



Comhairle Ceantair  
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agus an Dúin  
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District Council

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## **Newry, Mourne and Down District Council**

### **Gifts & Hospitality Policy**



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**Effective Date: October 2017**

**Version 1.0**



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## Policy Control

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## Statement

1. All Council Officers and Elected Members are expected to observe the highest standards of conduct and should at all times be guided by the Code of Conduct. The Council recognises that contractors, suppliers and other customers may extend from time to time offers of gifts and hospitality to staff and Elected Members for our services. The Council also recognises that employees and members have a responsibility, in the interests of public confidence, to exhibit high standards of propriety.
2. In accepting any gift or hospitality, the individual and, if applicable, his or her line manager, must exercise judgement about how acceptance might be perceived, recognising that what at first sight might appear to be reasonable might nevertheless become the subject of unreasonable comment or criticism by external parties. The judgement made therefore needs to include an assessment as to whether the benefits gained by the Council through the acceptance of a gift of hospitality might be outweighed by adverse third party criticism, even when that criticism is not reasonable.
3. The Council requires that its employees and Elected Members should not use their official position to receive gifts, hospitality or benefit of any kind which might reasonably be seen to compromise the Council's position or the employee's personal judgment and integrity.
4. The guidance set out in this document was prepared with reference to Northern Ireland Civil Service best practice as set out in the Department of Finance and Personnel DAO DFP 10/06 'Acceptance and Provision of Gifts and Hospitality'. The Dear Accounting Officer letter was revised again in 2009.
5. The purpose of the policy is to:-
  - Outline for all Council Staff and Elected Members the guidelines and fundamental principles for the provision and acceptance of gifts and hospitality;
  - Provide advice on how hospitality either provided by or accepted by Council Staff and Elected Members should be approved and recorded;
  - Outline roles and responsibilities for staff and Elected Members at all levels within the Council.

## Aims of this Policy

6. The main aims of the Gifts and Hospitality Policy are to:
  - Ensure consistency of approach when dealing with gifts and hospitality;
  - Ensure compliance with the Bribery Act;
  - Comply with the Seven Principles of Public Life plus NI Assemblies Five Principles of Conduct (**Appendix 1**);
  - Establish guidance for all staff and Elected Members to follow to ensure that the Council can demonstrate that no undue influence has been applied by an external organisation dealing with the Council; and



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- Protect Council Officers and Elected Members from criticism and misunderstanding and to protect the Council from allegations of impropriety. Compliance with the policy will help the Council demonstrate good governance and accountability.
7. In addition to complying with Council policy and guidance, where officers belong to a professional body, they should be guided by any rules of professional conduct set by that professional body.

### Scope of the Policy

8. The fundamental principle is that no member of staff or Elected Member should do anything which might give rise to the impression that he or she has been, or might be influenced by a gift or hospitality, or other consideration to show bias for or against any person or organisation while carrying out official duties.
9. All Council Staff and Elected Members must therefore apply the following principles in the conduct of their employment:
- they must not accept gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising their personal judgment or integrity;
  - they must not make use of their official position to further their private interests or those of others;
  - they must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the rate payer;
  - they must refer to their line manager when faced with a situation for which there is no adequate guidance;
  - if in any doubt, they must seek advice from their line manager, the Audit Services Manager or Director of Corporate Services. In the case of elected member advice can be sought from the Chief Executive.
10. Officers who fail to comply with this policy and guidance may be subject to **disciplinary action**. Elected Members who fail to comply with this policy may be investigated by the **NI Ombudsman**.

### Related Policies

11. Anti-Fraud Policy
12. Fraud Response Plan
13. Whistleblowing Policy
14. Travel and Subsistence Policy



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## Acceptance of Gifts and Hospitality Offered

