

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Corporate Governance Committee

29th June 2012

AUTHOR/S: Executive Director (Corporate Services)/Legal & Democratic Services
Manager

ANTI-BRIBERY POLICY

Purpose

1. The purpose of this report is to enable the Committee to comment on and approve a proposed Anti-Bribery Policy (Annex A).
2. This is not a key decision.

Recommendations

3. That the Committee **APPROVES** the proposed Anti-Bribery Policy.

Reasons for Recommendations

4. In accordance with the Internal Audit Plan 2011/12 a fraud review was undertaken by RSM Tenon whose confidential report was published in May 2012. The object of the review was *“to verify whether existing systems and processes in place at South Cambridgeshire District Council can be (and are) used to monitor what proactive checks are undertaken, either regularly or randomly, to identify instances of fraud, error and or bribery.”* Their report contained recommendations to assist the Council in the development of these processes to achieve sector-recognised good practice. A number of weaknesses were identified and recommendations were made, one of which related to the impact of the Bribery Act 2010 on the processes relating to Declarations of Interests and Gifts & Hospitality.
5. The Council already has in place an Anti-Theft, Fraud & Corruption Policy (2009) which is embedded in the Constitution (Part 5 – section J). This Policy and the Council’s internal processes and procedures were subsequently amended to reflect the changes in law when the Bribery Act 2010 came into force on 1st July 2011. RSM Tenon took this into account but still identified the weakness as outlined in paragraph 4. above. Their recommendation was *“to put in place an independent Anti-Bribery Policy and to communicate this to all staff.”*

Background

6. All organisations need to assess whether they have adequate procedures to ensure that they are not involved in bribery and corruption so that they do not incur liability under the Bribery Act 2010. The Council’s existing policies, processes and procedures go a long way to meeting this requirement but the adoption of a stand-alone Anti- Bribery Policy is now necessary to ensure the Council continues to follow sector-wide good practice in this area. It is generally accepted that corruption causes poverty and suffering, inhibits economic growth, damages business both financially and in relation to reputation and may result in criminal and civil liability and penalties for organisations and individuals. It undermines democracy and brings authorities into disrepute.

Considerations

7. The existing Anti-Theft, Fraud & Corruption Policy was last reviewed and updated by this Committee in 2009. It was subsequently amended to reflect changes brought about by the Bribery Act 2010. The propose Anti-Bribery Policy is a stand-alone policy and can therefore be added as an annex to the Constitution.

Options

8. In reviewing the proposed Anti-Bribery Policy the Committee could suggest amendments.

Implications

9.

Financial	There are no immediate financial implications
Legal	The proposed policy meets with legal requirements
Staffing	The policy heightens individual and collective responsibility of Officers and Members with regard to the prevention of corruption and bribery
Risk Management	Adoption of the proposed policy is consistent with the principles laid out in the Bribery Act 2010
Equality and Diversity	None
Equality Impact Assessment completed	No
Climate Change	None

Consultations

10. The Portfolio Holder for Finance & Staffing will be consulted before the meeting.

Background Papers: None

Annex A: Proposed Anti-Bribery Policy

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