

Full Council: AGENDA ITEM 8 (2)

GOVERNANCE COMMITTEE

4 APRIL 2017

REPORT OF MONITORING OFFICER

Anti Bribery Policy

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider the Anti bribery policy and if approved refer it to Full Council for adoption and incorporation into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 To approve the Anti bribery policy at Appendix A.

- 2.2 **To refer the policy to Full Council for adoption and incorporation into the Council's Constitution.**

3.0 KEY ISSUES

- 3.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
- 3.2 Bribery, either directly between two parties or using a third party as a conduit to channel bribes to others, is a criminal offence. The Council does not, and will not, pay bribes or offer an improper inducement to anyone for any purpose, nor does it or will it, accept bribes or improper inducements or engage indirectly in or otherwise encourage bribery.
- 3.3 The policy makes clear that the Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case. The required ethical standards are included in both the Members' Code of Conduct and Officers' Code of Conduct, both documents forming part of the overall Constitution of the Council.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption (including bribery) is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the Council are recognised as important in ensuring a high standard of public life.
- 4.2 This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, agents, Members,

volunteers and consultants.

- 4.3 The Council's general belief and expectation is that those associated with it (employees, members, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 Any financial and resource implications will be met from existing resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

- 6.1 There are four key offences under the 2010 Bribery Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

The Bribery Act 2010) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defense to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

7.0 **COMMUNITY SAFETY**

- 7.1 There are no community safety implications relating to this report.

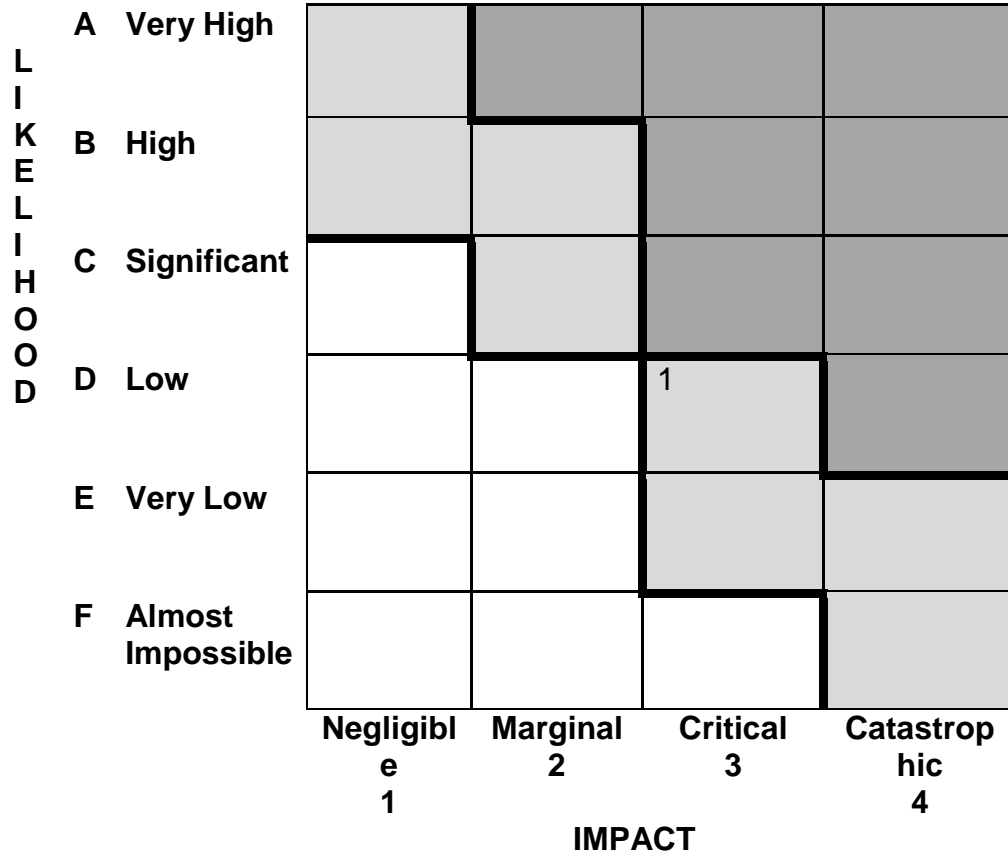
8.0 **EQUALITIES**

- 8.1 An Equalities Screening Assessment has been drafted and no issues were identified.

9.0 **RISKS**

- 9.1 The risks associated with the report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



Risk No	Risk Description
1	Organisation vulnerable to bribery and associated legal action due to non compliance with policy and associated legislation.

10.0 **CLIMATE CHANGE**

10.1 No direct implications for climate change

11.0 **CONSULTATION**

11.1 Consultation with relevant Officers.

12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officer Angela Roberts

Date: March 2017

Appendices : Appendix A – Anti bribery policy

Background Papers:

- Counter Fraud Policy
- Whistleblowing Policy
- Gifts & Hospitality Policy
- Anti-Money Laundering Policy
- The Bribery Act 2010
- Bribery Act guidance

CIPFA's Code of Practice on Managing the Risk of Fraud and
Corruption

Local Government Fraud Strategy – Fighting Fraud Locally

Reference : X : Committees\Governance\2016 17\040417\Anti bribery policy 17