

ISLE OF ANGLESEY COUNTY COUNCIL	
REPORT TO	MEETING OF THE BOARD OF COMMISSIONERS / COUNTY COUNCIL
DATE	26 APRIL 2011 & 12 MAY 2011
SUBJECT	GIFTS AND HOSPITALITY – PROTOCOL FOR MEMBERS AND CO-OPTED MEMBERS
PORTFOLIO HOLDER(S)	MICK GIANNASI
LEAD OFFICER(S)	LYNN BALL, MONITORING OFFICER
CONTACT OFFICER	MEIRION JONES, SOLICITOR TO THE MONITORING OFFICER (EXT: 2563)

1. Please confirm the nature of the report by clicking one of the following boxes:

For information.....

Operational.....

Strategic.....

2. Reason/s why a decision required by the Commissioners

The Constitution indicates that “changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Executive ...”. Of course the proposed changes with any observations by the Council, will have to be referred to the Welsh Ministers for decision.

3. Report summary

Introducing a Protocol on Gifts and Hospitality as a Guidance for Members and Co-opted Members.

4. Recommendation/s and reasons

The Commissioners are requested to recommend to the Council and to the Welsh Ministers to approve the Protocol in Attachment 2 and the Declaration Form in Attachment 3 and to approve their addition to the Council’s Constitution at 5.9 and to authorise officers to make any consequential amendments to the Constitution.

5. Other options and reason/s for rejection

Not to introduce guidance. However, the issuing of guidance was approved by the Council as part of the Standards Committee’s Work Programme.

6. Consultation			
6.1 Finance/Section 151.....	<input type="checkbox"/>	yes.....	<input checked="" type="checkbox"/> no
6.2 Legal/Monitoring Officer.....	<input checked="" type="checkbox"/>	yes.....	<input type="checkbox"/> no
6.3 Human Resources.....	<input type="checkbox"/>	yes.....	<input checked="" type="checkbox"/> no..... <input type="checkbox"/> n/a
6.4 Property Services.....	<input type="checkbox"/>	yes.....	<input checked="" type="checkbox"/> no..... <input type="checkbox"/> n/a
6.5 Communications Unit.....	<input type="checkbox"/>	yes.....	<input checked="" type="checkbox"/> no
6.6 Others consulted (including members):	Standards Committee 9/3/2011		

7. Any Policy Framework issues
No

8. Environmental issues	
Does the item/matter have regard to:	
1. Wildlife (biodiversity) under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006*	<input type="checkbox"/> yes..... <input type="checkbox"/> no..... <input checked="" type="checkbox"/> n/a
2. Anglesey's Area of Outstanding Natural Beauty (AONB) under Section 85 of the Countryside and Rights of Way Act 2000**	<input type="checkbox"/> yes..... <input type="checkbox"/> no..... <input checked="" type="checkbox"/> n/a
(* Ecological and Environmental Advisor can advise: ext. 2470)	
(** Countryside and AONB Officer can advise: ext. 2429)	
Notes	

9. Background papers
Papers to the County Council and the Standards Committee.

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	COUNTY COUNCIL
DATE:	9th DECEMBER 2010
TITLE OF REPORT:	FINANCIAL LIMIT ON ACCEPTANCE OF GIFTS
PURPOSE OF THE REPORT:	FOR THE COUNCIL TO CONSIDER WHETHER TO CHANGE THE CURRENT LIMIT
REPORT BY:	CHAIRMAN OF THE STANDARDS COMMITTEE
CONTACT OFFICER:	MONITORING OFFICER

Attached to this report are:-

1. Letter sent by Chairman of the Standards Committee, dated 22nd July 2010, to all County Council Members with copies to the Interim Managing Director and Corporate Directors (96898) (**Enclosure 1**)
2. Matrix of responses from Members (106191) (**Enclosure 2**)
3. Matrix showing the position in other Councils in Wales (106118) (**Enclosure 3**)
4. Draft minutes of Standards Committee of the 14th September 2010 – item 6 is relevant (**Enclosure 4**)

The Standards Committee has been reviewing the issue of Gifts and Hospitality, as part of the ongoing Work Programme presented to the County Council on the 4th March 2010.

