

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

6 September 2017

Report of the Head of Legal Services D Michael

Matter for Decision

Wards Affected: All

Policy on Gifts and Hospitality

Purpose of the Report

1. To revise the Council's Policy on the acceptance of gifts and hospitality by Members.

Background

2. The Council adopted a Policy for regulating the receipt of gifts and hospitality by Members in 2001 although this Policy has been subsequently revised from time to time. Following amendments to the Members Code of Conduct last year, I decided to review the Policy, to simplify and update some of the provisions and encourage Members to voluntarily register certain gifts and hospitality outside the formal Code – in short to make it more flexible.
3. Although Members may register all gifts and hospitality, they are not required to do so unless the value exceeds a figure set by the Council. Some years ago this figure was set at £50. I have considered whether it would be appropriate to recommend an increase of this figure. I have come to the conclusion that, even with the effect of inflation over time, that the figure of £50 still remains appropriate. I would not recommend a change.

4. It is important to note that, regardless of financial value, the Code requires that Members should not accept gifts or hospitality where this would appear to place them under any obligation or would undermine public confidence in the exercise of their role.

Financial Impact

5. There will be no financial impact on the Council's budget.

Equality Impact Assessment

6. There is no requirement for an Equality Impact Assessment on this item.

Workforce Impacts

7. There are no workforce impacts associated with this Report.

Legal Impacts

8. The legal requirements for this Policy are set out in the report.

Consultation

9. There is no requirement under the Constitution for external consultation on this item.

Recommendation

10. That the policy set out in the appendix to this report be adopted

Reason for Proposed Decision

- 11 To ensure that Policy is brought up to date with the current provisions in the Code.

Appendices

12. Policy on Members Gifts, Material Benefits, Advantages and Hospitality.

List of Background Papers

13. None.

Officer Contact

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**POLICY ON MEMBERS GIFTS, MATERIAL BENEFITS,
ADVANTAGES AND HOSPITALITY**

1. Introduction

- 1.1. This Policy is made in accordance with the Statutory Code of Conduct for Members (“the Code”) (a) as adopted by Neath Port Talbot County Borough Council. As such it applies to all Members including co-opted Members, of Council. Both Members and co-opted Members are referred to as ‘Members’ hereafter.
- 1.2. The Policy contains the threshold value set for gifts, material benefits, advantages and hospitality at which the Members notify and register their receipt in a Register kept by the Council’s Monitoring Officer.
- 1.3. Members should complete their notification on the attached form and send it to the Council’s Monitoring Officer within the time limit specified in this Policy. The completed forms will form the Register of Gifts and Hospitality.

2. Statutory Basis

- 2.1. The statutory principles which are to govern Member conduct say that Members “must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour” (b)
- 2.2. Also the same principles state Members “must act solely in the public interest – they must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage on others” (c)
- 2.3. The Council has adopted the Code without amendment.

- 2.4. The Code says Members “must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic Reception or a working lunch duly authorised by the Authority) material benefits or services for themselves or any person with whom the Member is living that would, or might reasonably appear to, place them under an improper obligation” (d)
- 2.5. The Code further says Members must not in their official capacity or otherwise, use their position improperly to confer on or secure an advantage for themselves or any other person (e)
- 2.6. Members must give the notification of the acceptance of gifts, material benefits, advantages or hospitality by giving the information required on the relevant Form approved for the purpose. Such form must be returned to the Council’s Monitoring within 28 days of receipt. (f)

3. The Register

- 3.1. The requirement to register applies to gifts and hospitality received as a Member but Members should consider the overall propriety of accepting the same bearing in mind the likely public perception.
- 3.2. The Council’s Monitoring Officer is required by law to keep a Register of all notifications made by Members.
- 3.3. The Register will be open to public inspection during all normal office hours.
- 3.4. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the Council’s Monitoring Officer.

4. The Threshold

- 4.1. Members must notify receipt of gifts, material benefits, advantages and hospitality of a value of or in excess of £50 by the Member.

5. **Civic Gifts**

- 5.1. The receipt by a Member of a gift accepted on behalf of Council is not subject to the Code. Members should note that the Council requires that a gift accepted by a Member on behalf of this Authority i.e. a civic gift, should be given into the custody of an appropriate officer (usually this will be the Mayor's Secretary who will keep a manifest of gifts received and will keep them in safe custody). If any decision is needed as to the disposal of civic gifts the Chief Executive shall determine what is to happen to them. For the avoidance of doubt disposal can be by donation to a charity (including the Mayor's Charity) or by giving the same for the use of the public, or a sector of the public, or to an organisation for Community purposes/or to a not for profit voluntary organisation whose main purposes are charitable/or Community based. If donated by Council to another body or organisation as described, the recipient may auction, raffle or sell the gift and apply the monies received to fulfil their main charitable/or Community purposes.

