

Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	22nd November 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on gifts and hospitality	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Gifts and hospitality – Register of interests / Code of Conduct Appendix 2 – officers Appendix 3 - Tees Valley - Gifts and hospitality policy		

1 THE ISSUE

The Committee is asked to consider the Council's current documentation on gifts and hospitality and whether any further action is required.

2 RECOMMENDATION

2.1 That the Committee consider the current position and make any recommendations required to Council.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

The Council is required to have in place adequate arrangements to address the issue of the declaration of gifts and hospitality.

5 THE REPORT

- 5.1 A recent complaint has highlighted the fact that the Council does not appear to have a separate policy on gifts and hospitality. The complainant has requested that the Standards Committee consider adopting a gifts and hospitality policy similar to that of the Tees Valley Council. (Appendix 3).
- 5.2 The current documentation for councillors on the disclosure of gifts and hospitality is set out in Appendix 1. The current advice for officers is attached at Appendix 2.
- 5.3 The Standards Committee is asked to consider the current position and whether the advice for councillors should be strengthened and amended to reflect that provided to officers.

6 RATIONALE

- 6.1 To ensure the Council's Constitution reflects best practice..

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 Not applicable.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Maria Lucas, Head of Legal & Democratic Services, Monitoring Officer & Council Solicitor (01225) 395171</i>
Background papers	<i>None.</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

Register of Interests form

8. Disclosure of Gifts and Hospitality
8.1 You must reveal the name of any person or organisation from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £50 by informing the Monitoring Officer with the information as set out above.

Code of Conduct

II. Register of Gifts and Hospitality

DO

1. Within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

Appendix 2

Financial Regulations (Excluding all Schools) And Budget Management Scheme

Section 20 – ‘Employee’ Interests, Gifts and Hospitality

Why is this important?

The public is entitled to expect conduct of the highest standard from Local Government employees. Public confidence in the integrity of such persons will be shaken by the least suspicion, however ill-founded, of influence being exerted on Council business, through financial (or other) inducements or conflicts of interests. The purpose of this section of the regulations is to ensure that all employees (and other individuals engaged in official Council business) have a clear understanding of their responsibilities when they have an interest or receive / give gifts and hospitality related to their Council position.

Failure to declare interests, gifts and hospitality could be a breach of legislation. Section 117 of the 1972 Local Government Act requires individuals to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. It is also an offence to request, agree to receive, or accept a bribe and there is a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

A corporate offence is created where there is a failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place "adequate procedures" designed to prevent bribery by or of persons associated with the organisation.

Objectives of guidance and rules governing possible conflicts of interest:

The key objectives are:

- Ensure that the interests of the public remain paramount;
- Officers are impartial and honest in the conduct of their official business;
- Public monies are used to the best advantage of the Council, always ensuring value for money.

It is important that all potential conflicts of interests are properly identified and recorded and that a record of appropriate action taken is made. This will assist in maintaining public confidence and assist in achieving the Council's commitment to tackle fraud and corruption within or external to the organisation.

Key Responsibilities for Employees engaged on Council business:

1. All employees must be aware of the Employees Code of Conduct.
2. On starting employment / engagement (consultant or agency worker) on Council work or at any time during the period of employment / engagement individuals must declare 'interests' using the electronic Register of Interests.
3. The Register of Interests will be maintained to enable employees to submit on-line declarations. Interests will include:
 - Organisation Membership (not open to the public without formal

membership and commitment of allegiance and which has secrecy about rules or membership or conduct)

- Other employment / business
- Land Interest
- Financial Interest
- Family / Friends

4. During the course of their duties, employees may receive offers of gifts and hospitality of one form or another and it is important that employees are able to recognise what is, and what is not, acceptable. The following guidelines should be adhered to:

- Acceptance or refusal of gifts and hospitality must be recorded in Gifts & Hospitality Electronic Register. Each register entry will be subject to management approval and periodic Audit inspection.
- Gifts which may be sent / offered to employees by outside contractors or organisations should be returned politely with a suitable official letter, and details recorded in the Register.
- Gifts can only be accepted when they are of nominal value, functional, items suitable for business use, e.g. diaries, calendars, and pens.
- On no account should an employee accept either secondary employment or a financial payment from any person, body or organisation, with which the Council is involved, e.g. contractors, developers, consultants.
- Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, social functions, in connection with their official duties shall be at the Council's expense.
- Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.
- Where offers of hospitality are made, i.e. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the Council, and the hospitality would not expose the Council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the relevant Director's approval in advance, and must be recorded in the Register of Gifts and Hospitality.
- Offers of hospitality in the form of purely social events and sporting occasions should on **no account** be accepted when these are from organisations with which the Council has commercial links. However, invitations to social events from non-commercial organisations with which the Council has a partnership arrangement will be acceptable, but must have the Director's advance approval, and must be recorded in the Electronic Register. Offers of hospitality refused must, in addition, be recorded in the Register.
- Regular social contact, i.e. drinks in a public house, with representatives of organisations which supply, or hope to supply, goods or services to the Council must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they "pay their way" and that the costs of such contact are not met in full by the other party.
- For their own protection, officers may wish to consider recording such

events in the Electronic Register.

- Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups for their members, employees shall not avail themselves of the services of contractors employed by the Council for acquiring services, materials, labour or plant at cost, trade or discount prices.

5. Suspected irregularities concerning conflicts of interest, giving and acceptance of gifts & hospitality must be reported without delay to the Chief Audit Executive and Monitoring Officer, and where appropriate, to the Chief Executive and the appropriate Cabinet Member.

6. Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.

7. These promotional offers normally take the form of a free gift, a holiday offer or vouchers towards goods. Promotional offers should **ONLY** be used for the benefit of the Council, and the Director concerned will decide how such offers are to be used.

8. All promotional offers accepted and declined and the course of action determined by the Director must be recorded in the Electronic Register.