Following an informal discussion of the Standards Committee, a letter was sent out to all Members (**Enclosure 1**) canvassing opinion on the appropriate level for the acceptance of gifts. Replies received are attached (**Enclosure 2**).

Of the 16 Councillors who responded, 5 supported the status quo i.e. retaining the current limit of £20. 2 indicated their preference for increasing the current threshold; 1

to £30 and the other to £40. 9 Members, though, indicated their support for setting the maximum threshold for gifts at zero.

The response from the Corporate Director (Finance) being one of those consulted, supported the current arrangements and indicated that, in his view, reducing the level to zero would be unworkable in practice.

Enclosure 3 indicates the position in other Councils in Wales (and three other public bodies). Members will see that, of those who responded, 2 other County Councils (being Denbighshire and Merthyr Tydfil) have set their maximums at zero. Every other respondent already has a higher threshold than Anglesey County Council, save for Rhondda Cynon Taf which also has a maximum of £20 and Wrexham County Council which currently has a maximum of £10.

The Standards Committee gave formal consideration to this issue on the 14th September 2010 when it was agreed that a recommendation be put to the County Council as described in detail in item 4 of **Enclosure 4**.

In summary, while the Standards Committee's scrutiny of the Council's Register of Gifts and Hospitality gave no cause for concern, and taking into account the consultation responses received, for reasons of public perception and reputation, the Committee favoured re-setting the maximum value allowed for acceptance of gifts by Members at **zero**.

However, the final decision on this clearly rests with the County Council and, subject to that decision, the Standards Committee will develop Guidance on Gifts and Hospitality, and will consult thereon with Members and Officers, before finalising Guidance and recommending its adoption at the next Ordinary meeting of the County Council.

Recommendation

Members are asked to please decide whether to:-

1. Support the recommendation of the Standards Committee and re-set the maximum threshold for acceptance of gifts at zero.

OR

2. Confirm that you wish to retain the current arrangement, namely, the maximum threshold for acceptance of gifts shall remain at £20.

OR

3. Increase the threshold from £20 to some other sum to be agreed by all, or a majority, of Members.

ENCLOSURE 1

**JEFF COTTERELL
CHAIR OF THE STANDARDS COMMITTEE**

I'r holl Gynghorwyr a chopi i'r Rheolwr-gyfarwyddwr
dros dro a Cyfarwyddwyr Corfforaethol

To all County Councillors with copies to the Interim
Managing Director & Corporate Directors

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGFNI

ffôn / tel: (01248) 752586
ffacs / fax: (01248) 752132

E-Bost – E-mail:

Ein Cyf – Our Ref.
Eich Cyf – Your Ref.

22 Gorffennaf / July, 2010

Annwyl Gynghorydd

Dear Councillor

YNG.: RHODDION A LLETYGARWCH

RE: GIFTS AND HOSPITALITY

Fel rhan o'i raglen waith am 2010/11, mae'r Pwyllgor Safonau wedi rhoi sylw anffurfiol i faterion rhoddion a lletygarwch.

As part of its work programme for 2010/11, the Standards Committee has given informal consideration to the issue of gifts and hospitality.

Ar hyn o bryd, caniateir i gynghorwyr dderbyn rhoddion hyd at werth o £20. Fodd bynnag, mae'r Pwyllgor Safonau yn debygol o argymhell na chaniateir i gynghorwyr dderbyn unrhyw roddion, waeth beth fo'u gwerth.

At present, councillors are permitted to accept gifts up to a value of £20. However, the Standards Committee is likely to recommend that councillors shall not be permitted to accept any gifts, regardless of value.

O ran lletygarwch, mae'r Pwyllgor Safonau yn credu bod lletygarwch priodol yn dderbyniol, ar yr amod y gwneir datganiadau ffurfiol. Mewn geiriau eraill, dim newid i'r trefniadau cyfredol. Serch hynny, mae'n debygol y bydd y Pwyllgor Safonau yn cyhoeddi canllawiau ar lletygarwch a ganiateir.

