

**To: Joint Audit Committee**

**Date: 16<sup>th</sup> December 2013**

**By: Alison Bolton, Chief Executive**

**Title: Gifts and Hospitality**

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**Purpose of Report/Issue:**

To brief the Committee on the processes in place in Surrey Police and the Office of the Police & Crime Commissioner for the recording and monitoring of gifts and hospitality. For completeness, the report also covers disclosable interests.

The Committee's Terms of Reference state that it must, "*review compliance within the Surrey Police Force and Office of the Surrey Police & Crime Commissioner, with the policies and procedures governing declarations of interest and the receipt of gifts and hospitality*". This report also suggests how the Committee may wish to provide itself with further assurance on these issues.

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**Recommendations**

That the Committee notes the report.

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**Risk – None arising.**

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**Equalities / Human Rights Implications – no specific implications are raised by this report.**

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## **Policies for Gifts, Hospitality and Declarations of Interest**

Contract Standing Orders set out the policies and processes for recording receipt of gifts and hospitality and also for declaring interests in a contract.

### **Office of the Police & Crime Commissioner – Arrangements for Recording Gifts and Hospitality**

The Police and Crime Commissioner (PCC) and his staff are required to provide information about any gifts or hospitality which they are offered in a business capacity. This includes disclosure of those that are accepted or declined. It includes dinners hosted by Surrey Police and the Association of Police and Crime Commissioners, as well as hospitality and gifts from members of the public, or local and national organisations. The PCC and his staff must notify the PCC's Support Officer in writing within 28 days of receiving a gift or hospitality.

Any gifts or hospitality received are regularly published on the website for transparency. The Office of the PCC also maintains a paper record which can be made available to the Committee for scrutiny. The latest website report can be found here:

[http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/09/Oct\\_01.pdf](http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/09/Oct_01.pdf)

### **Chief Constable's Gifts and Hospitality**

All gifts and hospitality forms completed by the Chief Constable are reviewed by the Chief Executive of the Office of the Police & Crime Commissioner prior to receipt by the Head of the Professional Standards Department and publication on the Force website.

### **Surrey Police – Arrangements for Recording Gifts and Hospitality**

Surrey Police has in place a comprehensive policy for recording gifts and hospitality for its officers and staff. This is attached at Appendix 1. Surrey Police publishes a sanitised version of the completed proformas on its website. This is the link:

<http://www.surrey.police.uk/Portals/0/pdf/your%20right%20to%20information/Hospitality-Register.pdf>

All completed forms are reviewed and kept by the Head of the Professional Standards Department.

### **Disclosable Interests**

Surrey Police maintains a register of disclosable interests for senior staff and officers of the Force and the PCC (Superintendent and above, Directors and all staff in the highest salary band). This records any interests or transactions between an officer or member of staff (and their families) with those who hold positions of influence. For example, a firm where the officer or staff member is a director or has a beneficial interest. The Office of the PCC is obliged to publish the register of interests for the PCC and his Deputy on its website. The links are here:

[http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/09/Kevin-Hurley\\_Amended-May-2013.pdf](http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/09/Kevin-Hurley_Amended-May-2013.pdf)

[http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/12/Jeff-Harris\\_Dec-2012.pdf](http://www.surrey-pcc.gov.uk/wp-content/uploads/2012/12/Jeff-Harris_Dec-2012.pdf)

Information on disclosable interests is included within the Statement of Accounts. The statement for 2012/13 recently reviewed by the Audit Committee notes that, *“A survey of the related party interests of the Chief Constable and senior managers and their immediate family members was carried out in preparing the Statement of Accounts. No related party interests were disclosed.”*

### **Oversight by the Audit Committee**

The Committee’s role is to review compliance within the Surrey Police Force and Office of the Surrey Police & Crime Commissioner, with the policies and procedures governing declarations of interest and the receipt of gifts and hospitality.

It is suggested that records of gifts and hospitality for the Office of the PCC can be presented to the Committee on a bi-annual basis.

In respect of Surrey Police records, the Committee (or one or two members of the Committee) may wish to ‘dip sample’ the files maintained by Surrey Police’s PSD in order to satisfy themselves that due process is being followed. This method was deployed by the previous Police Authority.

## **Gifts, Hospitality and Declarations of Interest Procedure**

### **Governing Policy:**

Governing Policy

[Anti-Fraud and Anti-Corruption.aspx](#)

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### **Document Objectives:**

Introduction

The aim of this document is to outline the procedure to accepting and recording of gifts, hospitality and declarations of interest.

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### **Procedure Text:**

Page Content

The acceptance of gifts, gratuities or hospitality can undermine personal and professional integrity and can lead to allegations of corrupt practices or improper relationships with members of the public or corporate bodies.

