



whitchurch town council

Gifts and Hospitality Policy 2024

Adopted by Full Council on 24/04/2024 (WTC/FC/43d/2324)

This Policy was adopted by Whitchurch Town Council at its meeting held on 24/04/2024 and replaces all previous versions.

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Functions of the Proper Officer may be delegated at their discretion, subject to the council's Scheme of Delegation, though responsibility will remain with the postholder.

In these regulations, any reference to RFO and Proper Officer is interchangeable due to the nature of the appointment/s.

1. Introduction

1.1 The purpose of this policy is to provide guidance for all Councillors and Council employees when considering whether to accept gifts or hospitality from individuals or organisations as a result of their position with the Council and their duties and responsibilities to record this correctly.

1.2 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/business association.

1.3 To do so will be deemed gross misconduct in accordance with the Council's Disciplinary Procedure for an employee and may be found to be a breach of the Member's Code of Conduct where a Councillor is concerned.

1.4 It is essential that members of the public have confidence in the integrity, impartiality and honesty of Town Councillors and employees.

1.5 This Policy covers all Town Council Councillors and employees of the Council.

2. Code of Conduct

2.1 When Councillors make their Declaration of Acceptance of Office, they acknowledge in writing that they will comply with the Member's Code of Conduct; a copy of which all Councillors have received.

2.2 The conduct expected of Council employees is clearly detailed in their contract of employment and the Council's Staff Handbook.

3. General Caution

3.1 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.

3.2 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.

3.3 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 and politely but firmly decline the offer if an immediate response is needed, or alternatively seek the advice of the Proper Officer.

4. The Legal Position

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

4.2 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 Whitchurch Town Council.

5. Definitions

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

A gift - anything given, a present, either in or out of normal working hours, by suppliers or potential suppliers usually endorsed with their trade name or logo, or consumables such as food and/or drink etc.

Hospitality - “a friendly and generous reception and entertainment of guests” – this will include any lunches, dinners, drinks, events or accommodation paid or provided by potential suppliers of any goods or services.

A reward - “a thing given in recognition of service, effort or achievement” – this will include remuneration, reimbursement and fee, offered, paid, promised or implied.

5.2 Common gifts often include pens, diaries, calendars and other business stationery, articles of clothing, books or flowers and more occasionally, the offer of free or discounted food or refreshments.

6. Appropriate Gifts & Hospitality

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

6.1.1 Civic hospitality provided by another public authority.

6.1.2 Any formal invite to an event in capacity as Town Mayor, Deputy Mayor or other position.

6.1.3 Normal and modest refreshment in connection with any meeting in the course of your work as a Councillor or employee (e.g. tea, coffee, biscuits etc).

6.1.4 Small, low value gifts (below £25 such as pens, calendars, business stationery, flowers and other mementos or tokens).

6.1.5 Tickets for sporting, cultural and entertainment events that are sponsored or promoted by Whitchurch Town Council or bodies to which the Councillor or employee has been appointed by Whitchurch Town Council, and the tickets are offered in relation to that sponsorship or promotion.

6.1.6 Drinks or other modest refreshment in the normal course of socialising arising consequentially from Town Council business (e.g. inclusion in a round of drinks after a meeting).

6.1.7 Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom Whitchurch Town Council has a business connection.

6.1.8 Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from civic events).

6.1.9 Invitations to local Community clubs or groups hospitality events especially those who are tenants of Whitchurch Town Council.

6.1.10 Invitations to attend a local community event in an official capacity as a Councillor or employee of Whitchurch Town Council where hospitality is available.

6.2 The above may include that offered by existing concession or licence holder or tenants of the Council, but should not be accepted in any period of tender for said contract or a nonexisting concession or licence holder (see section 7.1 below).

7. Principles for Accepting Gifts & Hospitality

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

7.1.1 Do not accept a gift or hospitality as an inducement or reward for anything you do as an Officer or Councillor. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.

7.1.2 Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

7.1.3 Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

7.1.3.1 From parties involved with Whitchurch Town Council in a competitive tendering or other procurement process.

7.1.3.2 From applicants for planning permission and other applications for licences, consents and approvals in which Whitchurch Town Council has an involvement, even as a consultee.

7.1.3.3 From applications for grants, including voluntary bodies and other organisations applying for public funding from Whitchurch Town Council.

7.1.3.4 From parties in legal proceedings with Whitchurch Town Council.

7.1.4 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

7.1.5 Do not solicit any gift or hospitality and avoid giving any perception of doing so.

8. Gifts Received and Donated to the Mayor's Charity

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

8.2 Gifts received in this nature should still be recorded on the Register of Gifts & Hospitality (see section 9 below).

9. Registration of Gifts & Hospitality

9.1 Councillors and employees offered a gift or hospitality, even if not accepted and regardless of monetary value, must declare it by providing the full details in writing to the Proper Officer, who will enter it on to the Council's Register of Gifts & Hospitality.

9.2 This notification should include:

9.2.1 A full description of the gift and/or hospitality offered.

9.2.2 The best estimate of its market value or cost.

9.2.3 Who provided it.

9.2.4 Where and when it was received.

9.2.5 Whether it was accepted or declined.

9.2.6 Intention if accepted i.e. consume, partake in hospitality, share with other employees, mayor's fundraising etc.

9.3 The only exception to 9.1 above is those gifts and hospitality offers included at section 6.1 of this policy; to record every item of this nature would be considered excessive and a needless use of Council Officer time.

9.4 Upon receiving notification of a gift or hospitality, the Proper Officer will advise (if relevant) whether the Councillor or employee is able to either retain the gift or partake in the hospitality on offer.

9.5 The Proper Officer will be unlikely to allow retention of gifts that can be used as part of the Mayor's fundraising causes, with the exception of small gifts as mentioned at 5.2.

9.6 In the situation of the Proper Officer being the intended recipient, they should include the entry in the Register of Gifts & Hospitality and inform the Mayor and Chair of the Personnel Committee of the way in which they deem the offering be best handled.

10. Inappropriate Gifts & Hospitality

10.1 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 (i.e. spouse, partner or child) a gift or hospitality and the Councillor or employee has concerns about the reasons for the offer then they should refuse, politely but firmly.

10.2 All such refusals should be notified orally or in writing as soon as is reasonably possible to the Proper Officer, or in the case of the Proper Officer, to the Town Mayor and Chair of the Personnel Committee.

10.3 For the avoidance of doubt, inappropriate gifts and hospitality are deemed to conflict with the principles at section 7.1.

11. Policy Enforcement

11.1 If a Councillor or employee is unhappy with the decision of the Proper Officer, they should register their appeal to the Town Mayor within 10 working days of receipt of the decision.

11.2 Any failure to comply with this policy by a Council employee may be deemed gross misconduct in accordance with the Council's Disciplinary Procedure and therefore could result in an employee's summary dismissal.

11.3 Any failure to comply with this policy by a Councillor may lead to a Code of Conduct investigation by Shropshire Council's Monitoring Officer; if a breach of the Code of Conduct is upheld there are various sanctions that can be enforced.

11.4 It is every Manager's responsibility to ensure that all employees for whom they are responsible have a copy of this policy. All new employees should be given a copy of this policy as part of the induction process.

11.5 The Proper Officer is responsible for ensuring all Councillors receive a copy of this policy upon joining the Council and are reminded annually of the process for registering offers of gifts and hospitality. In addition, the Council's Register of Gifts & Hospitality will be published annually on the Council's website to ensure transparency.

12. Policy Review

12.1 This is a non-contractual procedure which will be reviewed every 2 years or when legislation requires.