### Staff receiving hospitality

15. Staff must exercise careful judgement when accepting hospitality and if there is a genuine need to impart information or represent the Council. All hospitality received in excess of **£25** should be recorded by the recipient on the Receipt of Hospitality form (**Appendix 2**) which must be signed and sent to the relevant Directorate Secretary for recording. Information must also be recorded in instances of decline of hospitality. The form must be sent within 30 days of receipt.
16. Elected members should record the receipt of hospitality in the Members' Hospitality Register held by Democratic Services Manager.
17. Invitations to Annual Conferences, formal lunches or dinners are acceptable where they are considered an integral element in maintaining and building relationships and it is clear that the hospitality is corporate in nature and not personal. This should be recorded on the register.
18. Attendance at training courses, conferences and workshops outside the Council where hospitality is provided as part of the booking fee is acceptable and does not need to be recorded on the register.
19. Hospitality which is not acceptable would include invitations to frequent social functions where there is no direct link to official business in a professional capacity.
20. When deciding whether to accept hospitality, the following should be considered:
  - the reason for accepting the hospitality;
  - whether acceptance could be satisfactorily defended to ratepayers;
  - the value / scale of the hospitality (frequent, lavish, prolonged);
  - the obligation that acceptance might appear to place on an Officer and Elected Members or the Council in terms of reciprocal hospitality, business dealings etc;
  - whether it provides benefits to the Council, which outweigh the risk of possible misrepresentation of the hospitality; and
  - the timing of the offer, bearing in mind decisions which the Council may be in the process of taking, affecting the provider of the hospitality, e.g. procurement, grant award, enforcement of regulations etc.
21. As in the case of gifts, it is recognised that refusal of an invitation or offer of hospitality may cause embarrassment or appear discourteous. **Appendix 6** illustrates a template for the return of an offer of a gift or Hospitality if considered necessary given the circumstances.



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### Staff and elected members receiving Gifts

22. All Council staff and Elected Members should conduct themselves with honesty and impartiality in the exercise of their duties. In this field, perception is as important as reality.
23. It is not possible to be precise as what constitutes an "acceptable" as opposed to "unacceptable" gift. Most gifts received of this type will have a modest pecuniary value and may, indeed, have no significant pecuniary value to another party.
24. Trade or discount cards, which permit employees and Elected Members to personally purchase goods or services at reduced cost, are also classified as gifts, and should therefore be refused and/or returned. Gifts of cash should not be accepted from private individuals or organisations that provide services or goods to, or are customers of, the Council. The Council is aware of the practice throughout the District of some ratepayers giving small monetary tokens of appreciation to some staff at certain times of the year e.g. Christmas. The Council does not wish to suspend this long standing practice, causing embarrassment to staff and ratepayers; however staff must in all circumstances satisfy themselves that such gifts do not compromise their integrity, result in them showing any bias and ultimately bring the Council into disrepute. If staff believe that accepting such gifts would compromise them they should tactfully and politely refuse the gift.
25. Employees and Elected Members should not accept significant personal gifts from contractors or members of the public and outside suppliers where this could be perceived as in anyway compromising the professional relationship. Gifts given as a 'thank you' over the estimated value of **£25** should be recorded by the recipient of the Hospitality/Gifts Form (Appendix 2) which must be signed and sent to the relevant Directorate Secretary for recording. Elected Members should record receipt of gifts estimated over **£25** in the Members' Gifts and Hospitality Register held by Democratic Services Manager. When a gift has been declined this must also be recorded. Such items as pens, diaries, chocolates can be retained by the employee and not recorded on the register where the value is estimated at under **£25**.
26. When considering whether or not to accept gifts employees and Elected Members should be sensitive as to timing in relation to decisions which the Council may be taking e.g. Tender Process or funding applications and no hospitality or gifts should be accepted in these circumstances. This will ensure no criticism can be made regarding bias to a particular company or supplier.

### **The Acceptance of Gifts and Hospitality**

27. A table at **Appendix 3** provides details for acceptance of gifts and hospitality offered to Council staff and Elected Members. It also provides clear advice on the recording of all such offers within the 'Register of Gifts and Hospitality Offered to Employees and Elected Members' and any other action which may be required in relation to the offer of gifts and hospitality.
  - If any staff member or Elected Member is unsure as to whether to accept or reject an offer of hospitality or a gift they should seek **advice and guidance** from their Line



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Manager, their relevant Director or the Audit Services Manager. In the case of elected member advice can be sought from the Chief Executive.

## Provision of Gifts and Hospitality

### Justification of Hospitality

28. The primary consideration for the justification of expenditure on gifts and hospitality is that the gift or hospitality should be in the direct interest of the Council. The scale of the gift or hospitality provided should be proportionate to the needs of the occasion and the status and number of guests.
29. Modest working lunches are regarded as acceptable practice and do not require formal approval to attend.