## **1. Application**

This Procedure applies to

Police Officers

Police Staff

Police Community Support Offices (PCSOs)

Police Support Officers (PSOs)

Special Constabulary

Volunteers

## **2. Introduction**

2.1 Police officers and staff must act with honesty and integrity and must not compromise or abuse their position. They should never solicit the offer of any gift, gratuity, favour or hospitality in any way connected to or arising from their role within the police service, whether on or off duty.

2.2 No officer or member of staff will produce a warrant card or ID card, or wear whole or part uniform, to obtain discounts, goods or services unless as part of an approved arrangement. This includes using a warrant or ID card to gain free access to nightclubs, sporting events or other commercial premises.

Accepting free or discounted food or services whether on or off duty is unacceptable if the provision is because the donor is aware of the recipient's role.

2.3 There is a clear distinction between a gift, which may include something as simple as a hot

beverage, creating an implicit obligation on the part of the police and refreshment that is an integral part of routine policing and builds public confidence. This procedure should not be interpreted in a way that would, for example, prevent neighbourhood staff from drinking a cup of tea with a Surrey resident in the course of their duties in the community. Officers and staff should be sensitive to accepting hospitality in commercial establishments where even the perception of an inducement might occur and adversely affect the Force's reputation.

2.4 This procedure should not be interpreted in a way that would, for example, prevent neighbourhood staff from accepting light refreshments as a common courtesy in line with policing duties, or inexpensive promotional products from partnerships or conferences. It is important however, that officers and staff be fully aware that in circumstances where an unsolicited offer of a personal gift or gratuity is made, the assumption should be that it will be politely declined.

2.5 Staff must not accept personal gifts of money (or gift vouchers) in the course of their duties or employment (including in any off duty situation) where the gift is related to, or may appear to have a connection to their duties or employment, under any circumstances, except as a donation to the Force. Where an offer of a gift of cash is made it will be declined, reported to a supervisor and a gift & hospitality pro forma document will be submitted.

2.6 This Policy does not apply to individuals acting in their capacity as part of any approved secondary employment or declared business interest.

### **3. Raffle Prizes**

3.1 No officer or member of staff should approach corporate bodies, local businesses or business partners seeking the donation of prizes for a raffle.

### **4. Uniform and Equipment as gifts**

4.1 Requests for uniform items to be given as gifts to visiting Forces or to take as gifts when visiting other Forces will be refused due to the security risks linked to the impersonation of Police officers

### **5. Sponsorship**

5.1 The scope of this policy does not relate to any formal arrangements around sponsorship

## **6. Loyalty Cards//Point Schemes**

There can be no individual gain when purchasing items or fuel for work purposes.

Advantages such as reward point schemes/air miles etc. cannot be collected

## **7. Procedure**

All offers of gifts and hospitality will be recorded whether they are accepted or not.

7.1 In determining whether hospitality should be accepted the following should be considered

The value and significance of the gift/hospitality?

Who is offering the hospitality and what is the motive of the person offering the gift/hospitality?

What are the background circumstances?

What does the donor expect in return?

Would this compromise or could it create the perception of favour in the way a service is provided or is to be provided in the future?

Is there a business relationship in existence where the provision and acceptance would compromise an individual's impartiality or may give the impression of doing so?

Is it considered to be in the interest of the Force to accept or attend?

Is acceptance likely to damage the reputation of Surrey Police?

7.2 If presented with a gift/hospitality, which it would be discourteous to refuse, it may be accepted and the donor should be advised that permission to retain the gift/accept the hospitality will be sought.

7.3 If the value is less than £50 it may be authorised by the line manager. Anything of a value in excess of £50 must be referred to the Head of PSD for approval.

## **8. Declaration of Interest**

8.1 The Force holds existing contracts with suppliers and at times will actively undertake ongoing procurement for goods and services.

8.2 The offer of a gift or hospitality perceived to be with the object of obtaining preferential treatment should be declined. In such instances the gifts and hospitality pro forma will be completed.

8.3 Any officer or member of staff who has either a potential or established interest in any Contract or agreement placed or to be placed for or on behalf of Surrey Police must:-

Immediately declare that interest to their line manager and complete a hospitality, gifts and declaration of interest pro forma

Immediately remove him/herself from the process

## **9. Recording**

9.1 A single register will be maintained and a sanitised version will be available on the Surrey Police website to demonstrate transparency

## **10. Relevant law**

10.1 The Bribery Act 2010 (which came into force 1 July 2011) describes Bribery as 'Intending to bring about (or reward) improper performance by another person of a relevant function or activity'. It states bribery is offering, promising or giving an advantage knowing or believing that acceptance of the advantage itself constitutes improper performance. The Act states:

- 'Advantage' is financial or other advantage;
- Where a person agrees to receive or accepts something of value, bribery occurs whether or not the person actually receives it;
- The test is what 'a reasonable person' in the UK would expect;
- A public official (including a police officer) cannot receive hospitality from an individual that would leave the officer beholden to that individual.