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| Meeting | THE COUNCIL |
| Date | 2, May, 2013 |
| Topic | Protocol for Members Gifts and Hospitality |
| Purpose of the Report | To submit an amended Protocol for the Council to adopt. |
| Author | Dilys Phillips, Monitoring Officer. |

1. The Council adopted the present protocol on Gifts and Hospitality in June 2004. A copy can be seen in the Constitution on the Council's website - link [Protocol for Members on Gifts and Hospitality](#).
2. Since 2004 a new Code of Conduct has been introduced together with guidelines by the Ombudsman for Public Services in Wales which made it appropriate to review the contents of the Protocol on Gifts and Hospitality.
3. As part of the work of promoting high standards of conduct within the Council, the Standards Committee looked at the protocol and proposed some amendments. The amended protocol is attached to this report.
4. The main changes are to the form of the protocol rather than its contents. It now includes a reference to the Code of Conduct and the guidelines together with general principles which should be of assistance to members.
5. Members will be aware of the need to register any offers of gift or hospitality worth more than £25 whether accepted or declined. The Standards Committee from now on will receive an annual report on the contents of the register as part of the monitoring of standards within the Council.
6. **Recommendation.**

The Council is asked to adopt the amended Protocol and to include it as part of the constitution.

PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

- 1.1 You should treat with extreme caution any offer or a gift or hospitality made to you personally. You are responsible for any decision to accept an offer of a gift or hospitality, and your personal reputation and that of the Council could be seriously jeopardised by the inappropriate acceptance of such an offer.
- 1.2 No hard and fast rules can be laid down to cover every circumstance but this protocol offers guidelines to assist you in making a decision.

2. The Law

- 2.1 Accepting a bribe is an offence. If it is proved that you have received any gift, loan, fee, reward or advantage by somebody seeking to obtain a contract from the Council then the onus will be on you (and the person making the offer) to prove that you have not acted dishonestly.
- 2.2 The Members Code of Conduct states "That you must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation."

"You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

"You must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25 provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not."

3. Principles

- 3.1 Improper obligation – A gift or hospitality should never be accepted as a reward or inducement to act in a particular way as a councillor or as a means of obtaining influence.

- 3.2 Benefit to the Council – Gifts or hospitality should only be accepted if there is a benefit to the Council of so doing. The benefit should be proportionate with the gift.
- 3.3 Misinterpretation – Gifts or hospitality should not be accepted if to do so would leave the council or member open to accusations of misconduct. Members must not only conduct themselves properly, they also be seen to be conducting themselves properly.
- 3.4 Soliciting a gift or hospitality – Gifts or hospitality should never be sought or invited in connection with a role as a councillor.

4. Gifts

- 4.1 A “gift” includes free goods and services, the opportunity to buy goods/services subject to a discount or terms which are not available to the public, or the opportunity to buy goods/services that are not available to the public. Care should be taken in situations where work or goods are ordered but no invoice is presented.
- 4.2 You may accept civic gifts on behalf of the Council. This protocol is not applicable to such gifts and neither do they need to be registered.
- 4.3 You should not accept personal gifts that are relevant to your position as a member or arising from that position, from anyone. However, it would be appropriate for you to keep small and insignificant gifts such as diaries etc. You may also accept raffle prizes.
- 4.4 You should refuse any gift offered to you, or to a member of your immediate family, from any person or organisation doing business or seeking to do business with the Council or applying to the Council for some sort of decision.
- 4.5 When a gift has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the Council. If such a gift is delivered :
 - it must be returned immediately to the sender giving reason.
 - the acceptance and return of gifts over £25.00 should be registered
 - where an offerer insists that you accept the gift, you should contact the Monitoring Officer for advice on further appropriate action.

5. Hospitality

- 5.1 You should not accept hospitality from a person or organisation that is seeking a decision from the Council or is doing business or seeking to do business with the Council, unless it is part of a general public presentation.
- 5.2 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.
- 5.3 You should avoid hospitality in a situation where you would be the sole guest.
- 5.4 Offers to attend social or sporting functions should only be accepted where these are part of the life of the community or where the Council should be seen to be represented.
- 5.5 Where visits are required as part of the process of making decisions you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.
- 5.6 You may accept hospitality through attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal, where the Council has given permission beforehand and where the Council is satisfied that any of its decisions will not be compromised.
- 5.7 You may accept normal refreshment in connection with your work as a member (tea, coffee, biscuits etc.)

6. Registration

- 6.1 Under the Council's Code of Conduct you must register any gift or hospitality that you receive that is worth more than £25.00. You should also register any such offer that you have refused.
- 6.2 The gift and hospitality register is kept by the Monitoring Officer who should be informed in writing of any gift or hospitality that you receive or refuse that is worth more than £25.00. The register will be available for public inspection.
- 6.3 The figure of £25.00 is of course relevant in considering what should be registered, it does not mean that you can accept all gifts or hospitality that are worth less than that. You must consider carefully every offer whatever its value.

7. Further Advice

- 7.1 If you have any doubt concerning an offer of a gift or of hospitality, you should seek the advice of the Monitoring Officer.
- 7.2 The Ombudsman has issued statutory guidance on the Code of Conduct and its interpretation. It can be seen on his website - www.ombudsman-wales.org.uk