

**ESSEX POLICE, FIRE AND CRIME COMMISSIONER
FIRE & RESCUE AUTHORITY**
Essex County Fire & Rescue Service



Meeting	Strategic Board	Agenda Item	
Meeting Date	19 September 2024	Report Number	
Report Author:	Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)		
Presented By	Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)		
Subject	Declaration of Interests, Gifts, Hospitality and Sponsorship Policy		
Type of Report:	For noting and endorsement		

RECOMMENDATIONS

That the Strategic Board notes and endorses the Declaration of Interests, Gifts, Hospitality and Sponsorship Policy attached at Appendix 1.

BACKGROUND

Earlier this year, it was identified that, although there is some limited policy guidance relating to the declaration of the acceptance of hospitality, gifts and sponsorship within the staff Code of Conduct, it was not clear how any such decisions would be approved or scrutinised. It was further identified that the business interests of staff are currently only declared through the declaration of “related party transactions”, applying only to certain officers, as part of the closure of accounts. A policy applying to all staff has therefore been drafted by the Monitoring Officer based on the legal requirements and best practice elsewhere, primarily within the fire and rescue and local government sectors.

This particular policy is not a reserved matter within the Authority’s Constitution however, given its interrelatedness to matters that are reserved (e.g. the Code of Conduct and Anti-Fraud and Bribery Policy), the Chief Fire Officer / Chief Executive felt it appropriate to refer it to the Strategic Board.

BENEFITS AND RISK IMPLICATIONS

The purpose of the Declaration of Interests, Gifts, Hospitality and Sponsorship Policy is to set out the procedures which must be followed when an employee wishes to pursue an outside interest, or when offers of gifts, hospitality and sponsorship are made to staff. The aims of this policy are:

- To ensure that employees of the Authority are aware of their responsibilities in relation to the declaration of interests, gifts, hospitality and sponsorship.
- To ensure that the private interests of employees do not impair their ability to act in the best interests of the Authority.
- To ensure that the Authority acts properly, fairly, impartially and without unfair or unlawful discrimination in all its dealings and is seen to be doing so.
- To protect the reputation of the Authority and its staff.
- To ensure that the highest standards of public service are maintained.
- To ensure that public funds are used in a responsible and lawful way and the community receives value for money from the use of those funds.

Development of this policy recognises that the reputation of the Authority depends largely on the conduct of its employees and what the public believes about their conduct. There is a risk that confidence in the integrity of the Authority and its staff will be diminished if there is any suspicion that they could have been influenced in any way by any improper motive. There is also a risk of legal challenge to Authority decisions where a decision-maker has a conflict of interest, especially where that conflict is not acknowledged or declared. The adoption of this policy seeks to mitigate these risks.

FINANCIAL IMPLICATIONS

There are no financial implications arising for the Authority directly from the approval of this policy. However, it does make clear that staff involved in commissioning / procurement, grant giving and / or in the authorisation of payments to staff or suppliers must ensure that they use any public funds entrusted to them in a responsible and lawful manner and should strive to ensure value for money to the local community and to avoid any legal challenge to the Authority. The policy requires such staff to be conversant with the Authority's Financial and Procurement Regulations and to ensure fairness and impartiality when dealing with all suppliers, contractors, applicants and tenderers, in accordance with these regulations.

EQUALITY AND DIVERSITY IMPLICATIONS

The policy attached at Appendix 1 makes clear that decisions taken on business interests must take full account of equality and diversity considerations, and that all decisions must be justified by reference to relevant equality legislation and the duty on fire and rescue services under the Equality Act 2010 to actively promote equality.

WORKFORCE ENGAGEMENT

The document attached at Appendix 1 has been consulted on via the Authority's Statutory Officers Meeting and Service Leadership Team (SLT).

LEGAL IMPLICATIONS

As a public service, the Authority expects a standard of conduct from its workforce which reflects the principles set out by the Nolan Committee on Standards in Public Life. These Seven Principles of Public Life, set out in section 28(1) of the Localism Act 2011, are the

foundation of the principles set out in the Core Code of Ethics for Fire and Rescue Services (England).

Furthermore, the offer of a gift or hospitality in return for a benefit, such as the award of a contract, would constitute a criminal offence under the Bribery Act 2010. It would also be a criminal offence to request, receive or accept a bribe. As such, the policy attached at Appendix 1 seeks to ensure that no preferential treatment or consideration is given to a sponsor or person offering a gift or hospitality, and that there is no conflict between the acceptance of the same and the interests of the Authority.

In order to meet its obligations under the Working Time Regulations 1998, the Authority also needs to ascertain whether the business interests of any individuals may be regarded as working time for the purposes of determining aggregate working time. This is because the provisions of the Working Time Regulations are not limited to working time with one organisation. Any individual with an external business interest is therefore required to provide information concerning the nature, duration and time spent on any extra work undertaken so that the Authority can assess whether such work combined with the individual's normal scope of duties conflicts with the Working Time Regulations.

The policy also sets out that, when making decisions relating to declarations, account must be taken of the Human Rights Act 1998, particularly Article 8 – the right to a private and family life. Any interference in that right (including by refusing an application to take on or maintain additional employment or an outside business interest) must be lawful, necessary, and proportionate.

HEALTH AND SAFETY IMPLICATIONS

The policy attached at Appendix 1 makes clear that, as part of any consideration of a business interest, it is essential to consider the duty to protect the member of staff's health and safety and to ensure that the total demands of their roles do not pose a risk to the health of the applicant or his or her ability to work safely, either as an individual or part of a team, or to the health, safety and wellbeing of any non-employees who may be affected by his or her acts or omissions. It also provides that, where there is a concern on health and safety grounds relating to the efficiency and / or wellbeing of the individual, a proposed or existing business interest may be limited or excluded as a result.

Please also see the comments relating to the Working Time Regulations 1998 in the section above.

BACKGROUND PAPERS

Appendix 1 – Declaration of Interests, Gifts, Hospitality and Sponsorship Policy (v002)