

Gifts and Hospitality Policy and Procedure

Key points

- You may, in certain circumstances and subject to strict rules, accept offers of gifts, benefits and hospitality. However, you must at all times be, and be seen to be, fair, impartial and unbiased.
- Gifts and hospitality should not be, or seen to be, part of usual business; any acceptance should be infrequent.
- Within 28 days of receiving gift(s) and/or hospitality in connection with your official duties with a value of £50 or more, you must register those items with the Monitoring Officer including providing details of the source of the gift or hospitality, its actual value and your reason for accepting it.
- For staff only - you must seek approval in advance from your Director (unless exceptional circumstances apply) for the receipt of any hospitality and, where it is possible to do so, for any gift that is offered.

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General caution

Treat with caution any offer or gift, favour or hospitality that is made to you. Your personal reputation and that of the GLA can be seriously jeopardised if you inappropriately accept gifts or hospitality. Be aware of the wider situation in which the offer is made. It can also be an offence to accept a fee or reward for undertaking your duties.

The GLA recognises that a refusal may cause embarrassment or offence, but this must be balanced with your other responsibilities.

Elected Members are, when acting in their GLA capacity, required to act in accordance with the principles of public life and the Code of Conduct for GLA Members.

Staff must consider whether acceptance conforms to the requirements of the law and the Code of Ethics and Standards.

The acceptance of gifts and hospitality is not always inappropriate. GLA staff must – in conjunction with their senior manager – in every case determine whether or not it is proper to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

For example, staff should consider whether the donor is in, or may be seeking to enter into, a business relationship with the GLA or may be applying to the GLA in relation to the exercise of the Authority's functions. The receipt of gifts, benefits and hospitality can create conflicts of interest and may give rise to an adverse inference as to the integrity of either the donor or the recipient.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you (and your senior manager, for staff) to make your own decision. You should also contact the Monitoring Officer for advice where you are uncertain as to how best to treat an offer of a gift or hospitality.

Part A. Scope, definitions and application

1. Scope

1.1 This guidance applies to:

- the Mayor
- Assembly Members
- all GLA staff (including Mayoral Appointees)
- co-opted Members

2. Definitions

Meaning of 'gifts' and 'hospitality'

2.1 The terms 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. For the purpose of this policy, the following definitions apply:

What is a gift?

2.2 Gifts include (but are not limited to):

- the free gift of any goods or services provided to the Mayor, Assembly Members or GLA staff individually or as a gift to the organisation
- the opportunity to acquire any goods or services at terms not available to the general public, including additional services, privileges and other advantages related to your position at the GLA (benefits and favours). This does not include discounts which may have been negotiated by the GLA on behalf of all staff, for example discounted membership fees at a fitness centre
- the opportunity to obtain goods or services not available to the general public

What does hospitality mean?

2.3 Hospitality refers to the offer of food, drink, accommodation or entertainment (except that which is provided by the GLA) or the opportunity to attend any cultural, business or sporting event. Common hospitality includes lunches or dinners provided by external bodies or tickets to events. Where you are providing hospitality, you must act in accordance with the GLA's Expenses and Benefits Framework.

2.4 Where travel or accommodation associated with attendance at an international function, event, conference or similar is made on GLA business or as a GLA representative and paid for by a third-party, a gifts and hospitality declaration should be made. The travel and/or accommodation will, where the expenditure is reimbursed to the GLA, also be an expense under the Expenses and Benefits Framework and should be approved and reported as such.

Part B. Principles

3. Principles to apply

3.1 In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- do not accept a gift or hospitality as an inducement or reward for anything you do at the GLA. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it
- do not accept a gift or hospitality of significant value or the value of which is excessive in the circumstances
- do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence
- do not solicit any gift or hospitality and avoid giving any perception of so doing
- wherever possible, you must be clear as to the value of the gift / hospitality at the time that you agree to accept it; where the actual value of a gift or hospitality is not known or is not reasonably obtainable, you should decide how much a person could reasonably be expected to pay for it at a commercial rate. Where an item is difficult to value, even as an estimate, the Monitoring Officer is able to accept a form showing 'value unknown' in appropriate circumstances
- for staff, offers of hospitality should be accepted only with **the prior approval of an Executive Director wherever possible**; prior approval by the relevant Director of gifts should also be sought by staff where it is possible to do so. See table of approvers in section 5.5
- you should declare receipt of any gift or hospitality that an ordinary member of the public might reasonably deem to be significant (for example, the identity of the provider or the wider context in which the item was provided), regardless of its formal cash value
- do not accept a gift or hospitality from: parties involved with the GLA in a competitive tendering or other procurement process; from applicants for planning permission and other applications for licences, consents and approvals; from applicants for grants, including voluntary bodies and other organisations applying for public funding; from applicants for benefits, claims and dispensations; or from parties in legal proceedings with the GLA. You should take care and use your judgement as to how accepting an offer might be perceived
- if accepting a gift in kind from a third party - e.g. the provision of a free meeting venue - you should only declare if this would not have been obtained in the GLA's normal business, for example it has been obtained through a personal contact.

4. Items that do not need to be declared

4.1 As a general rule, you will not need to declare:

- gifts and hospitality wholly and clearly unrelated to your position at the GLA

- the acceptance of facilities or hospitality provided to you by the GLA as part of a GLA staff meeting and/or working meals including meals taken in the course of attending meetings or conferences or training courses where they are provided to all attendees as part of the event. The Expenses and Benefits Framework sets out the rules for organising meals/refreshments for staff at off-site meetings
- attendance at formal functions as a representative of the GLA. However, if hospitality is received which is estimated to exceed the value of £50, a hospitality declaration will be required for that hospitality
- attendance at formal social functions in relation to which invitations have been issued to all members of staff
- attendance at information gathering or sharing events with public, charitable or think tank bodies, such as meetings with representatives of other public sector organisations, noting that this does not apply to conferences held by political parties. However, if hospitality is received which is estimated to exceed the value of £50, a hospitality declaration will be required for that hospitality
- travel or accommodation associated with attendance, on behalf of the GLA, at an international function, event, conference or similar which is directly paid for by the GLA and legitimately funded by a grant award to the GLA.

4.2 You are not required to declare a gift or hospitality that was offered but declined. However, you should report to the Monitoring Officer (for GLA Members) or your line manager (for staff) any offers you have declined that could be perceived as significant or controversial. The key criteria are: whether the offer was novel (i.e. unusual), the frequency of the offer, and the persistence of the offer. Such offers will not be published on the gifts and hospitality register; reporting of any such offers will, however, allow action to be taken corporately and/or further guidance to be given.

Part C. Declarations process

5. Making a declaration

5.1 The key points are:

- For staff (only) – you must seek approval in advance from your Director (unless exceptional circumstances apply) for the receipt of any hospitality and, where it is possible to do so, for any gift that is offered. Where prior approval was not obtained, the declaration form must record the reasons why and the steps taken to try and obtain the proper approval.
- You must declare on the appropriate form (see below) any gift or hospitality of £50 or over that you receive in connection with your official duties with the GLA, the source of the gift or hospitality, and your reason for accepting it.
- You must register the form/declaration with the Monitoring Officer within 28 days of receiving it.
- You must include within the form/declaration the actual value of the gift or hospitality or its value estimated in accordance with this guidance. Where an item is difficult to value, even as an estimate, the Monitoring Officer is able to accept a form showing ‘value unknown.’

5.2 The Mayor, London Assembly Members and all senior staff (including Mayoral appointees) will be asked to declare, on a six-monthly basis, that all declarations have been properly made or that no such declarations have been necessary.

5.3 Where the Monitoring Officer has queried a particular declaration and/or taken action in respect of any declaration, summary details of the issues raised will be reported in the Monitoring Officer’s six-monthly report to GLA Audit Panel on gifts, hospitality and interests.

5.4 For the Mayor and Members of the London Assembly:

- You must make the declaration either directly via the online Gifts and Hospitality database or complete and sign the form, found on the Monitoring Officer section of the intranet and provide it to the Monitoring Officer within 28 days of receipt of the gift or hospitality.
- The Monitoring Officer will record the information on the Register, retain it on file and publish it on london.gov.uk including the description of the gift/hospitality, donor, value and reason for acceptance.

5.5 For all staff (including Mayoral appointees):

- You must complete and sign the form available on the intranet and have it approved as follows:

Declarer	Approver
The Mayor; Assembly Members	N/A
Chief of Staff	The Mayor
Mayoral Appointees	Chief of Staff
Executive Directors	Chief Officer (Head of Paid Service)
Chief Officer (Head of Paid Service)	Executive Director of Resources
All other staff	Executive Director

- You must provide the form to the Monitoring Officer within 28 days of receipt of the gift or hospitality.
- The Monitoring Officer will record the information on the Register, retain it on file and publish it on the GLA website (for those who are part of the GLA's senior management team) including the description of the gift/hospitality, donor, value and reason for acceptance.
- The Chief of Staff acts as the Executive Director for the Mayor's Office.

6. Gifts accepted on behalf of the GLA

6.1 On occasion gifts may be given to the GLA that you accept on its behalf and which are retained by the Authority and not by you personally. These gifts may include items of significant value, artworks, gifts from representatives of other nations and items commemorating an event or relationship. Some items may be suitable for display and Facilities Management will be able to discuss display options. These gifts should be registered with the Monitoring Officer in the normal way and they will be able to advise on gifts to the GLA more generally. Insurance implications should be considered in discussion with the GLA's insurance adviser and the Monitoring Officer.

7. Declaration of gifts under the £50 limit

7.1 There is no obligation to make a disclosure in relation to gifts and hospitality below £50 in value. You should, however, declare receipt of any gift or hospitality that an ordinary member of the public might reasonably deem to be significant, regardless of its formal cash value. You should also register an accumulation of small gifts you receive from the same source over a short period that add up to £50 or more.

8. Charitable donations

8.1 From time to time you may be offered a donation to a charity of your choice for the provision of services, for example a research interview or a presentation. This should be declared as a gift and noted as such on the declarations to the Monitoring Officer. Please note there may be tax implications to accepting these types of gifts. Please contact the Finance

team or Monitoring Officer for advice. Individuals do not need to declare any personal charitable donations.

9. Corporate declarations

9.1 From time to time, tickets for sporting or cultural events are received by the GLA and allocated to staff. These will be recorded and published online as “Corporate Declarations” where those tickets are donated to staff via a formal ballot process or provided to community groups. However, the Mayor, Assembly Members and GLA senior staff (as set out in the Scheme of Delegation – Mayoral Decision-Making in the Greater London Authority) are required to make a personal declaration for any tickets they receive as an individual, connected to their position, and should not rely upon the corporate declaration.

10. Disposal of gifts

10.1 From time to time it may be appropriate to dispose of some gifts presented to the GLA or its elected members. The recipient of the relevant gift must consult the Monitoring Officer before disposing of it. Gifts must never be resold for personal profit or to raise funds for political organisations. It is likely to be permissible, subject to consulting the Monitoring Officer, to donate a gift for charitable purposes. Advice should be sought from the Finance team on the tax implications of this.

11. Gifts and hospitality and the procurement cycle

11.1 Particular caution should be taken where any gift and/or hospitality is offered from any company that holds a contract with the GLA or who is likely to bid for a future contract with the GLA.

11.2 During the planning and tendering phases of a contract award process, no member of the GLA, or their partners should accept any gifts or hospitality from an organisation likely to tender for the contract to avoid any inference of preferential treatment. Similarly, caution should be applied in connection with any planned acceptance of gifts or hospitality associated with the awarding of a contract (as this may create the impression of preferential treatment or favouritism). Staff should seek advice from the relevant Executive Director in these circumstances, who can authorise (or not) such activity.

11.3 From time to time during the normal course of a contractual relationship, it may, however, be appropriate to accept gifts or hospitality from an established provider in order to develop and maintain good working relations. But this should not take place at a point in time that is reasonably close to the commencement of any contract renewal process and as long as other criteria in this document are satisfied (especially that you do not feel that it will put you under any obligation to the provider). Be particularly cautious about accepting gifts or hospitality if there are any performance issues with the provider.

Part D. Legal and other requirements

12. Bribery Act

12.1 Under the Bribery Act 2010, it is a criminal offence corruptly to 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 GLA. The onus would be on you – whether the Mayor, or Assembly Member or member of staff – to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the GLA.

13. Mayor and Assembly Members

13.1 Paragraph 9 of the Code of Conduct of the Greater London Authority requires Members to register, within 28 days of election to office, details of pecuniary interests where they fall within categories set out at paragraph 8 of the Code. Thereafter a Member must, within 28 days of becoming aware of any new interest or change to any registered interest, register details of that interest or change.

13.2 The declaration of gifts and hospitality is not a requirement of the Disclosable Pecuniary Interests regime (as contained within the relevant regulations issued by the Secretary of State). However, this guidance is designed to ensure that you do not breach the provisions of:

- Paragraph 5 of the Code of Conduct – which states: “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”
- Paragraph 6 of the Code – which states: “You— (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and (b) must, when using or authorising the use by others of the resources of your authority— (i) act in accordance with your authority's reasonable requirements;.”
- Paragraph 7 of the Code – which states: “When reaching decisions on any matter you must have regard to any relevant advice provided to you by— (a) your authority's chief finance officer; or (b) your authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.”

13.3 The Mayor and Assembly Members are asked to declare, as part of taking any formal decision, whether they have any pecuniary interests arising and that they are acting in accordance with the Authority's Code of Conduct.

13.4 In addition to declaring to the Monitoring Officer gifts and hospitality that have been received, Assembly Members are asked as part of the business for every formal London Assembly / committee / sub-committee meeting, to note a list of standing interests and to make oral declarations of any interests, gifts or hospitality that are relevant to the business at hand and which have not yet been registered with the Monitoring Officer.

13.5 In relation to Mayor's Question Time meetings, Assembly Members and the Mayor are asked orally to declare gifts and hospitality that have been received and are reasonably considered to be relevant to priority questions that are to be discussed in the meeting.

14. Staff

14.1 Staff are expressly prohibited from soliciting benefits or rewards in return for providing services whether those services should be provided as part of their usual role or are provided because a gift or inducement has been offered. Such behaviour may, in certain circumstances, amount to a criminal offence¹ for which the penalty may be a prison term or a fine or both. A convicted GLA member of staff might also be liable to forfeit any compensation or pension rights.

14.2 Members of staff are personally responsible for making declarations appropriately. A failure to make a declaration, to declare it within 28 days of receipt, or making an incomplete or misleading declaration may be misconduct under the Code of Ethics and Standards for Staff, which is part of staff contracts of employment, and may result in disciplinary action. Penalties range from an informal warning to dismissal for gross misconduct depending on the severity of the breach.

15. Reporting of inappropriate gifts and hospitality offered

15.1 You must immediately report to your manager and/or the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

¹ An offence under section 117(2) of the Local Government Act 1972 (see page 7 of the GLA's Code of Ethics and Standards for Staff) or under the Bribery Act 2010

Part E. Enforcement

15.2 The Monitoring Officer has delegated authority to deal with formal complaints about the conduct of the elected members of the GLA. Allegations of any failure to meet the guidance must be made in writing to: The Monitoring Officer, City Hall, Kamal Chunchie Way, London E16 1ZE or by email to MonitoringOfficer@london.gov.uk.

15.3 The Mayor (for those staff appointed under s67(1) of the Greater London Authority Act 1999) and/or Chief Officer (for all other staff) have authority to deal with complaints about the conduct of GLA members of staff.