

# PETERBOROUGH CITY COUNCIL

## GIFTS AND HOSPITALITY POLICY

### INTRODUCTION

This Policy sets out guidance for elected members, co-opted members and, independent members ("Members") and employees on the principles governing the acceptance of gifts and hospitality.

Members are likely to be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against this and any associated allegations of misconduct.

The fundamental principle of this Policy is that a Member of staff or elected member should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties. Members are therefore strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt.

1. The council expects all members and employees to comply with this policy. Failure to do so may result in action under the staff disciplinary procedure and could lead to dismissal or the member's code of conduct, which could result in loss of office.

### LAW AND GOVERNANCE

#### Legal Position

While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

#### Members' Code of Conduct and Constitution

The Council's Members' Code of Conduct (Part 5, Section 1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

### GENERAL PRINCIPLES

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Member.
- You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- You should only accept a gift or hospitality if there is a commensurate benefit to the Council.

- The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.
- Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.
- Never accept a gift or hospitality if acceptance might be open to misinterpretation.
- The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.
- Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:
  - competitive procurement processes;
  - determinations of planning applications or planning policy;
  - funding decisions.
- Never accept a gift or hospitality that puts you under an improper obligation. Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.
- Never solicit a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

## GIFTS

In general, all gifts should be refused, this includes all such offers from organisations or persons who do, or might provide work, goods or services to the Council or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).

As general guidance, the following small gifts worth under an individual or accumulative value of £25 may occasionally be accepted (provided that they do not conflict with the General Principles):

- office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception. (NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).
- gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.
- Gifts e.g. a box of chocolates or flowers of a value less than £25 provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.

However, in cases where refusal is likely to offend the donor, some discretion may be exercised. The offer of a gift or hospitality should be reported via e-mail to line managers or the Monitoring Officer. The line manager or Monitoring Officer will consider the nature, value and origin of the gift and whether it should be refused, accepted or donated to charity. The line manager or Monitoring Officer will then register the offer by sending the form to [giftsandhospitality@peterborough.gov.uk](mailto:giftsandhospitality@peterborough.gov.uk). Those individuals who do not have access to an e-mail account should complete a copy of the form contained within this policy and send it to their line manager or Monitoring Officer in hard copy. The form will then be forwarded to the Investigations Manager.

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~~However, members and employees may accept occasional seasonal gifts of low value such as calendars, diaries and pens. It is not necessary to ascertain the exact value of such gifts but anything that appears to be Gifts & Hospitality worth more than £25 should not be accepted. Careful judgement must be exercised in such cases.~~

~~It is important to note that if several gifts, with a value of £25 or less are received from the same donor, within a period of 12 months, then these should be recorded when the accumulative value exceeds £25.~~

## **HOSPITALITY**

~~Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.~~

~~Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and might later be thought to have affected a Member's impartiality in dealing with official matters.~~

~~Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.~~

~~There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. **Acceptable hospitality is that not exceeding £XX in value such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions.** The decision whether to accept or not must depend on the circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.~~

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## **HOSPITALITY**

~~2. Working lunches on a modest scale, and on an occasional basis, are a part of normal business practice and members and employees do not require formal approval to attend them. However, if individuals receive a prior invitation to a more formal lunch or dinner or regular working lunches, they must seek approval using the form contained within this policy. It is important that approval is sought as early as possible.~~

~~3. As is the case with gifts, the refusal of an invitation may sometimes cause embarrassment or appear discourteous and this will be taken into account when a decision is made. Consideration will also be taken regarding the timing of an invitation in relation to decisions, which the council may be taking affecting those offering the hospitality. Invitations to other events such as launches, conferences, arts or sporting events etc. should be dealt with in the same way.~~

~~4. Invitations to attend all expenses paid study tours, site inspections or product demonstrations should always be the subject of prior approval, particularly if overseas travel is involved.~~

## **WILLS & BEQUESTS**

~~If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and~~

if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

## **SPONSORSHIP**

Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council's usual processes.

If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

## **GIFTS TO THE COUNCIL**

You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.

The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:

- Record the acceptance or non-acceptance;
- Record the outcome for audit purposes;
- Ensure the gift, if accepted, is properly applied for the benefit of the Council.

## **GIFTS TO THE CHAIRMAN/WOMAN**

Gifts received by the Chairman/woman in his or her official capacity are deemed to be gifts of the Council. The Chairman/woman should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

## **REGISTER**

In order to protect your integrity and that of the Council, and to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality.

All gifts and offers of hospitality accepted by you or your partner in accordance with the General Principles (except to modest working lunches) should be recorded on a gifts and a Member Gifts and Hospitality Declaration Form (see Appendix A) ~~hospitality declaration form~~ and recorded centrally at [giftsandhospitality@peterborough.gov.uk](mailto:giftsandhospitality@peterborough.gov.uk). This applies whether they have been accepted or refused.

All declarations should be made within 28 days of receipt of offer and will be published on the Council's website.

If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer's advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:

- The nature and your estimate of the market value of the gift or hospitality;
- The name of the person or company offering the gift or hospitality;
- The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
- Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
- Any special circumstances that lead you to believe that acceptance would not be improper.

The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline.

You may also make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than the maximum permissible amount. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions

### **WHAT DO I NEED TO DECLARE AT A MEETING?**

If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.

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