### External Hospitality

30. The Council will normally meet expenditure for the provision of hospitality to visitors which has been given prior approval and should not generally exceed £20 per head. **Appendix 4** should be completed in all cases of external hospitality.

### Internal Hospitality

31. If morning or afternoon breaks are required, light refreshments (tea/coffee/biscuits/scones) may be provided at the discretion of the relevant officer and within available budgets. In such circumstances expenditure for this activity will be kept to a minimum.
32. Where an outside facilitator is requested to provide training for Council staff and Elected Members, hospitality may be provided. Costs should be kept to a minimum and generally should not exceed the *subsistence rates* set. Caterers should be booked in accordance with any policy considerations. Where possible first preference should be given to Council managed catering options.

### Chairperson Business

33. The Chairpersons hospitality is not governed by this policy.

## Gifts and Hospitality Register

34. Directorate Secretaries and Democratic Services will maintain a register to record all offers and acceptance of gifts and hospitality. The purpose of the register is to counter any possible accusations or suspicions of breach of the Code of Conduct by staff. The template at **Appendix 5** will be used in all cases. Completed forms will be submitted to the relevant



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Directorate Secretary/Democratic Services who will file the relevant details and update the register. Elected Members hospitality register is held by the Democratic Services Manager.

35. The Audit Services Manager will annually review all registers and consolidate all the information into one spreadsheet for audit purposes.
36. In rare cases where refusal of a gift is likely to offend the donor, the Council may, based on the nature, value and origin of the gift concerned, exercise discretion as to its handling and retention. Guidance should be sought from Line Managers, the relevant Director or the Audit Services Manager once this policy has been considered. Where the gift is to be accepted, the form at **Appendix 2** should be completed and should be made clear to the donor that the gift is being accepted on behalf of the Council, not the individual.

### Roles and Responsibilities

#### 37. Elected members should:

- Familiarise themselves with the Code of Conduct for Elected Members, and any updates that are issued;
- Comply with this policy and guidance;
- Consult with the Chief Executive if in doubt as to the application of this policy and guidance; and
- Inform the Chief Executive if they suspect they have been offered an expensive gift or significant hospitality with corrupt intent.

#### 38. Officers should:

- familiarise themselves with the Code of Conduct for Council Employees, and any updates that are issued;
- comply with this policy and guidance;
- consult with their line manager/Audit Services Manager/Director if in doubt as to the application of this policy and guidance; and
- inform their line manager if they suspect they have been offered an expensive gift or significant hospitality with corrupt intent.

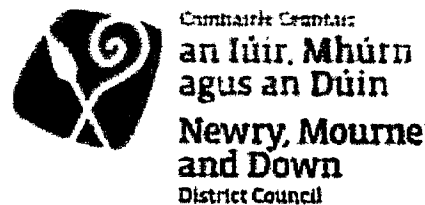
#### 39. Directors should:

- ensure that their staff are completing the register for gifts and hospitality; and
- carefully consider and where appropriate, advise on the acceptance and provision of gifts and hospitality in line with policy and guidance.

#### 40. The Audit Services Manager will:

- Provide guidance to any member of staff on the suitability of accepting or declining a gift; and





- Undertake periodic reviews of the register and include a comment in the Annual Governance Statement.

#### **Policy Review Date**

41. The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments.
42. Staff wishing to receive clarification on this policy and/or suggest improvements should contact the Audit Services Manager.

#### **Equality Screening**

43. Having screened the Gifts and Hospitality Policy the decision is that it should not be subject to an Equality Impact Assessment (EQIA) with no mitigating measures required. A copy of the equality screening is available from the Head of Corporate Policy.

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## Appendix 1

### The Seven Principles of Public Life plus NI Assemblies Five Principles of Conduct

#### The Seven Principles of Public Life articulated by the Nolan Committee

**Selflessness** - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** - Holders of public office should promote and support these principles by leadership and example.

#### The Northern Ireland Assembly Five Principles of Conduct

**Public Duty** - A duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; act to the interests of the community as a whole.

**Equality** - You should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

**Promoting Good Relations** - You should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equity and trust and embrace diversity in all its forms.

