

CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 5 OCTOBER 2006

REPORT OF THE MONITORING OFFICER AGENDA ITEM: 10

REGISTRATION OF GIFTS AND HOSPITALITY

Reason for this Report

1. To invite the Committee to review the Council's guidance on the registration of gifts and hospitality by Members and Officers, and to make any appropriate recommendations in this regard.

Background

2. The terms of reference of the Standards & Ethics Committee include to advise on the content and implementation of the Codes of Conduct.
3. Under the Members' and Officers' Codes of Conduct, Members and Officers are required to register any gifts, hospitality or other benefits where the value of the item or benefits exceeds an amount determined by the Council from time to time (Members' Code of Conduct Part III paragraph 22; and Employees' Code of Conduct paragraph 8).
4. Guidance issued by the Council under the Code of Conduct for Members and Employees on Hospitality, Gifts and Other Benefits ('Guidance' dated August 2004 – attached at **Appendix A**) states that the thresholds are to be reviewed by the Council as necessary, in consultation with the Standards Committee.

Issues

5. The current financial thresholds for the registration of gifts, hospitality and other benefits received by Members and Officers within Cardiff Council are as follows:
 - Gifts – estimated value of £125 or greater;
 - Hospitality and other benefits – estimated value of £190 or greater for each relevant occasion or payment.

6. The Council's Guidance states that these financial limits were set with reference to the thresholds operating for members of the National Assembly for Wales (NAW). However, it should be noted that the NAW's threshold for hospitality and other benefits is set as a percentage (0.5%) of members' salaries (which in 2003 represented approximately £180), which are understood to be significantly higher than the allowances received by Cardiff's elected Members.
7. The Committee may recall that the recent NAW consultation on the revised Code of Conduct raised the question of whether the thresholds for registering gifts and hospitality should be set nationally or locally by standards committees. Recent correspondence from the NAW indicates that the introduction of the revised Code may be further delayed ('in light of competing legislative priorities within the Assembly Government') until the latter half of 2007 or even to coincide with the local elections in May 2008. As NAW provision in this regard is likely to be further delayed, the Committee may wish to review the current thresholds set for Cardiff Council, in comparison with thresholds set by other local authorities, and to make any consequent recommendations to Council.
8. In the interests of transparency and good corporate governance standards, it is Cardiff Council's practice to make the registers of Members and Officers' gifts, hospitality and other benefits available for public inspection, and registers are published on the Council's internet and intranet site – as appended at **Appendix B**.
9. The Codes of Conduct and the Council's Guidance make clear that gifts and benefits over the threshold value must be registered. Registration is not required for gifts and benefits below the threshold value, and the Codes and Guidance make no provision in this regard. However, certain individuals have chosen to register gifts and benefits below the threshold value, and this has caused some confusion and provoked adverse media comment over the last year. The Committee is invited to consider whether this issue could usefully be clarified in the Council's Guidance, by providing that registration should only be made in respect of gifts, hospitality and other benefits above the threshold values set from time by time by the Council.

ADVICE

This report has been prepared by the Monitoring and Chief Legal & Democratic Services Officer. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

Legal Implications

The relevant legal provisions and the implications of these are contained within the body of this report.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION

That the Committee:

1. instructs the Monitoring Officer to obtain information from other local authorities on their threshold values for the registration of gifts, hospitality and other benefits, and to report this information to the next meeting of the Standards & Ethics Committee, to enable the Committee to review Cardiff Council's thresholds, and make any consequent recommendations to Council; and
2. amends the Council Guidance issued under the Code of Conduct for Members and Employees on Hospitality, Gifts and Other Benefits, to clarify that only gifts, hospitality and other benefits above the threshold values are to be registered.

Kate Berry

Monitoring Officer and Chief Legal & Democratic Services Officer

28 September 2006

Background papers

Cardiff Council Members' Code of Conduct

Cardiff Council Employees' Code of Conduct

NAW Committee on Standards of Conduct Report titled 'Woodhouse Review – Registration of Gifts and Hospitality' dated 10/03/05

NAW thresholds April 2003

Letter from Stephen Phipps, Local Government Policy Division, WAG to Bronwen Morgan, Ceredigion County Council re. Review of Code of Conduct, dated 22/09/06

Appendices

- Appendix A Cardiff Council Guidance Issued under the Code of Conduct for Members and Employees 'Hospitality, Gifts and Other Benefits' (August 2004)
- Appendix B Members' Hospitality Registers 2004 - 2006;
And Officers' Hospitality Register 2004 - 2006