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

1 Introduction

This Protocol sets out the standards expected of Members and Independent Persons when gifts or hospitality are offered, accepted, refused or received on behalf of the Fire Authority. It is intended to protect public confidence, support transparency and ensure that decisions are made in a way that cannot reasonably be perceived as influenced by personal gain.

This Protocol applies to all Members of the Fire Authority and to Independent Persons appointed by the Fire Authority when acting in, or in connection with, their official role.

2 General Caution

You should treat with extreme caution any offer of a gift, favour or hospitality made to you personally in connection with your role as a Member. Your reputation, and that of the Fire Authority, can be seriously jeopardised if you accept a gift or hospitality that is inappropriate, excessive or capable of being perceived as influencing your judgement.

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.

Before accepting any gift or hospitality, you should ask yourself whether a reasonable member of the public, knowing all the relevant facts, could think that your judgement or actions as a Member might be influenced. If the answer is yes, or if you are unsure, you should decline the offer or seek advice from the Monitoring Officer before accepting it.

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

Under the Bribery Act 2010 it is a criminal offence for you to request, agree to receive or accept a financial or other advantage — including any gift or hospitality — where you intend that, in consequence, your functions as a Member should be performed improperly, or as a reward for performing them improperly.

It is a corresponding offence for another person to offer, promise or give you such an advantage with that intention. A “financial or other advantage” is construed widely and is not limited to money.

You should take particular care where a gift or hospitality is offered by a person or organisation holding, seeking or likely to seek a contract with the Fire Authority, applying for funding from the Authority, or involved in legal or enforcement proceedings with the Authority.

Accepting an improper advantage may also expose you to the common law offence of misconduct in public office. Any gift or hospitality accepted in the circumstances described in this Protocol should therefore be considered carefully and, where appropriate, declined or referred to the Monitoring Officer.

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 exhaustive definition is possible. They 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 low-value gifts may include pens, diaries, calendars, business stationery, items of clothing, books and flowers. Members should remain cautious where any additional service, privilege or advantage is offered in connection with their role 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 visits and other civic events.

7 Principles to Apply in Relation to Gifts and Hospitality

Members should also have regard to the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles should guide decisions about whether a gift or hospitality can properly be accepted, should be declined, or should be recorded.

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 where acceptance might create an actual conflict of interest, give rise to a perceived conflict of interest, or be open to misinterpretation. This includes gifts or 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.

- Where a procurement, tendering, commissioning, grant or contract management process is live, planned or reasonably foreseeable, Members should not accept gifts or hospitality from any person or organisation involved in that process, except where the Monitoring Officer has confirmed that acceptance would be appropriate.

- 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 cultural, religious and other personal circumstances may affect how gifts or hospitality are offered or received. In some instances, refusing a gift or hospitality may cause offence. Where a Member considers it appropriate to accept a gift or hospitality for these reasons, they should advise the Monitoring Officer as soon as reasonably practicable so that the matter can be recorded, and any necessary action can be agreed.

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'.

Members should register any gift or hospitality with an estimated value of £25 or more. Gifts or hospitality below this value should also be registered where the circumstances could reasonably be perceived as creating an obligation, influencing judgement, or affecting public confidence in the Fire Authority.

Any gift or hospitality that is accepted, declined or considered inappropriate should be reported to the Monitoring Officer as soon as reasonably practicable and, in any event, within 28 days of the offer, receipt or refusal.

If you are in doubt about the motive behind any gift or hospitality, or about how acceptance might reasonably be perceived, you should seek advice from the Monitoring Officer before accepting it wherever possible. If it has already been accepted, it should be registered as a matter of good practice and in accordance with the principles of openness and accountability in public life.

The Monitoring Officer will review declarations received under this Protocol and determine whether any further action is required, including whether the gift should be retained by the Authority, returned, donated, entered onto the register, or otherwise managed to protect transparency and public confidence.

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.

It is important to note that declarations made pursuant to this Protocol must be made in addition to, where relevant, registration and/or disclosure of gifts or hospitality which may themselves consist of registrable or disclosable interests.

10 Reporting of Inappropriate Gifts and Hospitality Offered

Under section 1 of the Bribery Act 2010 it is a criminal offence for a person to offer, promise or give you a financial or other advantage intending to induce or reward the improper performance of your functions 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

Even where a gift or hospitality is declined, you should record the offer to protect yourself and the Fire Authority from any later allegation or perception 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 Audit and Standards Committee has responsibility for overseeing compliance with this Protocol.

13 Advice

If in doubt, always seek advice from the Monitoring Officer or their Deputy.

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

Name of recipient	
Address of recipient	
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**

Decision by Monitoring Officer: retain by recipient / retain by Authority / return / donate / other action agreed.
Decision and reasons:

Please complete and return this form to the Monitoring Office and copy to the Executive Support Team Leader.

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

Name of recipient	
Address of recipient	
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**

Reviewed by Monitoring Officer: no further action / further advice issued / other action agreed.

Decision and reasons:

Please complete and return this form to the Monitoring Officer and copy to the Executive Support Team Leader.