

SUBJECT:	Constitution
MEETING:	Council
DATE OF REPORT:	20 July 2023
DIVISION/WARDS AFFECTED:	All

1. PURPOSE

- 1.1 To receive Members' comments on the proposed amendments to the Council's Constitution in respect of gifts and hospitality as outlined in the report and, if in agreement, commend the adoption of the proposed amendments to full Council for consideration at the Meeting of the Council being held on 20th July 2023.

2. RECOMMENDATIONS

- 2.1 Council approve the amendments and updated Constitution.

3. KEY ISSUES

- 3.1 The Council's Code of Conduct for Members and Co-opted Members states that:

Clause 36.2 Para 9 (b)

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

- 3.2 Para 17 also states that:

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

- 3.3 At its meeting on 6th February 2023 the Standards Committee undertook a review of the Code of Conduct provisions relating to gifts and hospitality, the relevant PSOW guidance published in May 2021, and the MCC register.

- 3.4 There is no supplementary guidance. However, members are encouraged to seek advice from the Monitoring officer if they have concerns or if they are unsure whether a gift or hospitality may place them under an improper obligation to the donor, or may reasonably appear to do so.

- 3.5 The Standards Committee recommends that a threshold is introduced in respect of gifts and hospitality. This threshold will be £25. In respect of any acceptance or refusal of gifts or hospitality over £25 a Member must provide written notification to the Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage

- 3.6 Furthermore, Members and Officers are required to register acceptance or refusal of any gifts, hospitality or other benefits exceeding the threshold, using the form in Appendix 3 which should be returned to the Monitoring Officer. The declarations currently held in the register will be available for on the Hub for inspection.

Appendix 1 sets out the amendments and Appendix 3 contains the proforma for registering acceptance or refusal of gifts/hospitality.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)

4.1 The nature of the document is to create the framework for the organisation's conduct and decision making, rather than a specific decision, so there are no specific equality, socio economic or future generations impacts identified.

5. OPTIONS APPRAISAL

5.1 Changes that relate to Council decisions have to be included but may be amended in the future following a further Council report and decision.

6. RESOURCE IMPLICATIONS

6.1 There are no costs identified as part of the review.

7. CONSULTEES

7.1 The proposed changes were discussed in Standards Committee on 12th June 2023 where the Committee made recommendations in relation to the operation of the policy and compliance by elected Members as to declarations of gifts and hospitality

8. AUTHOR

Matt Phillips
Chief Officer People and Governance
Monitoring Officer

matthewphillips@monmouthshire.gov.uk

Appendices:

1. Amendments
2. Gifts and Hospitality Threshold for other Welsh Local Authorities
3. Proforma for the declaration of gifts/hospitality

Appendix One – Amendments

Existing

1. Clause 36.2 The Code of Conduct for Members and Co-opted Members
- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Proposed

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.
18. Currently the Council has agreed a threshold figure of £25 in relation to the registration of gifts, hospitality and other benefits by Members and Officers. Whatever the value of the gift, hospitality or other benefit offered to a Member or employee, if its acceptance may place them under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused. Members and officers must not contravene the provisions of the Bribery Act 2010 as they may be liable to a fine and/or imprisonment.
19. Members and employees are required to register all gifts, hospitality or other benefits over the £25 threshold whether accepted or refused using the form in Appendix 3, which must be returned for registration to Democratic Services

Appendix Two

GIFTS & HOSPITALITY THRESHOLD – AS AT MARCH 2023

Blaenau Gwent £20
Bridgend £20
Caerphilly £25
Cardiff £25
Carmarthenshire £25
Conwy £25
Denbighshire £25
Gwynedd £25
Merthyr £25
Neath Port Talbot £50
Powys £25

Rhondda Cynon Taf £25
Swansea £25
Torfaen £25
Vale of Glamorgan £50 – gifts £25 - hospitality

Appendix Three

MONMOUTHSHIRE COUNTY COUNCIL

RECORD OF OFFER OF GIFT/HOSPITALITY/MATERIAL BENEFIT OR ADVANTAGE – COUNCIL MEMBERS

Members must consider the Council's current threshold of **£25.00** before accepting or refusing any offer of gifts, hospitality, material benefit or advantage, from external organisations. In addition, before acceptance of any offer, a Member may consult the Monitoring Officer.

Members must not accept gifts or hospitality above the threshold nor below the threshold which might place them or reasonably appear to place them under an improper obligation.

Members must, within 28 days of receiving, or refusing, any gift, hospitality, material benefit or advantage, provide written notification to your Authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

The under-mentioned details must be submitted to the Monitoring Officer on all occasions where the offer exceeds the threshold.

MEMBER:

DATE:

NAME AND ADDRESS OF ORGANISATION/INDIVIDUAL OFFERING
GIFT/HOSPITALITY/MATERIAL BENEFIT OR ADVANTAGE:

NATURE OF GIFT/HOSPITALITY/MATERIAL BENEFIT OR ADVANTAGE
OFFERED:

Please tick as appropriate

ACCEPTED: REFUSED:

SIGNED: