

CITY OF CAPE TOWN



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THIS CITY WORKS FOR YOU

COUNCILLORS' GIFT GIVING POLICY (POLICY NUMBER 12470)

APPROVED BY COUNCIL : 31 JULY 2013
C45/07/13

1. Policy title

COUNCILLORS' GIFT GIVING POLICY

2. Reference codes

C 45/07/13

3. Document control

Director	
Version	
Status	
Review date	
Reference Code	
Contact Details (Dept)	

4. Problem statement

The Speaker has a statutory and delegated role to implement the Code of Conduct for Councillors and, as such, should provide oversight of gifts given by councillors where there are no existing rules or procedures. In certain limited circumstances it may be acceptable to give gifts on behalf of the City of Cape Town. Any gift given on behalf of the City is a direct reflection on how the City is perceived and the gift should reflect the status of the City as a leading municipality. As all gifts given are publically funded, the City must be held accountable for the nature and cost of any gift. This policy reflects these principles.

5. Desired outcomes

Utmost discretion needs to be undertaken to ensure that the giving of the gift is not perceived to be the solicitation of a bribe. It should be noted that corruption, as defined in the Prevention and Combating of Corrupt Activities Act, No 12 of 2004, is the abuse of a position of employment by the offering or acceptance of a benefit not legally due, for the commission of an act in connection with that position of employment.

6. Strategic intent

Strategic focus area 5 – The well run City of Cape Town

Objective 5.1: Ensure a transparent and corruption-free government

7. Policy parameters

7.1 This Policy applies to all Councillors.

8. Role players and stakeholders

8.1 Executive Mayor: Authorises Gift Giving for Mayoral Committee members.

8.2 Speaker: Authorises Gift Giving for all other Councillors.

9. Regulatory context

9.1 Section 15 of the Local Government: Municipal Finance Management Act, a municipality may only incur expenditure within the limits of the amounts appropriated in an approved budget.

9.2 In terms of Section 6 of Schedule 1 (Code of conduct for Councillors) of the Local Government: Municipal Systems Act a Councillor may not use the position or privileges of a Councillor for private gain or to improperly benefit another person.

9.3 This Policy should be read in conjunction with any of the City's approved and related policies, particularly the Councillors Entertainment Policy and the Gift Policy.

10. Policy directive details

10.1 Circumstances in which gifts may be given

10.1.1 Gifts may only be given:

- As a symbolic gesture to dignitaries, visitors or other appropriate persons.
- As a public relations exercise (including visiting school groups or the hosting of a conference)
- To official delegations to the City
- In circumstances determined by the Paragraph 14 of the Travel and Subsistence Policy where a Councillor travels beyond the boundaries of the City and the Councillor represents the City.
- By the Executive Mayor as a means of recognising the achievements of a citizen of the City.

10.2 Prohibitions

10.2.1 Gifts may not be given as a reward or an inducement.

10.2.2 No gifts may be given to a supplier or contractor to the City or potential supplier or contractor unless the failure to provide a gift may cause embarrassment.

10.2.3 Gifts may not be given to the spouse of any Councillor.

10.2.4 Branded corporate merchandise (including clothing) may not be given as a gift to a Councillor or an official. Unless required for a specific function or project

10.3 Types of Gifts

10.3.1 The following types of gifts are permitted:

- a. City branded corporate merchandise;

- b. Books promoting Cape Town or the Western Cape;
- c. Book Vouchers;
- d. Bouquets of flowers (Amount excludes delivery and to be added as additional);
- e. Locally produced crafts promoting Cape Town or the Western Cape;
- f. Fruit/gift Baskets (Amount excludes delivery to be added as additional);
- g. Other gifts approved by the Speaker.

10.3.2 No gift (including paragraph 10.7.2 gifts) may exceed the value of R350.00 (Incl. VAT) unless prior permission has been obtained from the Executive Mayor, or Speaker to exceed this amount.

10.4 Solicitation of Gifts

10.4.1 Any solicitation of a gift by any person should immediately be reported to the Speaker.

10.5 Repeat Gifts

10.5.1 A Councillor may not give more than one gift to a recipient in any given three months, unless failure to give a gift may cause embarrassment. If a gift is given to the same recipient within a three month cycle it must be disclosed in the Gift Giving Register.

10.6 Gift Policy of Recipient

10.6.1 Before a gift is given, a Councillor must take into account the rules of any gift policy that the recipient may be subjected to, where this is known.

10.7 Gifts to be given to a Councillors or officials in exceptional circumstances

10.7.1 As a general rule Councillors or officials may not receive gifts paid for by City funds.

10.7.2 The following exceptions, within the limitations of section 10.3.2, are permitted:

- The bereavement of a Councillor or a Councillor's immediate family member;
- The hospitalisation of a councillor, his/her spouse or a staff member.

11. Implementation programme

The Executive Mayor authorises Gift Giving for Mayoral Committee members.

The Speaker authorises Gift Giving for all other Councillors.

12. Monitoring, evaluation and review

12.1 The Executive Mayor's office and the Speaker's office must keep a register of all Gift Giving applications/approvals.

12.2 This Policy must be reviewed annually by the Speaker.

CITY OF CAPE TOWN



Councillor Entertainment and Gift Giving Approval Form 2013/1

ENTERTAINMENT/GIFT DETAILS

Please complete the information below pertaining to the proposed function/gift and reasons for the request to entertain. **Supporting documents must be attached – quotation, list of staff etc.**

(a) IN RESPECT OF RECEIVING A GIFT

State nature of proposed Gift:

Business purpose:

Approximate cost of gift:

(b) IN RESPECT OF ENTERTAINMENT

State nature of proposed function:

Business purpose:

Date and Time of proposed function:

Approximate cost of function:

Approximate number of officials attending:

Name of Company:

Has the above company been entertained in the last 12 months?

YES

NO

REQUESTED BY ALDERMAN/COUNCILLOR

Print Name: _____ Signature: _____

VERIFICATION OF FUNDS (FINANCE: MANAGER/HEAD)

Directorate: _____ Department: _____

Cost Center: _____ Finance Manager/Head: _____

Available Balance

Entertainment: _____ Signature: _____

RECOMMENDATION BY OFFICIAL

Recommended:

YES

NO

Signature: _____ Date: _____

APPROVAL BY MAYOR/SPEAKER

Comments: _____

Recommended:

YES

NO

Signature: _____ Date: _____

CAPTURED IN ENTERTAINMENT REGISTER

Approved/Not Approved:

YES

NO

Signature: _____ Date: _____