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**ANTI BRIBERY POLICY AND PROCEDURES**

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**Responsible Cabinet Member - Councillor Stephen Harker, Efficiency and Resources  
Portfolio**

**Responsible Director – Paul Wildsmith, Director of Resources**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To present for approval a draft Anti Bribery Policy and Procedures and consequential changes to the Employees Code of Conduct.

**Summary**

2. The Bribery Act 2010 (the Act) came into force on 1 July, 2011 and is designed to simplify the law to enable the courts to deal with matters more effectively. The Act introduces a new offence of failing to prevent bribery which applies to the Council as an organisation.
3. The main report explains what bribery is, outlines the offences and penalties created under the Act and details the Council's response to it through an Anti Bribery Policy and Procedures and amendments to the Employees Code of Conduct.

**Recommendation**

4. It is recommended that Council approve the draft Anti Bribery Policy and Procedures at **Appendix A** and the consequential amendments to the Employees Code of Conduct at **Appendix B**.

**Reasons**

5. The recommendation is supported as it enhances the anti fraud and corruption arrangements that comprise part of the Council's corporate governance framework.

**Paul Wildsmith**  
**Director of Resources**

**Background Papers**  
The Bribery Act 2010

Brian James : Extension 2140

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|----------------------------------|--|
| S17 Crime and Disorder           | The policy and procedures are designed to foster a culture within the Council in which bribery is never acceptable.                |
| Health and Well Being            | There is no specific health and wellbeing impact.  |
| Carbon Impact                    | There is no specific carbon impact.  |
| Diversity                        | There is no specific diversity impact.   |
| Wards Affected                   | All wards are affected equally.  |
| Groups Affected                  | All groups are affected equally.   |
| Budget and Policy Framework      | This report does not affect the budget but the policy and procedures enhance the Council's anti fraud and corruption arrangements. |
| Key Decision                     | This is not a key decision.  |
| Urgent Decision                  | This is not an urgent decision.  |
| One Darlington: Perfectly Placed | There is no specific relevance to the strategy beyond an enhancement of the Council's governance arrangements.                     |
| Efficiency                       | There is no specific efficiency impact.  |

## **MAIN REPORT**

### **Information and Analysis**

#### **Background**

6. The Bribery Act 2010 came into force on 1 July, 2011 and applies to all public and private sector organisations. The Act repealed the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts 1906 and 1916 and is designed to simplify the law to enable the courts to deal with matters more effectively.

#### **What is Bribery**

7. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
8. Acts of bribery are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

#### **Offences and Penalties Created Under the Bribery Act 2010**

9. There are four main offences created under the Act:
  - (a) Section 1 makes it an offence to offer, promise or give a bribe;
  - (b) Section 2 makes it an offence to request, agree to receive, or accept a bribe;
  - (c) Section 6 creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business; and
  - (d) Section 7 makes it an offence for a relevant 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.
10. 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.

#### **Darlington Borough Council's Response to the Act**

11. The Act acknowledges that each organisation's response to the legislation will need to be commensurate with its risk of exposure to bribery. The attached Policy and Procedures (Appendix A), based on guidance from the Chartered Institute of Public Finance and Accountancy, provides a response by Darlington Borough Council to the Act.
12. The Policy and Procedures will complement the Council's existing anti fraud and corruption arrangements and are designed to foster a culture within the Council in which bribery is never acceptable. This will rely on top level commitment and ensuring that the Policy and Procedures are embedded and understood throughout the Council. The Policy and Procedures will, therefore, be promoted through staff briefings, newsletters, learning management software, appropriate training, the intranet and the Council's website.

13. The Council's Employees Code of Conduct has been amended to include reference to the Act (Appendix B). In addition, current Council contracting and other documentation will be refreshed also to reflect the requirements of the Act.

**Outcome of Consultation**

14. The Council's Joint Consultative Committee is to consider the Policy and Procedures and consequential amendments to the Employees Code of Conduct at their meeting on 18 November, 2011. A verbal update will be given at Council on the outcome from that meeting.