6. **Voluntary Declarations and other matters which it is not necessary to disclose**

- 6.1. If Members wish to notify the Council's Monitoring Officer of the receipt of gifts, material benefits, advantages and hospitality of a value below the threshold for notification and registration they may do so if they wish on a voluntary basis. Also Members may choose to notify the Monitoring Officer of offers of hospitality where they have decided to pay the costs of that hospitality
- 6.2. However, it is stressed that those Members who observe notification based purely on the threshold set will have thereby complied precisely with the statutory requirements laid down.
- 6.3. It is not necessary for Members to notify the Council's Monitoring Officer of receipt of promotional gifts, pens, calendars, diaries, mousemats etc. of only a nominal value below the threshold and Members are discouraged from making such notification for registration.

6.4. In some circumstances it is wise for a Member to record with the Monitoring Officer offers of hospitality or gifts declined.

7. **Hospitality**

7.1. The Council regards working lunches or their equivalent as appropriate hospitality and a proper way of doing business provided that they are generally authorised by Council and involve no extravagance and would be considered within the bounds of normal courtesy lunches i.e. following working parties, Committee meetings, partnership meetings etc. including Seminars, Conferences or similar events.

7.2. Likewise the Council authorises the receiving of official hospitality – such as Civic Receptions, by Members as by persons living with them.

7.3. Otherwise the Council requires that Members should only accept offers of hospitality if it is generally felt that the Council interests are served by attendance or that it is appropriate for the Authority to be seen to be represented at the event. The same test should be applied by Members in judging whether it would be reasonable for a Member to attend a social function, sporting or similar event organised by outside persons or bodies. Members who are offered hospitality of a social nature must consider how the offer might be viewed from the perspective of a member of the public.

7.4. Hospitality covered by 7.1 and 7.2 will usually not need to be notified to the Council's Monitoring Officer on the basis that the same will unlikely to be of a value reaching the threshold in this Policy. However, if hospitality mentioned in 7.1 and 7.2, and of course 7.3., reached the threshold specified in this Policy then receipt must be notified in the usual manner to the Council's Monitoring Officer.

7.5. Additionally, Members who wish to accept any form of hospitality covered by 7.3 above are advised to seek appropriate advice beforehand from the Council's Chief Executive, Finance Officer or Monitoring Officer.

- 7.6. Acceptance by Members of hospitality through attendance at conferences, seminars and other similar events is permissible when it is clear that the hospitality is corporate rather than personal in nature and where it is clear that the Council's position is not compromised.
- 7.7. Where visits to sites to view proposed developments or to view vehicles, equipment, any goods or service delivery or similar are required or Members attend any demonstrations relating to same including software/IT demonstrations Members must ensure that the cost of such visits are borne by the Council to avoid jeopardising the integrity of any subsequent purchasing decision. Members may accept mere modest courtesy hospitality on the basis that purchasing decisions are not thereby likely to be compromised.
- 7.8. Members must not avail themselves of the services of contractors or suppliers engaged by the Authority where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to members of the public.
- 7.9. Members should be mindful of the timing of any acceptance of any gift, material benefits, advantages and hospitality in relation to decisions which the Council may be taking affecting those providing the same.
- 7.10. When gifts, material benefits, advantages and hospitality have to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operated within the Authority.

8. Other Considerations

- 8.1. Members should balance the practicalities of operating in public life against any misconception which would arise with the public were Members to be perceived as being able to receive lavish or expensive gifts, material benefits or advantages and hospitality of a similar nature.

8.2. The Council requires Members to refrain from accepting disproportionately generous offers which could create an improper obligation, particularly if linked into any actual or potential commercial transaction with the authority.

9. **General**

9.1. The threshold value for the notification and registration of gifts, material benefits, advantages and hospitality will be reviewed from time to time by Council.

9.2. When Notification is required a separate notification for each class of receipt is to be given and Members should separately declare each receipt.

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- (a) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended
 - (b) Principle 3 “Integrity and Propriety” Schedule to the Principles Order 2001
 - (c) Principal “Selflessness” Schedule to the Principles Order 2001
 - (d) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 9 (b)
 - (e) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 7 (a)
 - (f) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 17

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
MEMBER'S CODE OF CONDUCT**

**Notification by a Member of the Receipt of a Gift/Material Benefit/
Advantage or Hospitality**

I, (full name)

Give Notice that I have received the following gift, material benefit,
advantage or hospitality

And (tick as appropriate)

I believe that the value is over £50 and make this declaration under the

Code

I believe that the value is below £50 and make this declaration

voluntarily

In the case of hospitality I have paid the cost myself

When was the offer made?

Who was the offer made to?

Who was the offer made by?

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What was the nature of the gift, material benefit, advantage or
hospitality?

SignedDate

Note – This form must be submitted within 21 days of receipt of the gift, material benefit,
advantage or hospitality