

# **Kidsgrove Town Council**

## **Gifts and Hospitality Policy**

### **Introduction**

This policy provides guidance for all Councillors and Officers of the Town Council when considering whether to accept gifts or hospitality from individuals or organisations, and if accepting such then how to record this correctly. It reflects directly on the perception of Councillors and of the Town Council as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The Council must 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 or business association.

The law on acceptance of gifts and hospitality is set out in the Bribery Act 2010. These legal requirements are supplemented by the procedures adopted by this Town Council to provide a set of rules for the protection of both Councillors, the Town Council and employees.

Failure to follow this policy could lead to a code of conduct complaint or criminal proceedings under the Bribery Act 2010.

### **Code of Conduct**

When Councillors make their Declaration and Acceptance of Office they acknowledge in writing that they will comply with the adopted Code of Conduct. It is important that Councillors understand the Code of Conduct, a copy of which has been given to all Councillors in their Members' Handbook.

### **General Caution**

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 officer or Councillor.

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.

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 or seek the advice of the Town Clerk.

### **Criminal Law**

It is a criminal offence to corruptly solicit or receive any gift, reward or advantage as an inducement to do or forbearing to do anything in respect of any transaction involving the Town Council.

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 Kidsgrove Town Council.

### **Definitions**

For the purposes of this policy, the following definitions are implied:

- a) A gift is defined as anything given, a present, either in or out of working hours, by suppliers or potential suppliers usually endorsed with their trade name or logo, or consumables such as food and drink.
- b) Hospitality is defined as "a friendly and generous reception and entertainment of guests" - this will include lunches, dinners, drinks, events or accommodation paid or provided by potential suppliers of any goods or services.
- c) 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.

### **Appropriate Gifts and Hospitality**

There are circumstances during the formal course as a Councillor or employee where gifts and hospitality may be accepted:

- Civic hospitality provided by another public authority.
- Any formal invite to an event as a Councillor or employee of the Council.
- Normal and modest refreshment in connection with any meeting in the course of your work as a Councillor or employee (e.g., tea, coffee, normal beverages, biscuits and light lunches)
- Small low value gifts (below £25 such as pens, calendars, diaries, or other business stationery, flowers or other mementos or tokens)
- Tickets for sporting, cultural and entertainment events that are sponsored by Kidsgrove Town Council or bodies to which you have been appointed by Kidsgrove Town Council, and the tickets are offered in relation to that sponsorship or promotion.
- Drinks or other modest refreshment in the normal course of socializing arising consequentially from Town Council business (e.g. a round of drinks after a meeting).
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from a Civic event).
- Invitations to local Community clubs or groups hospitality events in an official capacity as a Councillor or employee of Kidsgrove Town Council where hospitality is available.

### **Principals for Accepting Gifts and Hospitality**

In deciding whether it is appropriate to accept gifts or hospitality, the Councillor or employee must consider the following:

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

### **Gifts Received and Donated to the Chairman's Charity**

Councillors or employees on receiving gifts of value may pass them onto the Chairman to be used for fundraising activities rather than retaining them personally.

Councillors or employees should indicate this intention to the provider and should register this on the Register of Gifts and Hospitality.

### **Registration of Gifts and Hospitality**

Councillors and employees offered a gift or hospitality, even if not accepted and regardless of monetary value, must declare by completing the Gift and Hospitality Form to the Town Clerk, who will enter it onto the Council's Register of Gifts and Hospitality, 2 Registers will be held, for Councillors and for Employees. All declarations must be made within 28 days of receipt of offer.

In the situation of the Town Clerk being the intended recipient, they should include the entry in the Register of Gifts and Hospitality and inform the Chairman to countersign any acceptance.

For Councillors, the Monitoring Officer at Newcastle-under-Lyme Borough Council will give advice wherever possible but it will be a matter for the Councillor to make the decision on whether to accept or decline.

**Reporting of Inappropriate Gifts and Hospitality Offered**

It is a criminal offence for a person corruptly to give or offer a gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as an officer or Councillor of Kidsgrove Town Council.

You must immediately report to the Town Clerk any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

## Declaration of Gifts and Hospitality

Your Full Name	
Name of person or organization from whom the gift or hospitality was received	
Was the gift or hospitality accepted	
Date gift or hospitality was received	
Nature of gift or hospitality	
When and where did you receive the gift or hospitality	
Was advice sought before acceptance and from whom?	
What is the estimated cost	
Any other comments	
Signature	
Date	
Signature of the Town Clerk	
Date notification received	