

MEETING	STANDARDS COMMITTEE
DATE	27, NOVEMBER, 2012
TITLE	PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY
PURPOSE	TO REVIEW THE PROTOCOL
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER.

1. I attach to this report a copy of the Protocol for Gifts and Hospitality for Council Members. This Protocol was adopted by the Council in June 2004. The Protocol is an effort to provide guidance to members on which gifts and offers of hospitality can be accepted and which must be registered.
2. The Code of Conduct for Members states "*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. The Standards Committee recommended a threshold of £25 when the Code was adopted in 2008 and the Standards Committee also recommended that any refused offer should be registered as well as the ones that are accepted.
4. In his guidelines on the Code, the Ombudsman offers the following guidance on gifts and hospitality.
 - (a) Accepting gifts or hospitality can create a personal interest for a member, which must then be declared if a committee considers a matter which affects the individual who gave the gift or hospitality.
 - (b) The member should question the motive for the gift or hospitality in order to decide if it is offered to him/her by virtue of his position as a councillor.
 - (c) Any gift or hospitality must be registered if the member is unsure of its value or is part of a series of gifts which together will reach the threshold of £25.
5. The paragraph in the Code of Conduct is relevant to town and community councils in the same way as to the County Council, and the Ombudsman's guidelines for town and community councils include the same guidance. The protocol adopted by Gwynedd Council in 2008 has not been distributed to the town and community councils.

6. Members of the County Council are asked to register any offers of gifts or hospitality which are valued at more than £25 by completing a form and returning it to the Monitoring Officer. I attach a copy of the form. I do however receive some declarations of gifts and hospitalities by e-mail.
7. I attach to the report a summary of all the gifts and hospitality which have been registered since May 2008. It can be seen that the list is not very extensive. It is also worth noting that the registrations of gifts and hospitality have been made by 10 members of the Council.
8. When reviewing the Protocol for Gifts and Hospitality, it may be beneficial to consider the following matters :-
 - (a) Does the Protocol give clear enough guidance to members as to when they should accept or refuse offers? Is it possible to have guidelines which give examples of situations, or would it be better to set criteria or questions that all councillors should ask before deciding to accept a gift or offer of hospitality?
 - (b) Is it confusing to set a financial threshold for registration that is not relevant to whether the gift or hospitality is accepted or not?
 - (c) Is the threshold of £25 still appropriate?
 - (ch) In what form should the register be kept, and how should members register their gifts or hospitality?
 - (d) Are any changes required to the registration form?
 - (dd) Should the protocol be changed so that it refers to the Ombudsman's guidelines?
 - (e) What should be done in relation to compiling a register of gifts and hospitality for town and community councils?
9. In reviewing this Protocol, it is possible that the committee might feel they should commission more research or investigation in order to obtain more detailed evidence. The committee's opinion is therefore sought as to whether this is an area it wishes to review in depth and for their initial comments on the Protocol.

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.

3. Registration

- 3.1 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.
- 3.2 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.
- 3.3 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.

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.
- 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 offeror 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 offeror 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.
- 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. Monitoring Officer

- 6.1 If you have any doubt concerning an offer of a gift or of hospitality, you should seek the advice of the Monitoring Officer.

Gift and Hospitality Register 2008 - 2012

Date of Form/email	Gift or Hospitality declared	Accepted/Refused	Value
22/5/08	Champagne. A gift from Mr Alun Gerrard who seconded the Councillor's nomination papers.	Accepted	£25+
16/07/08	Events to celebrate the 70 th Anniversary of the South Caernarfon Creameries. An invitation from the South Caernarfon Creameries.	Accepted	£25+
29/09/08	Tickets to the Faenol Festival. An invitation from the Welsh Assembly Government	Accepted	£25+
05/11/08	A glass plaque from the Mayor of Huchenfeld – the twinning of Llanbedr and Huchenfeld.	Accepted	?
12/11/08	Refreshments at Plas Glynllifon (invitation by Parc Glynllifon to the Craft Fair).	Accepted	c.£5
12/11/08	Refreshments at Plas Glynllifon (invitation by Parc Glynllifon to the Craft Fair).	Accepted	?
21/04/09	A bottle of whiskey from an appreciative constituent	Accepted	£25+
19/11/09	Dinner with Meirionnydd Yacht Club to celebrate the purchase of the land from the Council.	Accepted	£25+
01/12/09	A bottle of wine from an appreciative constituent	Accepted	?
12/1/10	Lunch with Tai Cartrefi Gwynedd – invitation from Cartrefi Gwynedd.	Accepted	c.£25
20/2/10	Launch of “Snowdonia 1890” – invitation from the BBC.	Accepted	?
08/06/10	Invitation to dinner by TRIBAL company	Accepted	£25+
08/06/10	Dinner by invitation of the Welsh Language Board	Accepted	£25+
08/06/10	Dinner by invitation of the Wales Museum Trust	Accepted	£25+
08/06/10	LGC Awards Evening – invitation by Procserve	Accepted	£25+
08/06/10	Dinner by invitation of Cwmni Iaith	Accepted	£25+
08/06/10	Dinner by invitation of Solace 11/2/2010	Accepted	£25+
08/06/10	Welsh Politician of the Year. Dinner by invitation of the Welsh Year Book	Accepted	£25+
08/06/10	David Hawker Dinner	Accepted	£25+
08/06/10	Celtic Festival dinner by invitation of Cwmni Barcud.	Accepted	£25+

08/06/10	Dinner by invitation of Excellence Wales	Accepted	£25+
08/06/10	Dinner with the Local Services Board	Accepted	£25+
08/06/10	Dinner by invitation of Solace 12/2/2010.	Accepted	£25+
08/06/10	North Wales Partnership Board dinner	Accepted	£25+
08/06/10	Meeting with the National Library of Wales – an invitation from the Library.	Accepted	£25+
13/01/11	A dinner arranged by Sain at the Institute of Welsh Affairs evening	Accepted	£25+
24/01/11	Institute of Welsh Affairs dinner	Accepted	£25+
24/01/11	Dinner arranged by the WLGA	Accepted	£25+
18/03/11	Football tickets – Caernarfon v Caernarfon Wanderers – as a member of the Caernarfon Rugby Club by the Caernarfon Football Club.	Accepted	£25+
30/03/11	Foster carers’ Annual Dinner (Gwynedd Council)	Accepted	£25+
30/03/11	Dinner by invitation of the “Harlech Society”	Accepted	£25+
23/05/11	Installation of Cllr Ioan Thomas as Mayor of Caernarfon (by invitation of the Caernarfon Town Council).	Accepted	£25+
29/07/11	2 x tickets to the opening concert at the National Eisteddfod from Cwmni Ynni Gwynt Cymru.	Accepted	£25+
15 /08/11	Dinner by invitation of the “Devere Group”	Accepted	£25+
31/08/11	Gwynedd Business Week – Gala dinner (Gwynedd Council)	Accepted	£25+
06/09/11	A voucher for £50 for a meal at a restaurant and two bottles of wine – from a constituent.	Accepted	c.£60

Gift and Hospitality Register 2012 -2017

Date of Form/email	Gift or Hospitality declared	Accepted/Refused	Value
14/11/12	An invitation to dinner at the Celtic Hotel from the Welsh Arts Council	Accepted	£25+
14/11/12	A ticket and refreshment invitation to the 6 Nations Rugby game in Cardiff on 17/3/12.	Refused	£25+