

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”) as adopted by South West Wales Corporate Joint Committee (“CJC”). As such it applies to all Members including co-opted Members, of the CJC. Both Members and co-opted Members are referred to as ‘Members’ hereafter.
- 1.2. Members should complete their notification on the attached form and send it to the CJC’s Monitoring Officer within the time limit specified in this Policy. The completed forms will form the Register of Gifts and Hospitality (a copy of which is made available to the public on request).
- 1.3. Please note that this policy only applies in respect of gifts, material benefits and hospitality provided to Members in respect of their role with the CJC. Any gifts, material benefits and hospitality provided to Members in accordance with their role within their constituent authority shall be dealt with in accordance with that authority’s policy.

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 CJC 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 CJC) 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 CJC’s Monitoring Officer within 28 days of receipt.

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 CJC’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 CJC’s Monitoring Officer.

4. **The Threshold**

- 4.1. Members must notify receipt of gifts, material benefits, advantages and hospitality **irrespective of value.**

5. **Civic Gifts**

5.1. The receipt by a Member of a gift accepted on behalf of CJC is not subject to the Code. Members should note that the CJC requires that a gift accepted by a Member on behalf of this CJC 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 CJC 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. Matters which it is not necessary to disclose

6.1. It is not necessary for Members to notify the CJC'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.

6.2. It is encouraged that a Member record with the Monitoring Officer offers of hospitality or gifts declined and the appropriate form shall be utilise to achieve this.

7. Hospitality

7.1. The CJC regards working lunches or their equivalent as appropriate hospitality and a proper way of doing business provided that they are generally authorised by CJC 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 CJC authorises the receiving of official hospitality – such as Civic Receptions, by Members as by persons living with them.
- 7.3. Otherwise the CJC requires that Members should only accept offers of hospitality if it is generally felt that the CJC 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 not need to be notified to the CJC's Monitoring Officer. However, hospitality mentioned in 7.3 must be notified in the usual manner to the CJC'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 CJC'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 CJC'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 CJC 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 CJC 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 CJC 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 CJC.
- 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.

**SOUTH WEST WALES CORPORATE JOINT COMMITTEE
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/declined the following gift, material benefit, advantage or hospitality

And (tick as appropriate)

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?

.....

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

Signed Date

Received Date

Note – This form must be submitted within 28 days of receipt of the gift, material benefit, advantage or hospitality