As far as hospitality is concerned, the Standards Committee believes that appropriate hospitality is acceptable, subject to formal declarations being made. In other words, no change to the current arrangements. It is likely, though, that the Standards Committee will publish guidance on permissible hospitality.

Yn y cyfamser, bydd y Pwyllgor Safonau yn rhoi rhagor o sylw i'r mater rhoddion i gynghorwyr, pan fydd yn cyfarfod yn ffurfiol ar 14 Medi 2010. I hwyluso'r drafodaeth honno, byddai'r Pwyllgor yn dymuno gofyn am farn gynghorwyr ar dderbyn rhoddion. Yn sylfaenol, mae tri opsiwn:

In the meantime, the Standards Committee will give further consideration to the acceptance of gifts by councillors, when it meets formally on 14th September 2010. To inform that discussion, the Committee would like to canvass the views of councillors on the issue of gifts. In essence, there are three

1. Parhau gyda'r trefniadau cyfredol
2. Cynyddu, neu ostwng yr uchafswm cyfredol, sef £20.
3. Pennu uchafswm o sero.

I gynorthwyo'r Pwyllgor Safonau i lunio ei argymhellion terfynol byddwn yn ddiolchgar pe baech yn dychwelyd y llythyr dyblyg sydd ynghlwm, yn yr amlen bwrpasol, gan nodi pa un o'r tri opsiwn yr ydych yn ei ffafrio. Os byddai'n well gennych ddilyn yr ail opsiwn nodwch os gwelwch yn dda a ydych yn credu y dylid cynyddu neu ostwng y lefel gyfredol ac i ba swm.

Yn ogystal â nodi'r hyn fyddai orau gennych chi, byddwn yn ddiolchgar pe baech hefyd yn cyflwyno unrhyw resymau / rhesymeg i gefnogi eich safbwyntiau er mwyn cynorthwyo ein trafodaethau ar y mater hwn.

Byddai o gymorth mawr pe baech yn gallu ymateb os gwelwch yn dda erbyn dim hwyrach na dydd Gwener 20 Awst 2010.

Unwaith y bydd y Pwyllgor Safonau wedi dod i farn ffurfiol ar 14 Medi 2010 bydd yn cyflwyno ei argymhellion i'r Cyngor llawn gan mai ef fydd yn gwneud y penderfyniad terfynol.

Mawr ddiolch i chi am eich cymorth.

Yr eiddoch yn gywir

options:

1. To continue with the present arrangements
2. To increase, or decrease, the current £20 maximum
3. To set the maximum at zero.

To assist the Standards Committee in formulating its final recommendation we would be grateful if you would return the attached duplicate letter, in the prepaid envelope, indicating which of the three options you would favour and, if you favour the second option, please state whether you think the current level should be increased or decreased and to what level.

In addition to expressing your preference, I would be most grateful if you could also provide any reasons/rationale in support of your viewpoint in order to assist our deliberations in this matter.

It would be most helpful if you could please respond by no later than Friday 20th of August 2010.

Once the Standards Committee has reached a formal view on the 14th September 2010 it will make its recommendations to the full Council, with which the final decision rests.

Many thanks for your assistance.

Yours sincerely

Jeff Cotterell
Cadeirydd, Pwyllgor Safonau, Ynys Môn
Chair, Standards Committee, Ynys Môn

ENCLOSURE 2

RHODDION A LLETYGARWCH

GIFTS AND HOSPITALITY

Ymateb i lythyr 22/7/2010 – Response to letter of 22/7/2010

Cyngorydd Councillor	Opsw'n 1 / Option 1	Opsw'n 2 / Option 2	Opsw'n 3 / Option 3	Sylw'dau / Comments
		✓ £30		✓
	✓			✓
			✓	
			✓	✓
			✓	✓
			✓	✓
	✓			✓
			✓	✓
		✓ £40		✓
			✓	✓
			✓	✓
			✓	✓
	✓			✓
			✓	
	✓			✓
	✓			✓

