



Burnham on Crouch Town Council Gifts and Hospitality Policy

Adopted July 2023

Review date July 2024

Burnham-on-Crouch Town Council

Summary

This policy provides employees and managers with guidance under what circumstances they can accept or give gifts and hospitality during the course of their duties.

It is a serious criminal offence for staff to corruptly receive or give any gift, loan, fee, reward, or advantage for doing, or not doing, anything in connection with their duties. This applies to showing favour or disfavour. If it is alleged that an employee has corruptly accepted such a reward it will be for him/her to demonstrate that this is not the case.

The standards expressed in this policy should be regarded as the corporate minimum. The Chief Officer can impose tighter standards where necessary for staff dealing with sensitive issues. In such circumstances the Chief Officer will notify the staff concerned.

This document also sets out the procedures for recording all Gifts & Hospitality accepted and/or declined. It also details how to return/decline gifts and hospitality not authorised by the Chief Officer or in the case if the Chief Officer, the Chair of the Council.

Standard

- An employee may not accept any fee or reward whatsoever other than their proper contractual pay and benefits
- Gifts or hospitality offered should only be accepted subject to the guidelines below
- No employee can accept or give gifts and hospitality unless authorised by the Chief Officer or relates to the exceptions written below
- All gifts or hospitality authorised by the Chief Officer and accepted by an employee in the course of their duties **must** be recorded.
- All gifts or hospitality refused by an employee and the Chief Officer in the course of their duties **must** be recorded.

Gifts

Receiving.

It is important for all employees to exercise vigilance where gifts are offered from organisations (or their representatives) that are able to provide work, goods or services to the Council.

Therefore, in general, an employee should politely refuse any personal gift offered to them or to any member of their family by any person or body (including Council Members) that has, or seeks to have, dealings with the Council.

There are some limited exceptions to this where gifts may be accepted at the Chief Officer's discretion; these are: -

- small gifts of a promotional or advertising nature, which are frequently given to a wide range of people, e.g. calendars, diaries, mugs, mouse mats, pens and other similar articles frequently given at Christmas for use in the office. Such gifts should not exceed £20 in value.
- small gifts given on the conclusion of a courtesy visit to a factory or firm, of a type normally given by the organisation concerned, or where the contractor wishes to mark the completion of a new building, providing such gifts are made to a number of people on the same occasion as part of a normally accepted practice. Such gifts should not exceed £20 in value.
- a small gift where refusal would cause needless offence and the giver is not seeking a decision or business from the Council but merely wishes to express thanks for advice, help or co-operation received. Such gifts should not exceed £20 in value
- An exception is a gift received from a foreign visitor, which should generally be accepted since refusal might give offence. However, such gifts should not normally be accepted personally and should be treated in an appropriate fashion. The Council should retain ownership and safeguard the gifts or display them. Where a gift is personal, is valued at less than £20 and cannot be used by the Council, an individual may accept it.

With regards to the exceptions detailed above in all cases no personal gifts should be accepted unless first declared to, and approved by the Chief Officer. It should also be noted that if a gift is received from a foreign visitor, the Council might wish to give a small gift in return.

The receipt of gifts or hospitality, where permissible, should obviously not be allowed to affect an employee's conduct as an officer of the Council

It must be specifically noted that gifts of alcohol, hampers or other articles which could be misinterpreted by the public or assume a more serious importance in any form of future enquiry or investigation, should not usually be accepted.

Giving.

- Employees must not give gifts to any other party (including other Council employees) unless previously authorised by the Chief Officer
- All authorised gifts must be purchased using recognised corporate purchasing methods such as procurement cards and if this not possible the purchase must be made through the Petty Cash system. The important point is that the purchase is authorised and that an audit trail is created that can track what has been purchased, for whom, and what expenditure code has been used.

- The level of cost of the gift to be purchased is at the Chief Officer's discretion

Hospitality.

Receiving

Where hospitality is offered to an individual employee, special caution is needed especially where the host is seeking to do business with the Council or to obtain a decision from it.

Hospitality includes drinks, meals, entertainment, overnight accommodation, travel and holidays, but not a lift in a private or company car or in a taxi, or light refreshment in the course of official duty.

