

Title of Report:	Bribery Act 2010
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	10 September 2012
Forward Plan Ref:	GA2534

Purpose of Report: To outline a proposed Bribery Policy for the Council.

Recommended Action: Approve the Policy.

Reason for decision to be taken: To help minimise the risk of Bribery

Other options considered: none

Key background documentation: none

The proposals will also help achieve the following Council Strategy principle:

CSP6 - Living within our means

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Providing an effective policy to minimise the risk of Bribery within the Council's business

Portfolio Member Details	
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Date Portfolio Member agreed report:	7th August 2012

Contact Officer Details	
Name:	Ian Priestley
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Implications

Policy: none

Financial: none

Personnel: none

Legal/Procurement: none

Property: none

Risk Management: The policy will help to reduce the risk of bribery occurring

Equalities Impact Assessment: attached - no impact

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box: The item is due to be referred to Council for final approval <input type="checkbox"/> Delays in implementation could have serious financial implications for the Council <input type="checkbox"/> Delays in implementation could compromise the Council's position <input type="checkbox"/> Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months <input type="checkbox"/> Item is Urgent Key Decision <input type="checkbox"/> Report is to note only <input type="checkbox"/>		

Executive Report

1. Introduction

- 1.1 The purpose of this report is to outline a policy for the Council to help manage the risk of bribery occurring within the Council's business.
- 1.2 The Bribery Act 2010 creates a new offence under section 7 which can be committed by commercial organisations which fail to prevent persons associated with them from committing bribery on their behalf - either receiving of a bribe or offering a bribe.
- 1.3 However, it is a full defence for an organisation to prove that despite a particular case of bribery it nevertheless had adequate procedures in place to prevent bribery. The Ministry of Justice has produced guidance to outline procedures that organisations can put in place to provide that defence. The Bribery Policy is based around that guidance.

2. Application to West Berkshire

- 2.1 The Act and the Guidance refers to "commercial" organisations. However, Councils are not excluded and therefore it is sensible to assume the Act applies and therefore the guidance should be followed.
- 2.2 In reality the risk of bribery at the Council is very low. The main reason for this is that the Council has very effective governance arrangements, including detailed "Contracts Rules of Procedure" that provide assurance over procurement.
- 2.3 The Council also has an effective anti fraud strategy and whistle blowing policy, both of which help to mitigate against the risk of bribery occurring
- 2.4 The main area of concern is in the receipt of gifts / hospitality. Even here the Council has effective procedures in the Code of Conduct and all gifts / hospitality are recorded. The Council may wish to ban all gifts / hospitality altogether, although the Minister for Justice, in his introduction to the guidance on the Act states "Rest assured, no one wants to stop firms getting to know their clients by taking them to events like Wimbledon or the Grand Prix"
- 2.5 A number of examples of potential bribery, in a local government context, are included at Appendix C. This document will be appended to the Policy for information.
- 2.6 Although the risk of bribery is low, the Act includes penalties of:
 - (1) Unlimited fines for an organisation
 - (2) 10 years imprisonment
- 2.7 Therefore it is important that the Council takes steps to protect its position and that of its staff and Members.

3. Recommendation

- 3.1 The Council should acknowledge the risk of bribery occurring and approve and implement the attached Policy to:

- (1) Mitigate the likelihood of bribery occurring
- (2) Ensure the Council has an effective defence in the event that bribery occurs.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B - Bribery Policy

Appendix C - Examples of potential bribery

Consultees

Local Stakeholders: N/a

Officers Consulted: Corporate Board

Trade Union: N/a

Equality Impact Assessment – Stage One

Name of item being assessed:	Bribery Policy
Version and release date of item (if applicable):	
Owner of item being assessed:	Ian Priestley
Name of assessor:	Ian Priestley
Date of assessment:	17 July 2012

1. What are the main aims of the item?
To provide a policy to help minimise the risk of Bribery occurring in aspect of the Council's business

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
none		None of the groups will be affected by this policy
Further comments relating to the item: N/a		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: I Priestley

Date: 17 July 2012