**Respect** - It is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack.



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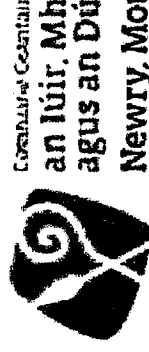
**Good Working Relationships** - You should work responsibly with others for the benefit of the whole community. You must treat others and with courtesy and respect. You must abide by your council's standing orders and should promote an effective working environment within your council.

## Appendix 2

### Declaration of Gifts & Hospitality Offered to Employees/Elected Members (Receipt)

<b>Reporting Declined Offers / Requesting Approval to Accept Gifts / Hospitality</b> <p style="text-align: center;">All sections must be completed</p>	
<b>Newry, Mourne &amp; Down District Council</b>	
<b>Date of Offer:</b>	
<b>Name of person who received the offer of gift /hospitality:</b>	
<b>Department of person who received the offer:</b>	
<b>Description and estimated value (where known) of gift / hospitality offered:</b>	
<b>Name and address of person / organisation offering the gift / hospitality:</b>	
<b>Reason to accept / decline the gift / hospitality:</b>  (continue on separate sheet if necessary)	
<b>Signature &amp; date of person who received the offer:</b>	

Copy of Declaration form to be sent to Directorate Secretary/Democratic Services.



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## Appendix 3

## Guidance for the Acceptance of Gifts and Hospitality Offered to Us

Hospitality Offered	Appropriate to Accept?	Further Action Necessary
Modest conventional hospitality (e.g. Working Lunch).	Yes	None
More formal lunch or dinner, by prior invitation.	Yes	Record in Register of Gifts and Hospitality. A check should be made in advance to ensure that the Council will not be over-represented at the function concerned.
Hospitality offered to a team.	Yes	Record in Register of Gifts and Hospitality.
Commemorative event or trade promotion organised by contractor, consultant or supplier with a meal.	Yes	Record in Register of Gifts and Hospitality.
Annual dinner of Professional Institute or Association. Where officer is a guest of the Institute or An Association; and Where officer is the guest of a particular consultant, contractor or supplier.	Yes Yes Yes	Record in Register of Gifts and Hospitality
Cultural or sporting events as a guest.	No	Should be refused or returned. Record in Register of Gifts and Hospitality
Overseas visits to inspect manufacturers products.	Yes	Record in Register of Gifts and Hospitality
Occasional seasonal or modest gifts, (e.g. company	Yes	None

calendars, diaries, inexpensive pens or stationery sets. (Value should not exceed £25).			
Expensive gifts (Value of more than £25, including gifts of lottery tickets, cash, gift vouchers or gift cheques)	No		Record in Register of Gifts and Hospitality
Trade of Discount Cards, or Air Miles through which an individual Officer might personally benefit from the purchase of goods or services at a reduced rate.	No		Record in Register of Gifts and Hospitality
Gifts of alcohol from any source, including a contractor, or where a contractor relationship is being contemplated.	Yes		Record in Register of Gifts and Hospitality



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## Appendix 4

## Provision of Hospitality

DESCRIPTION OF EVENT	
DATE OF EVENT/PROVISION OF HOSPITALITY	
DETAILS OF HOSPITALITY (e.g. when, where, time, how many and if Council approval given prior to Event)	
ESTIMATED COST TO COUNCIL FOR HOSPITALITY	

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

I confirm that I am satisfied that the receipt of the above described provision of Hospitality was appropriate for the reason stated and accorded with the requirements of this policy.



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## Appendix 5

### Register of Gifts and Hospitality Offered to Employees and Elected Members (Receipt)

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## Appendix 6

**Template for Return of Offer of Gift/Hospitality**

(The content of this template should be tailored to suit each circumstance)

Contact Name Name of Company Address of Company	Date
<p>Dear</p> <p>Newry, Mourne and Down District Council operates a Gift and Hospitality Policy to ensure high standards of propriety in the conduct of its business.</p> <p>On account of public confidence, perception is as important as reality and because of this I am obliged to return your offer of INSERT: Name of gift / hospitality.</p> <p>This is not in any way meant to offend or to imply that your [gift/hospitality] was offered in anything but the utmost good faith, but is designed to protect both individual members of staff, Elected Members and the Ratepayers. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.</p> <p>Yours .....</p>	