

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

Attached to this report are:-

1. Letter sent by Chairman of the Standards Committee, dated 22<sup>nd</sup> 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 14<sup>th</sup> 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 4<sup>th</sup> 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 Taff 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 14<sup>th</sup> 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.

**JEFF COTTERELL  
CHAIR OF THE STANDARDS COMMITTEE**

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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

22 Gorffennaf / July, 2010

Annwyl Gynghorydd

**YNG.: RHODDION A LLETYGARWCH**

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

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.

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 letygarwch a ganiateir.

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:

CC-013260-LB/096898

Dear Councillor

**RE: GIFTS AND HOSPITALITY**

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

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.

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.

In the meantime, the Standards Committee will give further consideration to the acceptance of gifts by councillors, when it meets formally on 14<sup>th</sup> 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 20<sup>th</sup> of August 2010.

Once the Standards Committee has reached a formal view on the 14<sup>th</sup> 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

<b>AUTHORITY</b>	<b>FINANCIAL THRESHOLD AS AT MAY 2008</b>	<b>WHETHER GIFTS DECLINED NEED TO BE REPORTED</b> ☑ 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	

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)**