

REPORT TO	DATE OF MEETING
Governance Committee	1 st December 2011

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
Anti-Bribery Policy	Leader of the Council	David Whelan/ Clare Ware	8

SUMMARY AND LINK TO CORPORATE PRIORITIES

The aims of this report are to:

- Advise members of the implications of the Bribery Act 2010
- Seek the approval of members for the adoption of the attached (see the appendix) Anti-Bribery policy.

A robust anti-bribery regime is an essential ingredient in good corporate governance and as such could have an impact on the achievement of all the Council's key objectives but is particularly concerned with making South Ribble an efficient, effective & exceptional council.

RECOMMENDATIONS

That members note the contents of this report and support and approve the adoption of the Anti-Bribery policy

BACKGROUND

South Ribble Borough Council is committed to preventing, detecting and investigating corrupt or fraudulent activity and has in place proper procedures to demonstrate the effectiveness of these measures. The Governance Committee plays a key role in ensuring that these arrangements are robust.

The additional policy is presented as a result of changes in legislation.

DETAILS AND REASONING

The reform of the law on bribery dates back to the Nolan Committee's "Report on Standards in Public Life" in 1995 which was set up in response to concerns about unethical conduct by those in public affairs, and its suggestion that the Law Commission might usefully review the law on bribery.

The purpose of the Bribery Act 2010 is to reform the criminal law relating to bribery so that there is a new consolidated scheme of bribery offences. The Act replaces various offences in common law and under the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916. In part the Bribery Act 2010 seeks to clarify and simplify the law.

It should be noted that although the Act was passed in 2010 it only came into force in July 2011.

There are four key offences under the Act.

Section 1 of the Act makes it an offence to bribe another person (to offer, promise or give a bribe).

Section 2 makes it an offence to accept a bribe (to request, agree to receive, or accept a bribe).

Section 6 makes it an offence to bribe a foreign official (bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business).

Section 7 makes it an offence to prevent bribery (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).

The section 7 offence is particularly relevant to the Council. It is considered that there may be circumstances in which the Council could be considered to be a commercial organisation – hence the most sensible course of action is to proceed on the basis that we are bound by the provisions of the Act. In any event it is indisputably and self evidently good practice for a local authority to do everything reasonably practicable to ensure that bribery does not occur.

An organisation will have a defence to the corporate offence (section 7 above) if it can show that it had in place adequate procedures designed to prevent bribery by persons associated with the organisation. In this context officers have looked into the best forward for this Council. Having regard to advice from the Chartered Institute of Public Finance and Accountancy council officers have concluded that it is highly desirable to have an Anti-Bribery policy in place. With this in mind a policy has been drafted – please see the appendix to this report. Members are asked to consider and approve this policy.

The intention is that this document would form part of our suite of corporate governance policies under the umbrella of Anti-Fraud. Other relevant policies include Anti-Fraud and Corruption Strategy, Fraud Response Plan, Anti-Money Laundering Policy, Code of Conduct for Elected Members and Code of Conduct for Employees of the Council.

Assuming that members are happy to adopt the policy then training/awareness raising sessions would be arranged for officers and members (as appropriate). However, guidance on the Bribery Act has already been provided to members (as part of the member induction programme) and managers through the Managers' Forum.

There will be an ongoing role for the Council's Senior Management Team along with the Council's Internal Audit and Legal teams to ensure that the Anti-Bribery policy (along with all other corporate governance policies) is fully complied with at all times.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	There are no direct financial implications arising directly from this report
LEGAL	The Council needs to be able to demonstrate that it is doing everything practicable to prevent bribery from taking place. The attached policy is a vital ingredient in achieving this. An organisation will have a defence to the section 7 corporate offence if it can demonstrate that it has in place adequate procedures to prevent bribery.

RISK	<p>These issues are discussed in the legal implications box above.</p> <p>This Council is committed to maintaining and promoting the highest possible ethical standards and is committed to the prevention, detection and investigation of fraudulent or corrupt activity. This policy will enhance further our robust arrangements, thereby reducing the risk of such activity occurring.</p>
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OTHER (see below)	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

None