ENCLOSURE 3

AUTHORITY	FINANCIAL THRESHOLD AS AT MAY 2008	WHETHER GIFTS DECLINED NEED TO BE REPORTED ☑ or X
Blaenau Gwent	30.00	X
Bridgend		
Caerphilly	25.00	☑
Cardiff	25.00	X
Carmarthenshire	25.00	X
Ceredigion	21.00	X
Conwy	25.00	
Denbighshire	Nil	
Flintshire	10.00	X
Gwynedd	25.00	
Isle of Anglesey	20.00	x
Merthyr Tydfil	Nil	X
Monmouthshire	25.00	X
Neath Port Talbot		
Newport	80.00	X
Pembrokeshire	25.00	Encouraged
Powys		
Rhondda Cynon Taff	20.00	/
Swansea		
The Vale of Glamorgan	50.00 Gifts 25.00 Hospitality	
Torfaen	25.00	Encouraged but not required
Wrexham	10.00	Encouraged
South Wales Fire Service	25.00	Recommended
Mid & West Wales Fire Service	25.00	
Pembrokeshire Coast National Park	25.00	

ENCLOSURE 4

currently undertaking work involving the drafting of protocols for members which will include a process for reporting back, and that the Standards Committee could be provided with a copy of the latest draft protocols.

It was resolved -

- **That members of the Standards Committee be furnished with the latest draft protocols prepared by the Consultant to include a protocol for reporting back by elected members.**
- **To examine member attendance records at meetings of the Council, the Executive, and the Regulatory and Scrutiny Committees over a given period; the findings to be considered at the next appropriate informal meeting.**

6 MEMBERS' DECLARATIONS REGARDING GIFTS AND HOSPITALITY - DRAFT PROTOCOL AND DRAFT FORM OF DECLARATION

The following documentation was presented for members' consideration -

- Draft Protocol for members and co-opted members in relation to the acceptance of gifts and hospitality
- Draft Form for the declaration by members and co-opted members of the offer and acceptance/refusal of gift and/or hospitality
- A copy of a letter dated 22 July, 2010, from the Chair of the Standards Committee to councillors asking for their views on the issue of gifts and whether they would prefer to continue with the present arrangements; whether they would wish to increase or decrease the current £20 threshold and if so by how much, or whether they favoured setting the maximum at zero.
- A matrix of responses from councillors. (An extended matrix of responses was circulated to members following the publication of the agenda)
- All Wales Questionnaire conducted by Carmarthenshire County Council.

The Committee was asked to consider the draft Protocol and Form. It was also asked to consider both elements, gifts and hospitality. Members were advised that whilst the Committee's views on the issue will be conveyed to the County Council when it considers the matter at its meeting to be held in December, the final decision rests with the County Council and not the Standards Committee.

The Chair briefly recapped on the background to the above matter for the benefit of the Committee's members prior to their formulating a final recommendation to the Council and he stated that in giving informal consideration to the issue of gifts and hospitality the Committee was minded in terms of the acceptance of gifts, to recommend setting the limit at zero, i.e. that elected members be not permitted to accept any gifts. With reference to hospitality the Committee believed that appropriate hospitality is acceptable and that the present arrangements should remain unchanged. He had written to elected members on 22 July asking them to express their preference as regards the three possible options in respect of gifts as referred to in the list of enclosures above.

The Monitoring Officer reported that of the 16 councillors who had responded with their views on the matter, five had stated their support for the status quo (i.e. to retain the current £20 maximum); two had indicated their preference for increasing the current threshold - the one to £30 and the other to £40; and nine were in agreement that the maximum should be set at zero. The Monitoring Officer proceeded to advise the Committee that in light of the information received as a result of the consultation undertaken, it needed to make a formal recommendation regarding the threshold to be set as regards the acceptance of gifts, and also to express a viewpoint in respect of whether elected members should be asked to extend their declaration to include gifts offered but rejected. However, the Committee will not be able to give any further consideration to the draft protocol until the County Council has made its decision on the matter of gifts at its meeting in December.

The Chair referred to a letter from the Corporate Director of Finance which had been circulated to members of the Standards Committee which expressed the view that setting the threshold at nil is unfeasible on the basis that that it would raise questions regarding gift items of very minor value. Whilst the Corporate Director of Finance's opinion was considered and noted, the prevailing viewpoint within the Committee was that fixing the threshold at zero clarifies the position in relation to gifts beyond doubt. With reference to the issue of gifts offered but not accepted, members believed that making it a requirement for members to declare gifts they have been offered but which they have rejected would create unnecessary bureaucracy. The Solicitor to the Monitoring Officer observed that the advantage of reporting gifts offered but not accepted is that the Authority is then aware of the offer having been made. It was pointed out by Mr Raymond Evans that not being required to declare an offer of a gift does not prevent an individual member from reporting such an offer if the member believes it has compromised his/her position.

In terms of hospitality, the Chair commented that the Committee had agreed informally that appropriate hospitality i.e. hospitality in connection with the business of the Authority, is acceptable. There was some discussion of the circumstances in which hospitality is offered and received which may be an occasion of which advance notice has been given, or which may be impromptu in nature. It was also noted that elected members are public figures who by the very nature of their position are invited to events in furtherance of their work, and it was suggested that this aspect of hospitality should not be inhibited unnecessarily.

The Monitoring Officer advised that the Committee considers deferring consideration of the issue of hospitality until after the Council has considered and decided on the Committee's recommendations in respect of the matter gifts. Should the Council decide that accepting gifts to a particular value is permissible, then the issue of hospitality needs to be tied in with that in a single protocol. She reminded members that the draft protocol as presented stipulates that hospitality should only be accepted if there is a commensurate benefit to the Authority and she suggested that the issue needs to be explored in greater detail once the Council's position on gifts is clear following its meeting in December. Members were agreed that the many aspects of hospitality require further detailed consideration.

It was resolved -

- **To recommend to the County Council that:**
 - **The financial threshold for the acceptance of gifts be fixed at zero i.e. that elected and co-opted members should not be permitted to accept any gifts.**
 - **That there should be no formal requirement on elected and co-opted members to declare offers of gifts not accepted.**
- **To give further more detailed consideration to the matter of hospitality subsequent to the Council's decision at its meeting to be held in December regarding the recommendations above in respect of the issue of gifts.**

7 ALL WALES STANDARDS COMMITTEE CONFERENCE - CARDIFF 14 OCTOBER 2010

An e-mail inviting comments on issues pertaining to the planning and organisation of the above conference was presented for members' consideration. The information was noted.

8 NEXT MEETING OF THE STANDARDS COMMITTEE

It was agreed that the next informal meeting will be held on the 12 October and that the next formal meeting will be convened on 14 December, 2010.

Mr Jeffrey Cotterell (Chair)

1. Introduction and background

- 1.1 The Standards Committee has been reviewing the issue of Gifts and Hospitality, as part of its ongoing Work Programme approved by the County Council.
- 1.2 Following an informal discussion of the Standards Committee, a letter was sent out to all Members on 22nd July 2010 canvassing opinion on the appropriate level for the acceptance of gifts. 16 Councillors responded as did the Corporate Director (Finance) and consideration was given to those replies and to the position of other Councils in Wales.
- 1.3 The Standards Committee gave formal consideration to the issue on the 14th September 2010, when it was agreed that a recommendation be put to the County Council for the reasons of public perception and reputation, the Committee favoured re-setting the maximum value allowed for acceptance of gifts by Members at zero. A report was submitted on behalf of the Standards Committee by its Chairman to the Council on 9th December 2010 and it is now produced as **Attachment 1**.
- 1.4 Of course, at that time, the final decision on this rested with the County Council and it was resolved at its meeting on 9th December 2010 that “The Council confirms that it wishes to retain the current arrangements, namely that the maximum threshold for acceptance of gifts shall remain at £20”. The Council had originally set a figure of £20 on the 18th of December 2001.
- 1.5 Following the Direction of the 16th March 2011 any decision to change the Council’s Constitution can be made only by the Welsh Ministers. The Commissioners are requested to make recommendations to the Council and/or the Welsh Ministers and the Council is consulted on the matters and requested to endorse those recommendations and make any further observations. Those recommendations and observations will then be submitted to the Welsh Ministers with a request that they make a decision.

2. The Code of Conduct

2.1 The Code of Conduct at 5.1 in the Constitution refers to “Registration of Gifts and Hospitality”. Paragraph 17 states as follows:-

“You must, within 28 days of receiving any gifts, 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.”

2.2 At present the “value” is £20. Therefore if the value of the “gift, hospitality, material benefit or advantage” is under £20 it does not have to be recorded with the Monitoring Officer. If it is £20 or over then the “gift, hospitality, material benefit or advantage”, has to be recorded with the Monitoring Officer. That means that Members can accept “gifts, hospitality, material benefit or advantage” worth £20 or more but they must be recorded as indicated.

3. Protocol

3.1 It had been stated in the Report to the Council on 9th December 2010 that Guidance would be prepared. It was necessary to await the Council’s decision on the “value” before drafting of the protocol could be done.

3.2 Draft Guidance was submitted to the Standards Committee on 9th March 2011 and considered in detail. Amendments were made and those have been incorporated into the draft Protocol which is now produced at **Attachment 2**. Attached to the Protocol is a form of declaration with the heading “Declaration by Members and Co-opted Members of Acceptance of Gift and/or Hospitality”. This is attached at **Attachment 3**.

Recommendations

1. Commissioners

The Commissioners are requested to recommend to the Council, and to the Welsh Ministers, who now have the power to make a decision to change the Council's Constitution:-

- 1.1 Approval of the Protocol in **Attachment 2** and the Declaration Form in **Attachment 3**;
- 1.2 Their adoption into the Council's Constitution at 5.9;
- 1.3 To authorise officers to make any consequential amendments to the Constitution;
and
- 1.4 Make any other recommendations to the Council and / or the Welsh Ministers.

2. Council

The Council is requested to endorse the recommendations of the Commissioners to the Welsh Ministers including approval of the Protocol in **Attachment 2** and the Declaration Form in **Attachment 3**, their adoption into the Council's Constitution at 5.9 and the authorising of officers to make any consequential amendments to the Constitution.

3. The Welsh Ministers

The Welsh Ministers are requested to consider the recommendations of the Commissioners and the observations of the Council and make the decision to approve the Protocol in **Attachment 2** and the Declaration Form in **Attachment 3**, to adopt them into the Council's Constitution at 5.9 and to authorise officers to make any consequential amendments to the Constitution.

5.9 GIFTS AND HOSPITALITY

A PROTOCOL FOR MEMBERS AND CO-OPTED MEMBERS

This protocol has been adopted by the Council to give guidance to Members about accepting and registering gifts and hospitality.

5.9.1 Introduction

5.9.1(a) The acceptance of gifts and hospitality by Members is more than an administrative issue. It reflects directly upon the perception about Members and about the Council as acting in the public interest rather than acting for the personal advantage of friends or family and for what personal benefit Members can derive from their position.

5.9.1(b) The law on the acceptance of gifts and hospitality is set out in the Council's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this Authority, to provide a clear set of rules for the protection of both Members and the Council. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to seven years imprisonment.

5.9.2 This Protocol

5.9.2 (a) This Protocol relates to any offer, gift, favour or hospitality that is made, given, or afforded to you in your capacity as a Member. It is not intended to cover the ordinary social relationships which people enjoy with friends, provided that the friend is not applying to the Council for anything, seeking to do business with the Council, or involved in an ongoing business relationship with the Council.

5.9.2(b) This Protocol sets out the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality, and a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the Council. This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this Council. The procedure set out reflects what has always been the practice of this Council.

5.9.3 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles:

5.9.3(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Member or as a means of gaining influence.

As a Member, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, inducement, reward or absence of inducement for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for, doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of seven years.

Further, the Council's Code of Conduct for Members provides that you must act in the public interest, serving the Council and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

5.9.3(b) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. Gifts or hospitality offered should not be accepted where the circumstances are likely to be misinterpreted by a reasonable member of the public. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favour any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the Council is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;
- (iii) funding decisions, when the Council is determining a grant application by any person or organisation.

5.9.3(c) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

5.9.3(ch) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Member unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

5.9.3(d) You should only accept hospitality if there is a commensurate benefit to the Council.

The only proper reason for accepting hospitality is that there is a commensurate and proportionate benefit for the Council and/or the public whom it represents.

Acceptance of hospitality can confer a legitimate advantage on the Council, such as an opportunity to progress the business of the Council expeditiously through a working lunch/dinner etc. or to canvass and promote the interests of the Council and its area at a meeting. Unless the benefit to the Council is clear, and is commensurate with the value of the hospitality, the presumption must be that the hospitality is purely for your personal benefit.

As set out above, the Council's Code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance, as a Member, of hospitality for your own benefit or advantage, rather than for the benefit to the Council or the public, would be a breach of the Code.

5.9.4 Reporting

A. Gifts

5.9.4(a)(i) Where you accept any gift which you estimate to have a market value or cost of provision of £20 or greater you must, as soon as possible, and in any event within 28 days after receipt of the gift make a declaration in writing to the Monitoring Officer. Such declaration will be recorded in a register which will set out the date of declaration, the date on which the Member received the gift, the name of the Member, the nature of the gift etc. A form for recording purposes by Members is attached to this Protocol. The register will be available for public inspection during the term of the Council.

5.9.4(a)(ii) Even if the value of the gift is less than £20, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift.

5.9.4(a)(iii) For the avoidance of doubt an offer of any gift, which has been refused by you, does not need to be declared.

B. Hospitality

5.9.4(b)(i) Where you accept any hospitality which you estimate to have a market value or cost of provision of £20 or greater you must, as soon as possible, and in any event within 28 days after receipt of the hospitality make a declaration in writing to the Monitoring Officer. Such declaration will be recorded in a register which will set out the date of declaration, the date on which the Member received the hospitality, the name of the Member, the nature of the hospitality etc. A form for recording purposes by Members is attached to this Protocol. The register will be available for public inspection during the term of the Council.

5.9.4(b)(ii) Even if the value of the hospitality is less than £20, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or

tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the hospitality.

5.9.4(b)(iii) For the avoidance of doubt an offer of any hospitality, which has been refused by you, does not need to be declared.

5.9.5 Gifts to the Council

Gifts to the Council may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the Council. You should not solicit any such gift on behalf of the Council except where the Council has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the Council, you should report the offer directly to the Monitoring Officer. The Monitoring Officer will then write back to the person or organisation making the offer to record the acceptance or non acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Council. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Council to accept the gift, you should inform the Monitoring Officer directly.

5.9.6 Prejudicial interests

You need to be aware that the receipt of a gift or hospitality may be a prejudicial interest and the rules in relation to prejudicial interests in the Code would apply. That is to say you may need to declare the interest, leave the room in which the matter is being considered, and not participate in any way in the discussion/decision making process.

5.9.7 Definitions

5.9.7(a) "Gift or hospitality" includes:

- (i) the free gift of any goods or services;
- (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;
- (iii) the opportunity to obtain any goods or services which are not available to the general public;
- (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

5.9.7(b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration.

(ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

5.9.7 (c) a gift of £20.00, or hospitality of £20.00, is to be interpreted as £20.00 per annum in total by the same individual or organisation.

ISLE OF ANGLESEY COUNTY COUNCIL

**DECLARATION BY MEMBERS AND CO-OPTED MEMBERS OF
ACCEPTANCE OF GIFT AND/OR HOSPITALITY**

Please read the Guidelines set out in the Protocol on Gifts and Hospitality at 5.9 of the Council's Constitution and then complete the details below.

Name of Member/Co-opted Member	
Name of Donor/Provider	
Description of the gift or hospitality	
Value/estimated value of the gift/hospitality	
When and where you received the gift/hospitality	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact whether in your role as a Councillor, or otherwise, with the person or organisation providing the gift or hospitality? Please provide details	
Details of any contract the Donor/Provider is interested in securing	
Further comments (if any)	
Signed	
Date	