

GUIDANCE FOR COUNCILLORS AND OFFICERS ON GIFTS AND HOSPITALITY

Guidance for Councillors on Gifts and Hospitality

1. This Guidance is intended to complement the council's Members' Code of Conduct. It offers guidance to Councillors with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect both individual Councillors and the council. The intention of the Guidance is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. All Councillors have undertaken to abide by the council's Code of Conduct. Councillors must not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by;
 - Maintaining an unimpeachable standard of honesty and integrity in all their business relationships.
 - Complying with the law, regulations and the council's own policies and procedures.
 - Rejecting any business practice that might be deemed improper.
 - At all times when acting for or on behalf of the council, put the interests and the reputation of the council first.
3. As a general rule **business gifts and hospitality should not be accepted by any Councillor**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the councillor? You must never solicit a gift or hospitality, or accept any gift or hospitality offered as an inducement or which puts you under any obligation. On the other side of the coin, Councillors often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates, or a bottle of wine. It's about where to draw the line.
4. In summary, if a gift is received or hospitality accepted, unless it is of purely "token" value (e.g. a calendar, pen, or free gift at an exhibition), it should be declared to the Monitoring Officer, who will record the details in the council's register. Any such gifts should be reported to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt.
5. If you register the gift, or hospitality you received, it is then on the public record and open to scrutiny if necessary. It cannot later be alleged that the gift or hospitality was accepted, in a secret, 'underhand' way, with an ulterior motive.
6. Prior to accepting **any** gift or hospitality with a value of **£50** or more, a Councillor must seek authorisation from the Monitoring Officer. This includes gifts that are received from the same source which cumulatively, are over the value of £50 in a 12 month period. Only once consent has been given should the councillor take ownership. The details must then be provided immediately to the Monitoring Officer for recording in the council's register.

7. In relation to conventional hospitality (lunches, outings etc.) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with the Monitoring Officer if you are in any doubt as to the motive.
8. The register of gifts and hospitality and interests will be constantly updated and reviewed by the Monitoring Officer and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly. You must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

Step by Step Guide

1. **Token Gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, pens etc. If you are in any doubt as to the classification of token gifts, ask the Monitoring Officer.
2. **Gifts Under £50** in value can be accepted but must be declared as soon as possible and, in any case, within 28 days of receipt. An entry will be made on the council's register by the Monitoring Officer.
3. **Gifts Over £50** in value must not be accepted without prior permission from the Monitoring Officer. If authorisation is given, and the gift accepted, it must then be registered as above. It must also be registered if refused.

To

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
<u>Did you accept it?</u>	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

Policy for Officers on Gifts and Hospitality and Registering Interests

1. This policy is intended to complement the council's Employee Code of Conduct and Disciplinary Procedures and offers guidance for officers with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect the officer as much as to protect the council. The intention of the policy is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. Officers of the council are bound by specific rules, codes of conduct and protocols, as are Members. Officers shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by:
 - Maintaining a high standard of honesty and integrity in all their business relationships;
 - Complying with the law, regulations and the council's own policies and procedures;
 - Rejecting any business practice that might be deemed improper; and
 - Placing the interests and the reputation of the council first when acting for or on behalf of the council.
3. As a general rule, **business gifts and hospitality should not be accepted by any member of staff**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the officer? On the other side of the coin, officers often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates or a bottle of wine. It's about where we draw the line.
4. Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.
5. The council must be able to show that all its decisions are reached on the basis of value for money for the public and no other reason. Any consideration of whether or not the principles of this policy have been breached will be determined by reference to this principle.
6. Any breach of this policy and the associated codes of conduct could lead to disciplinary action being taken.
7. It is always best to seek a second opinion as to the appropriateness of any gift, hospitality, or regards any interests held outside the council that may be construed as influential, leading to favouritism. If you register the gift, or hospitality you received, or interest you have, it is then on the public record and open to scrutiny if

necessary. It cannot later be alleged that the gift or hospitality was accepted, or interest held, in a secret, 'underhand' way, with an ulterior motive.

8. If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely "token" value (e.g. diary, pen, free gift at an exhibition), it should be declared using the on-line register from on the HUB for inclusion in the council's register.
9. Prior to accepting any gift or hospitality with **a value of £25 or more**, the Officer should seek authorisation from their immediate line manager, or their Director. Only once consent has been given should the Officer take ownership and complete the on-line register form. Documentation supporting the acceptance should be passed to the Head of Governance and Business Support immediately.
10. In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the council. However, if both the Chief Executive and the Leader of the council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.
11. If gifts are received from the same source which cumulatively, are over the value of £25 in a 12 month period, then these must be declared and the officer should seek authorisation from their manager, their Corporate Director or in compliance with the authorisation in paragraph 10 above.
12. The council prohibits the acceptance of cash gifts of any value.
13. Any personal interests that may impinge or might reasonably be deemed by others to impinge on an Officer's impartiality, or cause conflict with the duties of a Council officer as detailed above (such as conflicting business interests) should be declared in writing to the Officer's line manager. The details should then be passed to the Head of Governance and Business Support to be entered onto the council's Register.
14. In relation to conventional hospitality (lunches, golf days, etc) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with your line manager if you are in any doubt as to the motive.
15. Any officer who is aware of any business dealings conferring personal gain, or involving relatives or associates of a member of staff must supply these details to the Head of Governance and Business Support for entry into the Register. The council's Whistle Blowing Policy can be used to divulge such information in confidence.
16. The council's Monitoring Officer and Audit and Standards Committee will inspect the register of gifts, hospitality and interests annually, and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.
17. The effectiveness of this policy will be reviewed regularly by carrying out various training / refresher exercises.

REMEMBER >>> If in doubt, declare it!!.**Step by Step Guide**

1. **Token gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, diaries, pens etc. If you are in any doubt as to the classification of token gifts, just ask.
2. **Gifts under £25** in value can be accepted but must be declared to your line manager and reported using the on-line form on the HUB for inclusion on the council's register.
3. **Gifts over £25** in value must not be accepted without prior permission from line management or Corporate Director. If authorisation is given, and the gift accepted, it must then be registered as above.
4. **Declaration of Interests**; if you feel that a personal involvement outside of work may affect judgements made in work, or be construed as doing so, these must be declared and registered as above.
5. **Cash gifts of any value are strictly prohibited!**

Some useful links / contacts

Employee Code of Conduct	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Whistleblowing policy	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Anti- Fraud, Corruption and Bribery	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Disciplinary Policy	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Assistant Director of Governance and Legal and Monitoring Officer	Joanne.billington@wyre.gov.uk or telephone 01253 887372
Deputy Monitoring Officer	Jane.collier@wyre.gov.uk or telephone 01253 887506