



Ethical Standards Policies

Corporate Priority:	Ensuring the right conditions to support delivery
Relevant Ward Member(s):	Not applicable
Date of consultation with Ward Member(s):	Choose date
Exempt Information:	No

1 Summary

- 1.1 This report seeks approval of the Anti Bribery Policy and the Gifts and Hospitality Policy. The Policies reflect best practice and legislative requirements and will be included in the Code of Corporate Governance.

2 Recommendation(s)

That Audit and Standards Committee;

- 2.1 Approve the Bribery Policy
2.2 Approve the Gifts and Hospitality Policy

3 Reason for Recommendations

- 3.1 Melton Borough Council is committed to protecting the public purse and the services it provides from being abused. We have a zero-tolerance approach towards bribery and promote the prevention, deterrence and detection of bribery. The Anti Bribery Policy provides a clear and consistent framework for employees of Melton Borough Council to ensure compliance with the law.
- 3.2 Gifts, hospitality and sponsorship, wrongly accepted, can be construed as bribery within the meaning of the Bribery Act 2010 and it is best practice therefore to have a Policy for dealing with such matters.

4 Background

- 4.1 The Councils Anti Bribery Policy was approved by the Governance Committee in March 2017. The Policy was due to be updated after 3 years in March 2020. The Policy has had minor amendments to reflect organisational changes, legislative changes and best practice.
- 4.2 The Councils guidance for Gifts and Hospitality was previously incorporated into the Members Code of Conduct and whilst it will remain in there, it is best practice to have a Policy which can be used by members, officers and the public.

5 Main Considerations

- 5.1 The Council is committed to ensuring that it has the highest ethical standards. The Councils Code of Corporate Governance consists of key policies, strategic documents and published information as part of the Transparency Regulations. This suite of documents sets the principles and provides information for excellent corporate governance.
- 5.2 The policies which are recommended for approval will form part of the Councils Code of Corporate Governance.
- 5.3 Bribery is defined as the offering, giving, receiving or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty.
- 5.4 The act of bribery is the intention to gain a personal, commercial, regulatory or contractual advantage. Bribery is a criminal offence.
- 5.5 Under the Bribery Act 2010, the Council would be found guilty of offences if it did not have procedures in place to prevent bribery. In the first instance it is for each organisation to determine procedures which it considers proportionate. Ultimately, if bribery occurs, a court will decide whether the procedures are adequate.
- 5.6 The receiving of gifts, hospitality and sponsorship may give the impression that you have been influenced/are deemed to be influencing while acting in an "official capacity". This may be deemed to be bribery and therefore it is considered that this is a Policy which the Council should introduce.
- 5.7 As well as approving the Policies attached to this report, the Council undertakes the following actions to support excellent ethical standards;
- The Council publishes its Policies on its website so that it is available publically, it is also available to staff on its internal intranet. A new page dedicated to Ethical Standards will be set up in the coming months to provide a "one stop shop" for any ethical governance queries or concerns.
 - The Senior Leadership Team are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery/undue influence is never acceptable.
 - The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery/undue influence and this is managed by contract managers.
 - The organisation applies due diligence procedures in its procurement processes, taking a proportionate and risk based approach in order to mitigate identified bribery/undue influence risks.

- The Council has recently established a Member Development Group who are establishing a Training Programme for members. Training to include anti bribery/undue influence is being scheduled in the coming months.
- Training on bribery, fraud and corruption is included in the e-learning training module for staff. This training module was actively publicised during the latest Fraud Awareness Week in November 2019
- The Head of Internal Audit and Monitoring Officer provide regular staff briefings on ethical governance policies, including anti corruption and bribery. The next one is scheduled for the coming months.

6 Options Considered

- 6.1 In order to comply with the Bribery Act 2010, the Council must monitor and review its Policies regularly and any other option would leave the Council open to legal challenge.

7 Consultation

- 7.1 The Policy has been reviewed by the Head of Internal Audit and Chief Finance Officer (s.151)

8 Next Steps – Implementation and Communication

- 8.1 If the Policy is approved, it will be implemented immediately and published on the website and internal intranet
- 8.2 Ongoing monitoring of training will be undertaken
- 8.3 Member and staff briefings will be undertaken

9 Financial Implications

- 9.1 The decision does not affect the financial position of the Council.

Financial Implications reviewed by: S151 Officer

10 Legal and Governance Implications

- 10.1 Relevant legislation is contained within the report.
- 10.2 The Monitoring Officer has the specific duty to ensure that the Council, its officers, and its Elected Councillors, maintain the highest standards of conduct in all they do.

Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 There are no equalities and safeguarding implications within the report.

12 Community Safety Implications

12.1 There are no community safety implications within the report.

13 Environmental and Climate Change Implications

13.1 There are no environmental implications within the report.

14 Risk & Mitigation

14.1 The risks are highlighted within the report and are mitigated by the adoption of the policies and internal measure to promote them and excellent ethical governance.

15 Background Papers

16 None

17 Appendices

17.1 Appendix A- Bribery Policy

17.2 Appendix B- Gifts and Hospitality Policy

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