

Littlehampton Town Council

Gifts and Hospitality Policy

1. Introduction

- 1.1. It is essential that members of the public have confidence in the integrity, impartiality and honesty of councillors and employees.
- 1.2. This Policy covers all councillors and employees of the Council.
- 1.3. If in doubt, do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 1.4. The purpose of this policy is to
 - Ensure that all councillors and employees of the Town 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.
 - Remind all councillors and employees of their duty and responsibility to declare all gifts and offers of hospitality, regardless of the reason for the gift or hospitality and only to accept the same in accordance with these guidelines.
 - Ensure that the recording and disposal of all such offers are consistently applied.
 - Ensure that all recording and monitoring procedures are subject to an independent review.

2. Principles of the Policy

- 2.1 Councillors and employees should avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation.

As well as avoiding actual impropriety, the appearance of it should also be avoided.

- 2.2 In addition, Council employees should not benefit personally in any way from their position as paid employees of the Council.

3. The Legal Position

- 3.1. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. The Act also makes it an offence to request, agree to receive, or accept a bribe.
- 3.2. The Localism Act 2011 requires councils to adopt a code of conduct for councillors and this policy supports the requirements of that code.
- 3.2. Section 117 Local Government Act 1972 states that an employee of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.

4. Definitions

- 4.1 A gift is defined as anything given, a present, either in or out of normal working hours – examples of this will include, calendars, diaries, and other goods or services given by suppliers or potential suppliers or other interested parties. You do not need to register gifts and hospitality which are not related to your role as a councillor or employee, such as Christmas gifts from your friends and family.
- 4.2 Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted. It is appropriate to accept and unnecessary to declare normal hospitality associated with your duties as a councillor or employee such as tea and biscuits or a sandwich lunch at an all-day meeting.
- 4.3 Interests in contracts is defined as having any concern, legal and/or financial stake either in the councillor's or employee's own right or by way of personal/family ties in the offering and or arranging of any contract concerning the Council, regardless of monetary value – this will include sourcing and distribution of work either for the employee's own benefit or for a friend or relative.

5. Policy Operation

- 5.1 Any councillor or employee offered a gift or hospitality (beyond the normal hospitality associated with your duties), even if not accepted and regardless of monetary value, must declare it by providing the full details in writing to the Town Clerk, who will enter it into a Register of Gifts and Hospitality.
- 5.2 Employees - The Town Clerk will assess whether the employee should be able to partake of the hospitality on offer.
As a rule, small gifts (worth £50 or less, e.g. pens, diaries, calendars, chocolates and flowers) can be retained for sharing in the office, but not exclusively by the employee. Such gifts should not be taken home. Any gift displaying advertising

material or company logos should not be displayed in any area accessible to the public, e.g. reception areas or foyers. A record will be kept of these gifts or offers of hospitality to employees.

- 5.3 Councillors must similarly report any gift or hospitality to the Town Clerk, who will discuss the retention or otherwise of the offer by the councillor, with the Town Mayor. A record will also be kept of these gifts or offers of hospitality to councillors. Whilst gifts below the “significant” threshold of £50 would not be a matter for the public register it allows the council to be aware of any patterns.
- 5.4 If the councillor or employee is in any doubt as to whether they have approval to accept the hospitality or gift, they should err on the side of caution and either pay for any meals and drinks themselves or make it clear that the acceptance of any gift is solely on the understanding that it will be passed to the Administrative and Mayoral Officer and Town Clerk for charity fund-raising purposes.
- 5.5 The Town Clerk will not allow employees to retain any gifts that can be used as part of the Mayors Fundraising causes, with the exception of small gifts shared amongst staff as mentioned above. All other gifts will be forwarded to the Administrative and Mayoral Officer and will not be retained in departments. Either the Mayor will use the gift for fund raising activities or it will be returned to the donor.
- 5.6 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 (for example spouse, partner, parent or child) a gift or hospitality and the councillor or employee has concerns about the reasons for the offer then he/she should refuse. All such refusals should be notified in writing as soon as is reasonably possible to the Town Clerk who will seek advice if necessary.
- 5.7 Any councillor or employee potentially having a conflict of interest in the sourcing and/or awarding of any goods or services (regardless of monetary value) should advise the Town Clerk of this immediately in writing. The Clerk will then decide, having considered all relevant facts, whether to allow the councillor or employee to continue to work on the allocation of the contract. The Clerk’s decision will be sent to the councillor or employee in writing to provide an audit trail.
- 5.8 Any bequests to employees arising from the provision of a Council service by that employee to a member of the public should be declared immediately to the Deputy Town Clerk. The Deputy Clerk will make enquiries into the circumstances surrounding the bequest and, will determine whether or not the bequest was in any way improperly sought or encouraged and whether receipt of the bequest would amount to misconduct. If an employee is unhappy with the decision of the Town Clerk, they should register their appeal in accordance with The Appeals Stage of the Grievance Procedure within 10 working days of receipt of the Deputy Clerk’s decision.

- 5.9 Any bequests to councillors arising from the provision of a Council service by that councillor to a member of the public should be declared immediately to the Town Clerk. The Clerk will make enquiries into the circumstances surrounding the bequest and, in consultation with the Monitoring Officer, will determine whether or not the bequest was in any way improperly sought or encouraged and whether receipt of the bequest would amount to misconduct. If a councillor is unhappy with the decision of the Town Clerk, they should contact the Monitoring Officer within 10 working days of receipt of the Clerk's decision.
- 5.10 Any failure to comply with this policy by an employee may be deemed gross misconduct in accordance with the Council's Disciplinary Policy and Procedure and therefore could result in an employee's summary dismissal.
- 5.11 Any failure to comply with this policy by a councillor will be addressed via the Councillors Code of Conduct.
- 5.12 It is every Manager's responsibility to ensure that all employees for whom they are responsible have a copy of this policy. It is the responsibility of the Town Clerk to ensure all councillors have a copy of this policy. All new councillors and employees should be given a copy of this policy as part of the induction process. Heads of Service are responsible for ensuring that this policy is adhered to within their service.
- 5.13 This policy should be read in conjunction with the Council's Anti Bribery and Anti-Fraud & Corruption policies and the Councillors Code of Conduct.

Appendix 1

Register of Gifts and Hospitality

I,
(Insert full name)

As a councillor of Littlehampton Town Council, wish to register a gift or hospitality which was offered in connection with an official duty as a Littlehampton Town Council councillor as required by the Council's Code of Conduct.

Or

As an employee of Littlehampton Town Council, wish to register a gift or hospitality, which was offered in connection with an official duty as a Littlehampton Town Council employee.

Please enter the details of the gift or hospitality below:

Date of offer	
Name(s) and address of donor(s)	
Description of gift / hospitality	
Approximate monetary value of gift(s) / hospitality	

I **accepted / declined** this offer *(delete as applicable)*

Signature.....

Date.....

Declaration Form
Gifts and Hospitality Policy:

I have been provided with and read the Town Council Gifts and Hospitality Policy and agree to adhere to it. I understand that by accepting these conditions that any intentional transgression or misuse may result in the Council instigating its disciplinary procedure or seek criminal prosecution.

NAME: _____
(print)

SIGNED: _____

DATE: _____