

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

1. PURPOSE

- 1.1 To adopt the amendments proposed by the Standards Committee to the Constitution's gifts and hospitality policy for Councillors.

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 and again on 12th June 2023 the Standards Committee undertook a review of the Code of Conduct provisions relating to gifts and hospitality. This was prompted at an all-Wales level by the work carried out by WG to review the ethical standards framework. The matter has been discussed at the National Standards Committee Chairs Forum and there is a collective desire to standardise the threshold amount for gifts and hospitality in all local authorities.

- 3.4 The Standards Committee recommends that a threshold is introduced in respect of gifts and hospitality. This threshold will be £25 to align with the position being taken by all other LAs in Wales. 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

- 3.5 Furthermore, Members 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 and entered into the public register accessible on the website.

- 3.6 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 This is a proactive step being made in step with all other LAs in Wales. The alternative would likely see WG legislate to set a regime and so it is felt that this recommendation is the better option.

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

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Appendices:

1. Amendments
2. 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 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. Whatever the value of the gift, hospitality or other benefit offered to a Member, 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 must not contravene the provisions of the Bribery Act 2010 as they may be liable to a fine and/or imprisonment.
19. Members are required to register all gifts, hospitality or other benefits over the £25 threshold whether accepted or refused using the form below, which must be returned for registration to Democratic Services.

Appendix Two

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: