

REPORT OF ADMINISTRATION & DEMOCRATIC SERVICES MANAGER

SUBJECT: BRIBERY ACT 2010

Purpose of Report

To inform Members of the existence of the Bribery Act 2010 and to ask that they note the action being taken by Officers to ensure that the Authority has robust policies/procedures in place to mitigate against possible acts of bribery by, or on behalf of, the Authority.

Introduction/Background

The Bribery Act came into force on the 1st July 2011, and created 4 criminal offences:

1. giving, promising or offering a bribe;
2. requesting, agreeing to receive or accepting a bribe;
3. bribery of public officials;
4. a relevant commercial organisation failing to put in place adequate procedures to prevent persons associated with them from giving or receiving bribes.

“Relevant commercial organisations” are not comprehensively defined in the Act, although associated guidance says that “the key concept is that of an organisation which carries on a business”, and that an organisation “will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made”. It is not obvious that National Park Authorities would be caught by this, although the courts would have to decide in future cases which organisations are included and which are not.

Current situation

The Authority has a number of policies/procedures in place to mitigate against such an occurrence:

1. Anti-Fraud and Corruption Policy
2. Gifts and Hospitality Registers for Members and Officers
3. Financial Standards
4. Code of Corporate Governance
5. Codes of Conduct (Members and Officers)

In addition to these, the Authority is audited on a regular basis by both the Wales Audit Office and Pembrokeshire County Council’s Internal Audit team.

Options

There are no options in this case. The Authority has to ensure that it has robust policies/procedures in place to prevent corrupt business practices from taking place. A review of all the Authority’s policies/procedures is already underway as part of the

Corporate Strategy process and, whilst it is considered that the ones highlighted are “fit for purpose”, they will now be reviewed to ensure that they are robust enough to also meet the requirements of the Bribery Act 2010.

Financial/risk considerations

The financial and/or reputational risks to the Authority could be extremely costly if it was prosecuted under the Act.

Compliance

There is an expectation that local authorities meet good practice standards in terms of governance. Having robust policies/procedures in place meets this expectation.

Human Rights/Equality impact issues

The Authority will be able to demonstrate that it works to a high standard of governance and that it is efficient, effective and transparent in its business.

Biodiversity implications/Sustainability appraisal

None.

Welsh Language statement

N/A

Conclusion

The Authority needs to do everything within its power to prevent corrupt business practices from taking place and to ensure that robust policies/procedures are in place to minimise the risks of a Member or Officer committing such an offence. Any policies that need to be amended in light of the requirements of the Bribery Act 2010 will be brought before Members for consideration in due course.

Recommendation

That Members note the report and the action being taken by Officers to mitigate against possible acts of bribery by, or on behalf of, the Authority.

Background Documents

Bribery Act 2010

(For further information, please contact Janet Evans, Administration & Democratic Services Manager on extension 4834 or by e-mailing janete@pembrokeshirecoast.org.uk)

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