

**NORTH  
OF TYNE**



**COMBINED  
AUTHORITY**

## **Gifts & Hospitality Procedures**

### **Offering and accepting gifts, hospitality and other benefits**

In general, employees shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of Combined Authority by maintaining an unimpeachable standard of honesty, impartiality and integrity in all their business relationships.

In light of the introduction of the Bribery Act 2010, employees should seek to prevent receiving gifts or hospitality if it might influence or be perceived to influence a business decision. A definition of the Bribery Act 2010 can be found in appendix E of the Employees Code of Conduct.

It is your responsibility to ensure that you are not placed in a position that risks, or appears to risk, compromising your role or statutory duty. You should not be seen to be securing valuable gifts and hospitality by virtue of your job. You should not accept or provide any gift or hospitality if acceptance/provision will give the impression that you have been influenced/are deemed to be influencing while acting in an "official capacity".

In exercising judgement as to whether to accept a gift or hospitality the question should be asked what the public perception would be if the information was published given your role and circumstances. Each member of staff has a personal responsibility to ensure that an audit trail exists for all offers of gifts or hospitality and should complete the relevant form (found in the Employees Code of Conduct) to notify their Director of gifts and hospitality offered to Council employees, whether the offer is accepted or not.

The Monitoring Officer will maintain a Register of Gifts and Hospitality, in accordance with the submitted form, and will make this available for inspection as required.

This also applies to spouses, partners or other associates if it can be argued or perceived that the gift or hospitality is in fact for the benefit of the Officer or Combined Authority employee.

Declarations made on the form are subject to the retention periods and access categories set out in Appendix F of the Employee Code of Conduct. There are situations that can raise particular public concerns and the public interest in being able to see that appropriate declarations are made and the extent to which employees have such relationships (or have been offered gifts or hospitality) overrides the need to protect the personal privacy of employees. Public access is therefore permitted to these declarations.

Declarations and approvals of outside interests or employment and declarations of a relationship with a candidate for appointment within the Council primarily relate to personal

interests of employees and in order to maintain a balance between public interest and privacy issues these declarations are subject to internal access only by Members, Officers and Audit.

Any employee who becomes aware of a breach of this Policy must report this immediately to their line manager. Where an offer is accepted, a proven breach of this Policy may lead to disciplinary action in relation to the employee involved and may constitute gross misconduct.

## **Gifts and other benefits**

Gifts (defined as items given without the expectation of receiving anything in return) should not be accepted where they may appear to be disproportionately generous or could reasonably be construed as an inducement to affect a business decision. If you are offered gifts or other benefits (or your partner and family members are offered gifts) arising from your official duties, this could cause a conflict between your private and public duties.

You must not accept any gift or other benefit offered to you, or your partner or a family member, by:

- any person you have provided services to in the course of your official duties or their partner or a family member;
- any person associated with an organisation which has, or wishes to have, dealings with us.

You must declare any offer of a gift or benefit on the form (found within the Employee Code of Conduct) and say what action you have taken. The only exception to this rule is where the gift is of token value up to a maximum of £25.

If you are offered gifts or other benefits (or your partner and family members are offered gifts) arising from your official duties, this could cause a conflict between your private and public duties. Any gifts or benefits offered which are not of a token nature, should be notified to your Director using the form. A gift will be considered token if by virtue of its nature or branding it has no material commercial value, that is to say, no unrelated third party would reasonably be expected to purchase the item for a sum in excess of £25.

Although offering gifts is common practice in the business world particularly at Christmas time, you should refuse them politely. If, for example, a gift is simply delivered to your place of work, there may be a problem returning it, in which case, you should report this to your Director who will decide what to do.

If you have a caring role or you provide a direct personal service, you may come across special problems. For example, people in residential care homes or people receiving support at home may want to say thank you by offering gifts or money or even making you a beneficiary under their will. You need to handle these tactfully. You should refuse gifts politely and explain why you cannot accept them. If you or your partner or a family member have been made a beneficiary in the will of a service user or former service user, you must immediately tell your Director, who will decide on the appropriate action.

You, your partner and any member of your family cannot borrow money or other property from a client you provide services to. You cannot act as executor of a client's will.

## **Hospitality**

A modest amount of entertainment is a normal part of public life, but you must not risk undermining public confidence or allow it to appear that you could be improperly influenced in the way you carry out your duties. Hospitality is sometimes offered to representatives of

the Combined Authority and can be accepted at official level if that is reasonable. In these cases, only Directors (or those acting on their behalf) should go.

Hospitality offered should only be accepted where there is a direct link to working arrangements and a genuine business reason can be demonstrated, for example:

- attendance or speaking at a conference, which provides complimentary subsistence, travel and accommodation
- attending at a free training course; or
- attending a drinks reception to network.

You must be particularly careful if you are offered hospitality by someone who wants to do business with us or to get a decision from us. It is recognised that, in the course of carrying out your duties, you will need on occasion to ensure good relationships with existing and future contractors and stakeholders and that this may involve for example, the receipt of modest working lunches and dinners. These are acceptable where there is a genuine business reason. It is important to avoid any suggestion of improper influence. You should accept an offer of hospitality only if you genuinely need to go to an event to receive or give information or represent the Combined Authority.

You should only accept offers to go to social, cultural entertainment or sporting occasions if these are part of the life of the community or we should be seen to be represented.

Where an invitation has been received for multiple or group attendance, prior consent must be sought from your Director

You must use the form (found in the Employee Code of Conduct) to obtain your Director's approval before accepting offers of hospitality. This is not required if the hospitality is of token value (e.g. the offer of a single drink). The Head of Paid Service and Directors are not required to obtain prior authorisation but must nonetheless declare acceptance of hospitality in the normal manner.

## **Personal interests**

Individuals must not allow their outside activities to interfere with the work of the North of Tyne Combined Authority or allow any conflict between their duties and their personal interests to affect their ability to carry out their role effectively.

All individuals must consider their personal interests upon joining; on an annual basis; when they change roles and at any other time should their business or personal circumstances change. If an individual has personal interests to declare they must complete the form (found in the Employee Code of Conduct).

Section 117 of the Local Government Act 1972 says you must make a formal declaration about Combined Authority contracts where you have a financial interest. If you do not do this, it is a criminal offence. This must be declared on the form. A definition of Section 117 of the Local Government Act 1972 can be found in appendix B in the Employee Code of Conduct.

In many cases, the interests may not create a conflict or the fact that they are known will allow the individual's manager to ensure that the individual is not placed in a position where a conflict could arise. However if individuals are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then individuals should declare the interest on the form and their manager will determine what action is appropriate.

Individuals must not act in a manner likely to bring the Authority into disrepute or adversely impact its reputation for impartiality.

You must not make decisions in the course of your official duties if you have a personal interest in them.

If you belong to an organisation which is not open to the public and does not have formal membership and which has secrecy about rules, membership or conduct, you must declare this on the form. A definition of such an organisation appears at appendix C. Membership of these organisations is not unlawful. Disclosure is required so that the Combined Authority can satisfy itself on matters of propriety which may arise in connection with such organisations. Access is controlled by the Monitoring Officer where he or she is satisfied that there are reasonable grounds for access in connection with investigations of a complaint or other legitimate concerns