



Gifts and Hospitality Policy

1. The Aim of this Policy

This Policy provides guidance to Council employees and all who work on behalf of the Council, including interims, agency workers and employees who are seconded to other organisations on how to deal with:

- Offers of gifts or hospitality from third parties; and
- Offering gifts or hospitality to third parties.

2. Principles

Employees must:

- Comply with this guidance when considering offers of gifts or hospitality made to them by outside individuals or organisations.
- Declare on the Gifts and Hospitality Register all gifts or hospitality they receive, other than modest promotional items or modest hospitality accepted in the course of their work.
- In addition, take advice and where possible do not accept gifts or hospitality that may be worth more than £25. If acceptance cannot be avoided, gain approval before accepting.
- Not place themselves under any financial or other obligation to outsiders or third parties that might seek to influence them in the performance of their official duties.
- If it is likely that a member of the public would see something as inappropriate then they should decline and declare the offer of gifts or hospitality on the Register.
- Follow this policy when providing gifts or hospitality as part of their work.
- Comply with this policy; failure to do so is a disciplinary offence and will be taken very seriously.
- Ask their line manager or authorising officer if unsure what is required of them.

3. Gifts and Hospitality Policy

The Council is funded almost entirely through public funds. As representatives of the Council, the conduct of employees is expected to be of the highest standard. It is essential that employees are seen to be open and honest in any dealings with outside individuals and organisations. These relationships are examined in detail through formal and regular channels, such as our auditors. They are also of great interest to the public through Freedom of Information requests and other ad hoc channels.

This policy applies to all employees and all who work on behalf of the Council, including interims, agency workers and Council employees who are seconded to other organisations. It also applies to immediate family members (spouse, spousal equivalent, and dependants) whose interests and business relationships may need to be considered in the context of an employee's contract with the Council.

4. Authorisation

Except as stated in this policy, authorisation is required to accept gifts or hospitality. The authoriser varies depending on the seniority of the employee being offered the gift or hospitality.

- Offers received by the Chief Executive must be authorised by the Director for Corporate Services and the Monitoring Officer (Head of Legal & Democratic Services).
- The Chief Executive is the authorising officer for Directors.
- Heads of Service require authorisation from their Director.
- For all other employees, the relevant Head of Service / Group Manager is the authorising officer.

5. Receiving Gifts and Hospitality

This section provides guidance on how to deal with offers of gifts or hospitality from:

- Contractors or potential contractors – including those who have previously worked for the Council
- Service users
- Outside suppliers
- Any person or organisation who has – or seeks to have – dealings with the council or is seeking a decision from the Council.

5.1 Requirements for all employees, interims and agency workers

As a representative of the Council employees must be extremely cautious if offered gifts or hospitality as these can easily give the impression of improper behaviour or favour. The guidance below advises how to deal with such offers and gives some examples. If an employee is in any doubt, they should decline any gift or hospitality and refer to their line manager or authorising officer for guidance.

5.2 Using and reviewing the Gifts & Hospitality Register

Offers and accepted gifts and hospitality should be recorded in the register in line with the guidance below. It is wise to be cautious. If any offer seems to be inappropriate due to its size, nature, or timing then it probably is, and the register should be completed to record the offer, decline it, and inform Internal Audit.

Please Note:

Recording hospitality in the register does not make it acceptable.

5.3 How to make an online entry to the Register of Gifts & Hospitality

Guidance about how to make an entry onto the online Register can be found in the “Online Register Guidance Notes” available from the “Declarations” area of the “My Employment” section of the Intranet.

5.4 Acceptable gifts and hospitality

Modest gifts and hospitality in appropriate circumstances do not need to be recorded in the register. Examples are:

- An employee may accept modest promotional gifts and merchandise sent out as part of a general mail shot – for example, pens, diaries, and calendars. These do not need to be declared or authorised.
- An employee can accept modest hospitality such as a modest working lunch provided during a meeting attended in the course of work for the Council. This also applies to conferences or courses. These do not need to be declared or authorised.
- Where the Council should be seen to be represented, for example at an event as part of the life of the community, modest hospitality may be accepted. If in any doubt whether this could be seen to be excessive, the employee should declare the offer and gain the relevant authorising officer’s approval before accepting.

