



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

October 2023

Matter for Decision

Wards Affected: All Wards

Gifts and Hospitality

Purpose of the Report:

1. To consider the Neath Port Talbot County Borough Council Gifts and Hospitality Protocol for Elected Members and to consider and agree an appropriate threshold for gifts and hospitality to be notified to the Monitoring Officer.

Background:

2. At its meeting of the 13th June 2023, members of the Standards Committee discussed the Council's Gifts and Hospitality Protocol for Elected Members and felt it would be appropriate to have a value of £0 on the reporting of gifts and hospitality, rather than the amount of £25 suggested within the report circulated at the time. It was resolved that the Gifts/Hospitality protocol be

amended accordingly, and brought back before a future meeting of the Standards Committee, prior to commendation to Council.

3. A copy of that updated protocol is attached at Appendix 1 for members of the Standards Committee to consider. However, the purpose of this report is for members of the Standards Committee to also consider whether they wish to retain the figure of £0 as the threshold or adopt the figure of £25 which has been set by all other local authorities throughout Wales and following recent discussions at the National Standards Forum.

Principles of the Protocol

4. 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”. 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”.
5. 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 Council) 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”. 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)
6. Accordingly, 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 Officer or completed on the Member Hub within 28 days of receipt. At this time, officers are working with the Council's Digital Services section to look at ways to enable electronic notification to be undertaken to negate the need for forms to be submitted, in the hope that this would be easier for elected members.

7. 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.
8. The Council's Monitoring Officer is required by law to keep a Register of all notifications made by Members. The Register will be open to public inspection during all normal office hours. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the Council's Monitoring Officer.

Value Threshold

9. The position in respect of the value of such gifts differs however between authorities with some authorities requiring all gifts/hospitality to be declared, with others having a value at £50. It has been suggested by the National Network of Monitoring Officers that a unified figure of £25 be adopted by all authorities throughout Wales for the sake of consistency and members of the Standards Committee are asked to endorse this. However, in the interests of transparency members would be encouraged to declare all gifts and hospitality received.
10. At the national meeting of the Chairs of Standards Committee in June 2023, it came to light that all other authorities in Wales have now agreed a threshold of £25 to ensure consistency throughout Wales and therefore members of the Standards Committee are asked whether they wish to now amend their

previously suggested threshold to the level of £25 to ensure consistency throughout Wales, which would be the advice of the Monitoring Officer. One of the additional rationales behind is this is that the figure will then correspond with a number of Town/Community Councils so elected Members who sit on both the County Borough and a Community Council have the same threshold. However, it is noted that the determination of what to suggest to Full Council vests in the determination of the Standards Committee.

11. It is important to note that to date that have been no concerns expressed by the Council's Monitoring Officer or Internal Audit section regarding the Gifts/Hospitality protocol. The onus remains on the elected Member to self-declare any gifts/hospitality received or declined as any failure to do so can render the Member in breach of their Code of Conduct.
12. The suggestion of the Monitoring Officer is that it would be appropriate for a threshold of £25 to be set, however an emphasis to be provided to Members that the Standards Committee would encourage Members to declare irrespective of value, but note the final discretion being one for the Member alone to determinate. A letter would be issued to all members from the Chair of the Standards Committee to encourage this.

Financial Impacts:

13. No implications.

Integrated Impact Assessment:

14. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

15. No implications

Workforce Impacts:

16. No implications

Legal Impacts:

17. There are no legal impacts associated with this report.

Consultation:

18. There is no requirement for external consultation on this item

Recommendations:

16. It is recommended that:
- (a) Members determine whether they wish to retain a figure £0 for the value of gifts and hospitality that should be notified to the Monitoring Officer or adopt the common threshold throughout Wales of £25; and
 - (b) Members note the Gifts/Hospitality protocol, commenting accordingly or suggesting amendments as appropriate.

Appendices:

Appendix 1 – Gifts/Hospitality Protocol

List of Background Papers:

None

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Appendix 1

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 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. Members should complete their notification on the attached form or via the electronic portal on the Members Hub 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 (a copy of which is made available to the public on request).

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 Council) 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 Officer or completed on the Member Hub 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 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 irrespective of value.

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 Council 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. Matters which it is not necessary to disclose

- 6.1. 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.
- 6.2. 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 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 not need to be notified to the Council's Monitoring Officer. However, hospitality mentioned in 7.3 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/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?

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

SignedDate

ReceivedDate

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