

OFFICE OF POLICE AND CRIME COMMISSIONER

OFFICE OF THE CHIEF CONSTABLE

TITLE: OPCC Gifts and Hospitality and Business/Disclosable Interests Report

DATE: 3rd June 2019

TIMING: Annual

PURPOSE: For Consideration

1.	<p><u>RECOMMENDATION</u></p> <p>That the members of the Joint Audit Committee review compliance with policies relating to business interests and gifts and hospitality as set out in their terms of reference.</p>
2.	<p><u>INTRODUCTION & BACKGROUND</u></p> <p>When Police and Crime Commissioners were appointed to Office in November 2012, a discretionary national Code of Conduct was provided that could be adopted if individuals so wished. The former Police and Crime Commissioner for Gwent (Commissioner) and the Deputy Police and Crime Commissioner for Gwent (Deputy Commissioner) both adopted the Code of Conduct upon their respective appointments. This practice was continued by both the current Commissioner and Deputy Commissioner.</p> <p>By adopting the Code of Conduct the Commissioner and Deputy Commissioner are required to abide by the 'Nolan Principles' (Seven Principles of Public Life) as expanded by the Code of Ethics which introduced two additional principles; these are as follows:</p> <ul style="list-style-type: none">• Selflessness;• Integrity;• Objectivity;• Accountability;• Openness;• Honesty;• Leadership• Fairness; and• Respect. <p>The Code of Conduct requires the Commissioner and Deputy Commissioner to register any disclosable interests within 28 days of appointment. They must also notify the Monitoring Officer of any changes to those interests within 28 days of the changes coming into effect.</p> <p>In November 2012 the Office of the Police and Crime Commissioner (OPCC)</p>

	<p>also adopted a Staff Code of Conduct that now forms part of the terms and conditions of employment of all staff working under the direction and control of the Chief Executive. This places a requirement on all members of staff to declare any disclosable and/or business interests and also any hospitality and benefits of gifts received as a consequence of his or her employment</p> <p>A register of business interests and gifts and hospitality is required to be kept up to date. The business/disclosable interests of the Commissioner and Deputy Commissioner and the gifts and hospitality register for all OPCC staff are published on the OPCC website as per the Elected Local Policing Bodies (Specified Information) Order 2011 section 1(e) and 2(e) respectively. The Freedom of Information Act 2000 Elected Local Policing Bodies Model Publication Scheme also provides a requirement for this information to be made publically available.</p>
<p>3.</p>	<p><u>ISSUES FOR CONSIDERATION</u></p> <p>Business Interests</p> <p>The Business Interests Policy and Procedure aims to ensure that all staff are treated equally and fairly and that from an organisational perspective, security, ethics and responsibilities are taken into account when determining whether or not to allow the business interest. The Business Interests Policy and Procedure was reviewed and approved by the former Commissioner on 18th January 2016.</p> <p>It is the Chief Executive’s role to approve or decline an application for a business interest and various factors must be taken into consideration to ensure that the interest does not conflict with an individual’s role within the OPCC.</p> <p>The business interests of the Commissioner, Deputy Commissioner and OPCC staff are reviewed annually to ensure they remain up-to-date. The Commissioner’s and Deputy Commissioner’s business interests were last reviewed in April 2019 and are available on the OPCC website.</p> <p>The business interests of OPCC staff were reviewed and amended during May 2019. These are not published but an anonymous overview has been provided at appendix 1. Business interests have been removed from the register as staff have left the organisation.</p> <p>The OPCC has been compliant with the its business interests policy during 2018/19. No business interests were rejected although some have been allowed with conditions. No appeals in relation to the conditions attached to the business interests have been received by the PCC.</p> <p>Gifts and Hospitality</p> <p>The Gifts and Hospitality Policy and Procedure was reviewed and adopted by</p>

	<p>the former Commissioner on 5th January 2015 and is currently being reviewed by the Head of Assurance and Compliance.</p> <p>The aim of the policy/procedure is to increase public confidence by ensuring that the Commissioner, Deputy Commissioner and staff employed by the OPCC do not accept gifts and hospitality, otherwise than in accordance with the policy.</p> <p>A single Gifts and Hospitality register is maintained by the Governance Officer of the OPCC. Where possible, the Chief Executive must approve any gifts, gratuities or hospitality prior to acceptance. Should there be any doubt as to whether a gift, gratuity or hospitality should be recorded then advice should be sought from the Head of Assurance and Compliance or the Chief Executive.</p> <p>Appendix 2 provides details of the Gifts and Hospitality received by the Commissioner, Deputy Commissioner and staff of the OPCC during 2018/19. The Gifts and Hospitality register is publically available on the OPCC website.</p> <p>The OPCC has been compliant with the its gifts and hospitality policy during 2018/19; all known gifts and/or hospitality have been declared whether or not they were accepted.</p>
4.	<p><u>NEXT STEPS</u> Both registers will continue to be maintained as normal business practice.</p>
5.	<p><u>FINANCIAL CONSIDERATIONS</u> Staff with business interests are required to declare earnings to Her Majesty's Revenue and Customs (HMRC) as appropriate.</p>
6.	<p><u>PERSONNEL CONSIDERATIONS</u> Staff are required to inform the Chief Executive of any changes to their business interests which affect their welfare or ability to perform their role with the OPCC.</p>
7.	<p><u>LEGAL IMPLICATIONS</u> There is a legal obligation placed on the Commissioner and OPCC to publish this information under the Elected Local Policing Body (Specified Information) Order 2011 and the Freedom of Information Act 2000 Elected Policing Bodies Model Publication Scheme.</p>
8.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u> This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>These processes ensure that the Commissioner, Deputy Commissioner and</p>

	<p>staff of the OPCC act in a fair and transparent way regarding gifts and hospitality and business interests, and that their actions in these matters do not negatively impact upon any individual or group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p>
9.	<p><u>RISK</u> There is a risk when accepting gifts and hospitality, and through some areas of business interests, that a person may become open to bribery. The policies and procedures the OPCC have introduced are provided to ensure all staff have clear rules and guidelines to follow so as not to expose themselves to these situations.</p>
10.	<p><u>PUBLIC INTEREST</u> The report may be made available to the public.</p>
11.	<p><u>CONTACT OFFICER</u> Joanne Regan, Head of Assurance and Compliance.</p>
12.	<p><u>ANNEXES</u> Appendix 1 - OPCC Staff Business Interests Register Appendix 2 – Gifts and Hospitality Register 2018/19</p>