



Anti-Bribery Policy

Purpose of the Policy

1. To provide clear guidance, to all Members and officers, on the Council's commitment to anti-bribery, and the potential sanctions.

Definition and Relevant Legislation

2. Bribery is any inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. This would include direct cash inducements, but also includes gifts, hospitality and the provision of services.
3. These may be offered in exchange for the awarding of contracts, making decisions or implementing policies in a favourable manner, expediting administrative processes, the provision of, or access to, confidential or commercially sensitive information etc.
4. There are four key offences under the Bribery Act. They are:
 - bribery of another person
 - accepting a bribe
 - bribing a foreign official
 - failing to prevent bribery
5. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe, to request, agree to receive, or accept a bribe or to bribe a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.
6. Under Section 7, the act also applies to organisations as well as people and it is an offence for a commercial organisation to fail to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. To deal with this, an organisation needs to be able to show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.
7. Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. In addition, although the 2006 Regulations do not include the crime of failure to prevent bribery, this Council has the discretion to exclude organisations convicted of this offence.

Penalties

8. On conviction in a magistrates' court an individual guilty of bribery is liable to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000, or to both. On conviction in a crown court the penalty is imprisonment for a maximum term of ten years, or to an unlimited fine, or both.
9. The Council, if convicted will also face the same level of fines, but, if guilty of an offence under section 7, is liable to an unlimited fine.

Council Policy on Bribery

10. The Council has a zero tolerance policy on bribery and is committed to the prevention, deterrence and detection of bribery. The Council, its Members, co-opted Members, officers, contractors, volunteers, consultants, agents, temporary or agency staff, or other representative must not pay bribes or offer improper inducements to anyone for any purpose, neither should they accept them.

What to do if Bribery is Suspected

11. The Council's Whistleblowing Policy provides comprehensive guidance on what to do if fraud, or corruption, (these include both actual and attempted bribery) are suspected. The Protocol for Dealing with Allegations of Fraud or Corruption sets out how the Council will respond to such allegations.