



AVON
FIRE AUTHORITY

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AVON FIRE AUTHORITY GIFTS & HOSPITALITY PROTOCOL

REVISED SEPTEMBER 2012



Gifts and Hospitality

Protocol for Members

The acceptance of gifts and hospitality by Members is not merely an administrative issue. It reflects directly upon the perception of Members and of the Authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Members can get from their position.

The law on the acceptance of gifts and hospitality is set out in the Authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this Authority, to provide a clear set of rules for the protection of both Members and the Authority. Gifts and hospitality with an estimated value of at least £25 are deemed to be a personal interest and must be declared as such. Failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

The duty to comply is an individual Members', and whilst guidance is provided, it is for the Members to satisfy themselves that they have properly complied.

This Protocol sets out the principles which you should apply whenever you have to decide it would be proper to accept any gift or hospitality.

This Protocol only applies to you in your capacity as a Member of the Authority.

This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this Authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Member of the Authority.**

As a Member, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.



Further, the Authority's Code of Conduct for Members provides that you must act in the public interest, serving the Authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) **You should only accept a gift or hospitality if there is a commensurate benefit to the Authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the Authority, such as an opportunity to progress the business of the Authority expeditiously through a working lunch, or to canvass the interests of the Authority at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the Authority's Code of Conduct provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Member of the Authority of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the Authority, would be a breach of the Code.

(c) **Never accept a gift or hospitality if acceptance might be open to misinterpretation**

The appearance of impropriety can be just as damaging to the Authority and to you as a Member as actual impropriety. The Authority's ability to carry out its statutory duties and exercise its powers rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding, for example when the Authority is going through a competitive procurement process. Any indication of favour for a particular tenderer needs to be avoided.

(d) **Never accept a gift or hospitality which puts you under an improper obligation**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality



improperly, they may feel that they will no longer be able to secure impartial consideration from the Authority.

(e) **Never solicit a gift or hospitality**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Member of the Authority unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to any such improper offer.

2 Declarations

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, you must, within 28 days after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer using the approved form (a copy of which is attached to this Protocol). The Monitoring Officer will retain a copy of any such declaration in the public register.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

3 Gifts to the Authority

Gifts to the Authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the Authority. You should not solicit any such gift on behalf of the Authority except where the Authority has formally identified the opportunity for participation by an external party and how that participation is to be secured. If you receive such an offer on behalf of the Authority, you must first consider whether it is appropriate for the Authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the Authority under any improper obligation, whether there is a real benefit to the Authority which would outweigh any dis-benefits). You should report the offer directly to the Clerk, who has delegated authority to accept gifts on behalf of the Authority, as to whether the gift should be accepted. The Clerk will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Authority to accept the gift, you should consult the Clerk directly.

4 Definitions

- (a) "Gift or hospitality" includes (but is not limited to):
- (i) the free gift of any goods or services
 - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public



- (iii) the opportunity to obtain any goods or services which are not available to the general public
 - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the “value” or “cost” of any gift or hospitality are references to the higher of:
- (i) your estimate of the cost to the person or organisation of providing the gift or consideration
 - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.



Avon Fire Authority

Receipt of Gift or Hospitality

To be completed by Members

- 1 Name of Member:
 - 2 Name of Person/Organisation from which gift or hospitality was offered/received:
.....
 - 3 Details of Gift or Hospitality (if 'working' breakfast, lunch or dinner, please indicate)
.....
 - 4 Estimated Value of Gift or Hospitality
 - 5 Date Gift/Hospitality offered/received
- Signed: date:

Declaration Noted:

Clerk to the Authority:

Date: