

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 3RD JULY 2019
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: GIFTS AND HOSPITALITY GUIDANCE

Purpose of Report

1. To provide Members with details of the proposed changes to the guidance about gifts and hospitality.

Recommended: That

- [1] The contents of this report be noted;
- [2] The revised guidance be recommended for adoption by the Fire Authority; and
- [3] The paragraph in the Members' Code of Conduct concerned with gifts and hospitality be amended as shown in paragraph 11 of the report.

Background

2. The Authority's Constitution contains a Protocol for Members and staff to follow for the Acceptance of Gifts and Hospitality. The Members Code of Conduct contains a requirement for the notification of gifts and hospitality. The Code of Conduct for employees also contains guidance for staff to follow when offered gifts and hospitality.
3. There is an electronic Register of Gifts and Hospitality for Members and an electronic Register of Gifts and Hospitality for officers.
4. Following a workshop with members of this Committee in November 2018 new guidance has been prepared which is intended to apply to both Members and staff, bringing consistency.

Information

5. At the workshop a number of issues were discussed and the views of the Committee are summarised below:
 - That the same rules should apply to Officers and Members.
 - Offers of gifts and hospitality could be accepted in certain circumstances but there needed to be a clear policy which was known and understood.

- Apart from offers of token gifts and modest hospitality, all offers of gifts and hospitality should be declared
 - Permission from the Monitoring Officer should be sought in most cases and he should be consulted when in doubt.
 - The Register should record offers which have been accepted and declined (rather than “refused”)
 - The financial limit should be the same for Officers and Members. The limit for Members was £50 and for employees £25. A limit of £30 was suggested.
 - There be an annual limit for gifts and hospitality offered by the same organisation
6. The two pieces of guidance (for Members and employees) were generally aligned. However, there was some inconsistent language and both pieces of guidance were considered to be too long and potentially confusing.
 7. The information appeared to lend itself to guidance which could largely be presented in a table format with a range of examples to assist Members and staff to understand what is expected of them.
 8. The guidance has now been revised and simplified and is attached as Appendix 1 to this report.
 9. It is intended that this guidance will also apply to staff, following consultation with the representative bodies.

Financial Implications

10. There are no financial implications arising from this report.

Legal Implications

11. There is no legal requirement for local authorities to maintain a gifts and hospitality register, nor for elected Members to register or declare gifts and hospitality they receive as part of their role. However, it is common practice to adopt this practice and is a means by which Members can demonstrate their integrity, one of the core principles of public life contained in Section 28 of the Localism Act 2011. The existing Members’ Code of Conduct contains a requirement concerned with gifts and hospitality. This needs to be updated to state: “You must comply with the Gifts and Hospitality Guidance”.
12. Earlier this year the Committee on Standards in Public Life published a report on it’s Review of Local Government Ethical Standards. A report was presented to this Committee in April summarising its findings. One of it’s best practice recommendations was that local authorities establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality over the

value of £50, or totalling £100 over a year from a single source. Whilst this is not a legal requirement the recommendations are considered to be a benchmark of good ethical practice which the Committee expects all local authorities to implement. It intends to review implementation of best practice in 2020.

Equality and Diversity Implications

13. There are none.

Environmental Implications

14. There are none.

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BACKGROUND PAPERS: NONE