If you believe a gift or hospitality may be worth more than £25, then be cautious about accepting it and consider refusal. If in doubt, take advice from your line manager or authorising officer. If you do accept, make sure you record it on the register.

5.5 Unacceptable gifts and hospitality

The following are examples of gifts or hospitality that must not be accepted:

- Any hospitality or gifts that would be viewed as excessive (more than modest value), or as a misuse of time and therefore public money. In this case the offer must be declined and the offer recorded on the register.
- Hospitality or gifts from a supplier or potential supplier during a procurement competition, contract negotiations, or a tendering period, unless it is necessary such as sampling food during a catering contract evaluation process. This also applies if a contract is under re-negotiation. In this case the offer must be declined and the offer recorded on the register.
- Gifts or hospitality with a high intrinsic or resale value such as expensive theatre tickets or invitations to prestigious sporting events.
- Holiday or weekend accommodation or the use of company flats, etc.
- Lunch or dinner from a developer whose planning application is awaiting consideration by the Council.
- Where hospitality is offered solely to Council employees by a company seeking work or contracts from the Council.

5.6 Use of judgement

Employees must always use their judgement. One-off gifts or hospitality that may be initially regarded as acceptable may become unacceptable if they are provided regularly or during a sensitive period.

5.7 Gifts of more than modest value

Gifts of greater than modest value must be returned to the donor. If they cannot be returned, such gifts become the property of the Council and must also be recorded in the register.

5.8 Gifts from service users or relatives

Any legacy, gift or bequest offered or left to an employee by a person or relative of a service user must be recorded on the register. An employee must not accept such a gift without written authorisation.

6. Offering Gifts and Hospitality

This section covers when gifts and hospitality may be provided by Council employees and representatives. Hospitality in this context covers the offer of gifts and services to people or organisations outside Southend on Sea Borough Council, not between employees or between Councillors and employees.

6.1 Gifts

With the exception of the corporate schemes, such as “Stars Awards”, or in accordance with any other policy, you should never use Council funds to buy gifts of any kind. This includes:

- Christmas and other greeting cards, other than corporate Christmas cards which are charged directly to individual cost centres.
- Gifts, gratuities, tips or donations of any kind to individuals, including Council employees, or external bodies, other than where a restaurant includes a standard service charge as part of the bill.

6.2 Hospitality

You should not normally use Council funds to offer hospitality to third parties. In exceptional circumstances (such as an official visit from another Authority) you may be in a position where you need to provide hospitality, for example, buying a modest lunch, in order to manage the Council’s reputation.

If this is the case you must obtain prior agreement from the relevant authorising officer to incur the expense. A Council P-card should be used to purchase such items.

Normal subsistence rates usually apply, although there may be times when it is necessary to provide a higher level of hospitality to appropriately represent the Council. Any exceptions must be approved by the relevant Director beforehand.

You may provide catering for formal meetings with outside bodies in certain circumstances, for example where such meetings take place outside normal office hours.

Normal subsistence rates can be found in the Expenses Policy.

7. Legislation and Conduct

The Bribery Act 2010 makes it an offence for you to ask for or accept any gifts or other awards for showing favours in relation to Council business. Such gifts or rewards are deemed to have been given and received corruptly unless it can be proved to the contrary. If you are convicted you will be liable to a fine, or imprisonment, or both. You must give the reward to the Council, and you may in exceptional circumstances lose your pension rights as well as your job. The Local Government Act 1972 makes it an offence for you to accept any fee or rewards, including gifts, for your employment other than proper pay. If you are convicted you may be fined. You may also be convicted for any fraudulent claim.

8. Compliance with the Policy

You must comply with the guidance in this policy. Failure to do so may result in disciplinary action and will be treated very seriously. If there are grounds for suspicion that you have solicited gifts or have allowed the receipt of gifts to influence you in your official duties, an investigation will be mounted which may result in criminal proceedings and / or disciplinary action.

9. More Information and Help

For more information and help please contact HR Services on 215662 or via email on hrenquiries@southend.gov.uk