

By: Roger Gough – Cabinet Member for Business Strategy, Performance and Health Reform
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To: County Council – 15 December 2011

Subject: Bribery Act Policy

Classification Unrestricted
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Summary: This report invites the County Council to approve the Bribery Act Policy and note the consequential amendments to the Council's Constitution.

FOR DECISION

Introduction and Background

1. The Bribery Act 2010 came into force on 1 July 2011. The Act modernises the law on bribery. The Act represents a significant change from the current law and places obligations on the Council to ensure that it has adequate procedures in place.

Bribery Act Policy

2. The Bribery Act Policy has been prepared to ensure the Council complies with the Act. The policy explains the process through which the Council intends to maintain its high standards and protect its employees, Members and business partners against any allegations of bribery and corruption.

Amendments to the Constitution

3. With the introduction of the Bribery Act 2010 and the associated policy it is appropriate that the Council's Constitution be amended. The changes suggested are minor and reflect the need for employees and Members to adhere to the Council's policy.
4. The draft policy has been considered by the Governance and Audit Committee at its meeting on 29 November 2011 and the proposed policy attached at **Appendix 1** reflects the deliberations and recommendations of that Committee. The Standards Committee also considered the proposed policy, together with the suggested changes to the Members' Code of Conduct at its meeting on 17 November 2011 and agreed to recommend the revisions to the Code to the County Council for approval (see paragraph 6 (4) in **Appendix 2**). In normal circumstances, any changes to the Constitution are recommended to the County Council following consideration by the Selection and Member Services Committee. However, following consultation with the Chairman of this Committee, Mr Homewood, the County Council is asked to note that the

proposed consequential changes to the Constitution required as a result of the approval of the proposed Bribery Act Policy will be made by the Director of Governance and Law in line with his existing authority to change the Appendices to the Constitution to reflect decisions duly taken by the Council. The required changes to the Constitution are detailed at **Appendix 3**.

Recommendations

5. The County Council is invited to:
 - (i) approve the proposed Bribery Act Policy, together with the consequential changes to the Constitution, including the Members' Code of Conduct; and
 - (ii) Note that the Director of Governance and Law will make the necessary consequential changes to the Constitution detailed in Appendix 3 in line with his authority to change the Appendices to the Constitution to reflect decisions duly taken by the Council.

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