

Anti Bribery Information

Policy Statement - Anti Bribery

Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance "business as usual", rather than as a one-off exercise.

The Bribery Act

The Bribery Act comes into force on 1 July 2011 and may have an impact on the activities of the organisation.

There are four key offences under the 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 offences carry criminal penalties for individuals and organisations. For individuals, a maximum prison sentence of ten years and/or an unlimited fine can be imposed; for organisations, an unlimited fine can be imposed.

Policy and procedure

The Council already has an Anti-Fraud, Corruption and Bribery Policy, which is accessible via the Internal Audit pages on the website and Intranet.

This Policy, along with other relevant documents (including the Council's procurement rules, Officer and Member Codes of Conduct and gifts/hospitality procedures) will be subject to ongoing review to ensure that they remain appropriate to the current legislation and are sufficiently robust to prevent bribery and to mitigate the risk of committing a bribery offence.

Should any changes be required to these policy documents, they will be subject to the Council's policy approval process and communicated to all Officers and Members.

Risk

Some of the organisation's activities may present risks of breaches and the need to make decisions on the action to take. Examples are:-

- Procurement – if a supplier is convicted of bribing another person, accepting a bribe or bribing a foreign official they are debarred from carrying out public contracts. Organisations that are convicted of failing to prevent bribery are not automatically

barred from participating in tenders for public contracts, but we have the discretion to exclude organisations convicted of this offence.

- Gifts and hospitality – the provision or acceptance of disproportionate, unreasonable or overly lavish gifts and hospitality.

Action

The action we take needs to be proportionate to the risk the organisation is exposed to. The Council will consider the risks involved and ensure that there is an appropriate level of:

- Up-to-date and regular risk assessment
- Procedures proportionate to the risk
- Top-level commitment
- Due diligence
- Communication and training
- Monitoring and review.

Breaches

The legislation includes severe penalties. Individuals can receive unlimited fines and a ten year prison sentence and organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official.

Further Advice

This communication is to ensure that all Officers and Members are aware that the new legislation has come into force and must be considered in the day-to-day activities of the Council.

If further advice or information is required, please contact the Internal Audit department on ext. 37561 or 37559.