

Standards Committee

Tuesday, 3 February 2015

Additional Information

AGENDA ITEM NO. 8 – REVIEW OF CODES AND PROTOCOLS

APPENDIX 1A – FIRE AUTHORITY CODE OF PRACTICE (GIFTS etc.)

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APPENDIX C

**CODE OF PRACTICE:
GIFTS, LOANS, HOSPITALITY AND SPONSORSHIP
Approved 27 November 1997
Revised 27 September 2012**

Introduction

- 1 This document sets out the procedures which must be followed when offers of gifts, loans and sponsorship are made to the Authority and to the Service. It applies to members and officers of the Authority, and all Service staff, both uniformed and corporate staff.
- 2 The public has the right to expect the highest standards of conduct, integrity and probity in the public service. Holders of public office must 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. In addition, public servants must be open in their dealings. There should be no hidden motive for the decisions and actions they take, and information should be restricted only when the wider public interest demands.
- 3 The Authority at its meeting on 27 November 1997 approved a policy whereby offers of gifts, loans and sponsorship may be accepted only if they are in accordance with this code of practice.
- 4 In this code, the word 'offers' is construed as meaning any offer of a gift, loan, hospitality or sponsorship to the Authority or to the Service.

General Rules

- 5 No officer of the Authority or staff of the Service shall accept any fee or reward for work done other than the pay and allowances set out in his/her contract of employment, or agreed by the Chief Fire Officer, or by the Authority. It is a criminal offence for a member or an officer to accept gifts, either directly or through a third party, by way of an inducement or reward for doing, or refraining from doing anything, or for showing favour or disfavour in an official capacity.
- 6 Officers of the Authority and staff of the Service are not entitled to accept personal gifts offered to them or members of their family. Small items such as diaries, calendars, may be accepted subject to the gift being registered in accordance with paragraph 22 below.
- 7 Officers of the Authority and staff of the Service must not seek or receive preferential treatment by virtue of their dealings on behalf of the Authority or the Service. Offers of hospitality, including visits to exhibitions, social functions, etc. may be accepted where there is a genuine need to represent the Authority or the Service as part of one's official duties. For staff these must be authorised in advance by a Brigade Manager. Any offer, whether accepted or not, must be recorded in the register referred to in paragraph 22 below. Particular care must be taken when dealing with contractors or potential contractors – see paragraph 18 below.

Members of the Authority

- 8 Since 1 July 2012 there has been no statutory requirement for members to register offers of gifts and hospitality.
- 9 However, the Authority has decided that members should, on a voluntary basis, register all offers of gifts and hospitality made to them in their capacity as members of the Authority with a value of £25 or more, whether or not accepted.
- 10 There is a prescribed form for members to register the offer of a gift or hospitality. A member needing to make a registration should ask the Clerk to the Authority for a copy of the form, complete it and return it to him/her. The register of members' gifts and hospitality is open to public inspection.
- 11 Members are personally responsible for their decisions connected with their acceptance of gifts and hospitality, and for avoiding the risk of damage to public confidence in local government.

Officers of the Authority and Staff

- 12 These too are personally responsible for their decisions on gifts and hospitality, and for doing nothing to damage public confidence in the Fire Service. When considering offers, particular care must be given to the following parts of the code.
- 13 There must be no excessive degree of advertising. The Authority has no legal power to enter into a contract with a company designed to promote or advertise the wares of that company.
- 14 Any agreement must be transparent. There must be complete openness.
- 15 No preferential treatment or consideration must be given in any way to the sponsor or person making the offer.
- 16 There must be no conflict with the interests of the Authority or the Service.
- 17 The offer must be incidental to the Authority's statutory duties. In other words, whilst offers have the potential to enable the Authority to do things it could not otherwise afford, or to release resources for other uses, they must not be a substitute for expenditure which the Authority must incur in order to fulfil its statutory obligations.
- 18 Careful consideration must be given to the timing of any offer, particularly in relation to contractors, or potential contractors. It would be inappropriate to accept a gift from a company with which the Authority or the Service has a contract, immediately prior to the renewal of the contract.
- 19 Acceptance of an offer must in no way be construed as an endorsement of a particular product. If a company, having had an offer accepted, wishes to publicise the fact in its advertising material, it must seek the prior approval of the Clerk to the Authority.
- 20 There is no bar to the acceptance of an offer being acknowledged, but public acknowledgement must not become blatant advertising. Company logos must not

appear on equipment. This does not prevent a discreet plaque being affixed to acknowledge the offer.

- 21 Offers must not be accepted where there would be an association with products which the Authority is likely to consider unacceptable or inappropriate eg tobacco and incendiary equipment. Care needs to be taken in this respect.
- 22 All offers must be recorded in a register, to include a description of the offer, an approximate financial value, and whether the offer has been accepted or refused. The register shall be open to public inspection.
- 23 Acknowledgement of significant offers, when accepted, may be made in the Service's annual report.
- 24 Sponsorship of events may be acknowledged in programmes.
- 25 Advertising will not be permitted under any circumstances on premises occupied by the Authority or the Service.

Who may decide whether to accept an offer?

- 26 In the case of offers to the Authority, as opposed to the Service, the decision will be made by the Clerk after consultation with the Group Leaders. In the case of staff, a Brigade Manager should be consulted wherever an officer or member is unsure about the application of any part of this Code.
- 27 In accordance with the Authority's Financial Regulations, the prior approval of the Authority must be obtained before any offer in excess of £10,000 value is accepted.

Sponsorship by the Authority or Service

- 28 When consideration is being given to the Authority or the Service sponsoring an event or service, members and officers of the Authority and staff, including any partners or members of their families, must not benefit from such sponsorship. The agreement of the Clerk to the Authority or the Chief Fire Officer, as appropriate, must be obtained in advance.

Loans

- 29 Loans differ from gifts and sponsorship in that the asset being loaned remains in the ownership of the donating body. Consideration of the offer of loans must be in accordance with the above provisions in this code of practice.
- 30 In addition, there is the issue of liability. Before accepting a loan, the Authority or the Service must ensure that it is not facing any unnecessary risk and that such risks are covered by the appropriate insurance arrangements or indemnities. It is advisable to seek the advice of the Clerk.

Firefighters' Charity, and Recreation and Welfare Fund

- 31 Nothing in this code is intended to be a bar to the practice whereby contributions are made by the public to one of these funds, often as a gesture of thanks for a particular service. However, staff who receive such donations should be alert to the danger of an ulterior motive on the part of the donor. All contributions received should be recorded.