

Review of Protocol on Gifts and Hospitality

Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260203 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report asks the Standards Committee to review the Fire Authority's Protocol on Gifts and Hospitality and to make recommendations to the Authority regarding any changes to be made.

2 Recommendations

The Committee is asked to review the Draft Protocol on Gifts and Hospitality, attached as an appendix to this report, and make recommendations to the Fire Authority regarding any changes to be made.

3 Background

The law on the acceptance of gifts and hospitality is set out in various acts relating to the prevention of corruption, including the Bribery Act 2010, which covers offences committed by recipients of bribes. In addition, the Fire Authority's Code of Conduct states that in order to demonstrate integrity Members should:

'Not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member'.

In 2005 the Fire Authority introduced its first Protocol on Gifts and Hospitality as a supplement to the legislation and to provide a clear set of rules for the protection of both Members and the Fire Authority. Since then the Standards Committee has regularly reviewed the Protocol to ensure that it is up-to-date and that it provides the clarity needed by Members.

The last such review was conducted in November 2011, following a request from the Fire Authority for the Standards Committee to consider how the Protocol might be simplified. At its meeting in December 2011, on the recommendation of its Standards Committee, the Fire Authority adopted a new, shorter Protocol.

4 2013 Review

Officers have carried out a review of the Protocol on Gifts and Hospitality and propose a number of changes in order to bring it into line with the requirements of the Localism Act 2011 and subsequent regulations. A copy of the Draft Protocol is attached as an appendix to this report. Proposed additions are shown in bold italics and deletions struck through.

Members are asked to consider and agree the proposed amendments for recommendation to the Fire Authority.

5 Financial Implications

There are no financial implications associated with this report.

6 Legal Comment

Although not a legal requirement, it is considered good practice to have in place a protocol on gifts and hospitality for Members.

The Protocol should be subject to a regular review to ensure that it remains compliant with the relevant statutory requirements.

7 Risk Monitoring

When writing this report officers have reviewed Brigade Order 3 Part 2 Risk Management Protocol and have determined that there are no risk implications associated with it.

8 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have completed an Initial Equality Impact Assessment. A specific section on Equality and Diversity Considerations has been inserted in the Protocol to cover differing cultural and religious practices.

9 Appendix

Shropshire and Wrekin Fire Authority
Draft Protocol on Gifts and Hospitality for Members

10 Background Papers

There are no background papers associated with this report.

Shropshire and Wrekin Fire and Rescue Authority Draft Protocol on Gifts and Hospitality for Members

1 Introduction

This Protocol applies to Members of the Fire Authority and **Independent Persons appointed by the Fire Authority** ~~non-elected Independent Members of the Standards Committee.~~

2 General Caution

Treat with extreme caution any offer or gift, favour or hospitality, which is made to you personally. Your reputation and that of the Fire Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not, however, always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality, which has been offered to you, having regard to how it might be perceived.

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 to make your own decision.

3 Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do or forbear to do anything in respect of any transaction involving the Fire Authority. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract, or applying for funding, from the Authority, or involved in any legal or enforcement proceedings with the Authority.

4 Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as presents), which are not related to your position as a Member. You should, however, question any such gift or hospitality offered from an unusual source.

- The acceptance of facilities or hospitality provided to you by the Fire Authority.
- Gifts given to the Fire Authority, which you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

5 Meaning of Gifts and Hospitality

The words 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. They do, however, include:

- The free gift of any goods or services;
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- The opportunity to obtain goods or services not available to the general public; and
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books and flowers. Members should, however, be cautious when making purchases, if additional services, privileges or advantages are offered, which might be related to their position as a Member.

6 Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member. These include:

- Civic hospitality provided by another public authority;
- Normal and modest refreshment in connection with any meeting in the course of your work as a Member (e.g. tea, coffee and other normal beverages and refreshments);
- Tickets for sporting, cultural and entertainment events, which are sponsored or promoted by the Fire Authority or bodies, to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion;
- Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens;

- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Fire Authority business, e.g. inclusion in a round of drinks after a meeting;
- Modest meals provided as a matter of courtesy in the office or meeting place of a person, with whom the Fire Authority has a business connection; and
- Souvenirs and gifts from other public bodies intended as personal gifts, e.g. arising from Leonardo visits and other civic events.

7 Principles to Apply in Relation to Gifts and Hospitality

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 as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality from:
 - a) Parties involved with the Fire Authority in a competitive tendering or other procurement process;
 - b) Applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - c) Parties involved in legal proceedings with the Fire Authority.
- 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.

8 **Equality and Diversity Considerations**

It is recognised that there are various cultural and religious practices, which would be difficult to accommodate prescriptively within this Protocol. In some instances it may even be considered insulting to refuse a gift or hospitality. In such circumstances a Member should advise the Monitoring Officer immediately after acceptance of the gift or hospitality to ensure that appropriate action is taken.

9 **Registration of Gifts and Hospitality**

The Fire Authority's Code of Conduct provides that **Members should:**

'Not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member'.

~~'You have a personal interest in any business of the Authority where ... it relates to or is likely to affect ... the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25'.~~

~~This interest must be registered in the Register of Members' Interests as soon as possible after acceptance of the gift or hospitality but no later than 28 days after receiving it.~~

If you are in doubt as to the motive behind a **any** gift or hospitality, it is recommended that you do register it as a matter of good practice and in accordance with the principles of openness and accountability in public life or, at least, seek advice from the Monitoring Officer.

~~You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Fire Authority, where business is considered to which the interest relates, i.e. business relating to the interests of the person or body giving the gift or hospitality. The disclosure requirement does not, however, apply to gift or hospitality interests registered over 3 years ago.~~

~~Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £25, Members are encouraged to register any significant gift or hospitality, which they receive below this value. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period, which add up to £25 or over, should be registered.~~

~~If in doubt as to the value of a gift or hospitality, the general rule is that you should register it,~~

A form for registering receipt of a gift or hospitality is attached at Appendix A to this Protocol, although an email providing the details requested in the form would be acceptable.

10 Reporting of Inappropriate Gifts and Hospitality Offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a Member of the Fire Authority. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you and you may subsequently be required to assist the Police in providing evidence.

11 Reporting of Gifts and Hospitality Declined

It is advised that, even where a gift or hospitality is declined, this should be recorded to protect you from any later accusations of impropriety.

A form for registering details of a gift or hospitality declined is attached at Appendix B to this Protocol, although an email providing the details requested in the form would be acceptable.

12 Enforcement

Allegations of any failure to meet this Protocol must be made in writing to the Monitoring Officer.

The Standards Committee has responsibility for overseeing compliance with this Protocol.

13 Advice

If in doubt, always seek advice from the Monitoring Officer or his/her Deputy.

Shropshire and Wrekin Fire and Rescue Authority Declaration of Receipt of Gifts or Hospitality

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Do you have any contact in your role as Member with the person or organisation providing the gift or hospitality?	
Signed	Date

Please complete and return this form to:

The Corporate Services Manager, Shropshire Fire and Rescue Service,
Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

Appendix B

Shropshire and Wrekin Fire and Rescue Authority Declaration of Gifts or Hospitality Refused

Name	
Address	
What was the gift or hospitality refused?	
What is your best estimate of its market value or cost?	
Who offered it?	
When and where did they offer it?	
How did you refuse it (verbally, in writing etc.) and what reason did you give?	
Do you have any contact in your role as Member with the person or organisation offering the gift or hospitality?	
Signed	Date

Please complete and return this form to:

The Corporate Services Manager, Shropshire Fire and Rescue Service,
Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