010 ('The Act'), the inappropriate acceptance of gifts or hospitality may leave individuals open to charges of bribery. The Act makes it an offence to request, agree to receive or accept a bribe.

The four offences created by the Act are:

1. Bribery of another person - it is an offence to offer or give financial or other advantage with the intention of inducing a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such activity or function:
2. Accepting a bribe - where a person receives or accepts a financial or other advantage to perform a function or activity improperly. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate benefit:
3. Bribery of a foreign official – this is where a person, directly or through a third party, offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them as a public servant and to obtain or retain business, or any other related advantage in the conduct of business:
4. Failing to prevent a bribe - a commercial organisation could be guilty of bribery where a person associated with an organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation.

Members and Officers are advised to treat with extreme caution any offer or gift or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the Member's or Officer's independence should not be compromised eg. planning applications/approval.

The Council's Anti Fraud, Corruption and Bribery Strategy provides more information

Appendix A – Internal Memorandum to be used by Members and Officers



To:	From:
	Ext:
	Date:

Subject: Gifts or Hospitality Received

Would you please note in the Register of Gifts and Hospitality that:

Received from: *[Insert Name]*

Nature of Hospitality:

Given to *[Insert Name]*

On: *[Insert Date received]*

Reason:

Signed:

The completed form should be given to the Corporate PA