



Middlewich Town Council

GIFTS AND HOSPITALITY POLICY

1. INTRODUCTION

- 1.1 The purpose of this policy is to provide guidance for all Councillors and Town Council employees when considering whether to accept gifts or hospitality from individuals or organisations because of their position with the Town Council and their duties and responsibilities to record this correctly.
- 1.2 The Town Council must ensure that all Councillors and employees of the Town Council are aware that they should not use their position(s) with the Town 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 Town 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 Councillors and employees.
- 1.5 This policy covers all Town Council Councillors and employees of the Town 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.
- 2.2 The conduct expected of Town Council employees is clearly detailed in their contract of

employment, the Town Council's Staff Handbook and within Town Council policies.

3. GENERAL CAUTION

- 3.1 The Town 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 Town Clerk.

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 Middlewich Town Council.

5. DEFINITIONS

- 5.1 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 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.
 - b. Hospitality is defined as "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.
 - 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.
- 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:

- a. Civic hospitality is provided by another public authority.
- b. Any formal invite to an event in capacity as Civic Mayor, Deputy Mayor or other position.
- c. 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).
- d. Small, low value gifts (below £25 such as pens, calendars, business stationery, flowers and other mementos or tokens).
- e. Tickets for sporting, cultural and entertainment events that are sponsored or promoted by Middlewich Town Council or bodies to which the Councillor or employee has been appointed by Middlewich Town Council, and the tickets are offered in relation to that sponsorship or promotion.
- f. Drinks or other modest refreshments in the normal course of socialising arising consequentially from Town Council business (e.g. inclusion in a round of drinks after a meeting).
- g. Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom Middlewich Town Council has a business connection.
- h. Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from civic events).
- i. Invitations to local community clubs or groups hospitality events especially those who are tenants of Middlewich Town Council.
- j. Invitations to attend a local community event in an official capacity as a Councillor or employee of Middlewich Town Council where hospitality is available.

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

7. PRINCIPALS 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:

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

- c. Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - i. From parties involved with Middlewich Town Council in a competitive tendering or other procurement process.
 - ii. From applicants for planning permission and other applications for licences, consents and approvals in which Middlewich Town Council has an involvement, even as a consultee.
 - iii. From applications for grants, including voluntary bodies and other organisations applying for public funding from Middlewich Town Council.
 - iv. From parties in legal proceedings with Middlewich Town Council.

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

7.3 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 wish to 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), save for where the gift is included within section 6.1 of this policy.

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 Town Clerk, who will enter it on to the Town Council's Register of Gifts & Hospitality.

9.2 This notification should include:

- a. A full description of the gift and/or hospitality offered.
- b. The best estimate of its market value or cost.
- c. Who provided it.
- d. Where and when it was received.
- e. Whether it was accepted or declined.
- f. 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 Town Council officer time.

- 9.4 Upon receiving notification of a gift or hospitality, the Town Clerk 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 In the situation of the Town Clerk being the intended recipient, they should include the entry in the Register of Gifts & Hospitality and inform the Mayor and Chair of HR of the way in which they deem the offering be best handled.

10. INAPPROPRIATE GIFTS AND HOSPITALITY OFFERED

- 10.1 If any person who has or seeks to have dealings with the Town 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 Town Clerk, or in the case of the Town Clerk, to the Mayor and Chair of HR.
- 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 Town Clerk, they should register their appeal to the Chair of the HR Committee within 10 working days of receipt of the Town Clerk's decision.
- 11.2 Any failure to comply with this policy by a Town 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 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.
- 11.4 The Town Council's Register of Gifts & Hospitality will be published on the Town Council's website to ensure complete transparency.

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