It is essential that any suggestion of improper influence should be avoided and the question is one of very careful judgement.

The main guidelines on receiving hospitality are "can it be clearly and positively seen to be in the interests of the Council to accept this particular hospitality?"

Hospitality must not be accepted during the tendering period.

The tendering period is defined as being the point when the specification is first being drawn up or at the point when contact is first made with contractors whichever is the earliest.

All hospitality offered must be authorised by the Chief Officer in advance before being accepted. Where this is impractical retrospective approval must be sought at the earliest opportunity.

The following examples give general guidance on acceptable and unacceptable hospitality:

Acceptable

The following examples of hospitality are generally acceptable:

- a working lunch provided to allow the parties to discuss business. Here judgement should be carefully exercised in that lavish provision could well raise questions. It is important that the level is appropriate to the circumstances.
- attendance in an official capacity at functions to which invitations have also been sent to employees of other local authorities;
- attendance in an official capacity at functions arranged by public utilities and public authorities;
- an invitation to take part in a company jubilee or other anniversary celebration.

Unacceptable

Any of the following facilities provided by companies or others who do business with the Town Council or may wish to do so, are considered to be unacceptable offers of hospitality:

- the provision of holiday or weekend hospitality;
- hotel or theatre tickets;
- the use of a company flat or hotel suite;
- lunch with a developer whose application is awaiting consideration by the Council;
- an invitation to join other company guests as spectators at sporting or other events;
- when a matter such as arbitration arises from a contract, any offer of hospitality should be refused even if, in normal circumstances, it would come within the categories suggested as acceptable.

Giving

- No hospitality may be provided to any other party (including another council employee) by an employee unless authorised by the Chief Officer
- The Chief Officer must provide a financial ceiling for the event and ensure that there is sufficient budget
- Unless totally unavoidable employees should not fund hospitality from their own money. In such circumstances, should they occur, they should be recorded in the register.

Note: The receiving and giving of hospitality requirements contained within this policy excludes beverages such as tea and coffee provided at business meetings served as a matter of courtesy.

The recording of gifts and hospitality.

Without exception all gifts and hospitality given and received must be entered in the designated register immediately after the offer is made.

Employees must ensure that they receive the Chief Officer's approval before giving or receiving gifts and hospitality.

With regards to these two requirements only where this is totally impracticable should retrospective approval be sought, and this must be done at the earliest opportunity

All gifts and hospitality declined must also be recorded immediately after the offer is made. An example of the type of letter to be used when declining gifts and hospitality is attached to this policy. The employee concerned must keep a copy of this letter to provide an audit trail.

The Chief Officer Responsibilities

The Chief Officer must:

- review the register on a quarterly basis to ensure that only appropriate items are being accepted/retained by employees under their supervision.
- have arrangements in place within their departments which comply with this policy
- make sure only gifts or hospitality which comply with the standards above are accepted and given.
- decide whether or not it is appropriate to accept a gift
- ensure there is clear segregation of duties between officers declaring the receipt of the gift/hospitality and the Chief Officer.

Employee's Responsibilities

Employees must

- not accept any fee or reward whatsoever other than their proper contractual pay and benefits
- never solicit gifts and hospitality
- make sure that only gifts or hospitality which comply with the standards above are accepted
- not accept or give any gift or hospitality without prior acceptance of the Chief Officer
- make sure that details of all gifts and hospitality are recorded
- explain to the giver why a returned gift cannot be accepted

Gifts and Hospitality

Dear

It is council policy that gifts and hospitality however well intended of the type you **offered/delivered** cannot be accepted. I therefore **return the gift herewith/decline the offer**

I do not wish to imply in any way that your **gift/offer of hospitality** was intended to secure any improper influence or affect your dealings with me or the Town Council.

However, as I am sure that you appreciate, such offers may be misinterpreted and in common with most public authorities we adopt a strict policy on the receipt of gifts and

hospitality to avoid misunderstandings and accusations of impropriety from the public or third parties.

Your understanding and co-operation regarding this matter is noted and appreciated