

COLNEY HEATH PARISH COUNCIL

- ✉ Postal Address: Highfield Park Visitor Centre, Hill End Lane AL4 0RA
- ☎ Telephone: (01727) 825 314
- 💻 Website: <https://colneyheathparishcouncil.gov.uk>
- ✉ E-mail: clerk@colneyheathparishcouncil.gov.uk



ANTI-BRIBERY AND CORRUPTION POLICY

1. Background

The Bribery Act has significant implications for organisations incorporated or formed in the UK and covers potential bribery both in the UK and abroad.

Colney Heath Parish Council recognises that market practice varies and what is normal and acceptable in one place may not be in another. This Policy meets the Council's obligations under the Act and prohibits any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action which may not be solely in the interests of Colney Heath Parish Council or of the person or body employing them or whom they represent.

It is the Parish Council's policy to conduct all of Parish Council businesses in an honest and ethical manner and we take a zero-tolerance approach to bribery and corruption. We are committed to acting professionally, fairly and with integrity in all businesses dealings and relationships wherever we operate and to implementing and enforcing effective systems to counter bribery and corruption.

The Parish Council will uphold all laws relevant to countering bribery and corruption and in all the jurisdictions in which we operate. However, we remain bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct and service provision.

2. Definitions

For the purposes of the Act and this Policy bribery means the offer, promise, giving or taking any financial or other advantage which is intended to induce or reward the improper performance of a public function or business activity (or is done in the knowledge or belief that acceptance of the advantage itself constitutes the improper performance of a public function or business activity). Under the Bribery Act 2010 there are four possible offences namely:-

- **giving a bribe (an “active offence”)** - the offering, promising or giving of a reward to induce a person to perform a relevant function or activity improperly;
- **receiving a bribe (a “passive offence”)** - the accepting of, agreeing to accept or requesting of a bribe in return for performing a relevant function or activity improperly which includes any activity of a public nature or any activity connected to a business and “acting improperly” will be any breach of what a

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reasonable person in the UK would expect in relation to the performing of the function or activity;

- **bribing a foreign public official (a “public offence”)** - a specific offence of trying to influence a foreign public official with the intention of obtaining or retaining business in a situation where the public official was not permitted or required by law to be influenced;
- **failing to prevent bribery (a “corporate offence”)** - a 'corporate offence' occurs when an organisation fails to take adequate measures to stop people who are operating on its behalf from being involved in bribery.

An individual or the Parish Council can be prosecuted in the UK depending on the offence.

3. Policy

Colney Heath Parish Council is therefore determined to eliminate all forms of corruption and bribery in Parish Council activities and procedures and as a result the following are prohibited:-

- the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement; to or from
- any person or Parish Council, wherever they are situated and whether they are a public official or body or private person or Parish Council; by
- any individual employee, agent or other person or body acting on the Parish Council's behalf; in order to
- gain any commercial, contractual or regulatory advantage for the Parish Council in a way which is unethical; or in order to
- gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

4. Clarification

This Policy is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate, approved by the Clerk and are properly recorded:-

- normal, moderate and appropriate gift giving;
- the giving of a ceremonial gift on a festival or at another special time.

Inevitably, decisions as to what is acceptable may not always be easy. This Policy should be read in conjunction with the Parish Council's Gifts and Hospitality Policy as for example certain forms of corporate hospitality may fall within the definition of a bribe depending on such matters as the openness,

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timing, lavishness of the hospitality and the intention behind it. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Clerk, who has responsibility for this Policy, before proceeding.

5. Adequate Procedures

In order to meet any challenge under the Bribery Act the Parish Council must have adequate procedures in place to stop any bribery occurring. Apart from the publicity and enforcement of this contractual Policy to all employees and other measures contained in this, Colney Heath Parish Council will therefore ensure that:-

- an anti-corruption culture is established throughout the Parish Council;
- risk assessments are undertaken to determine the potential risk of bribery occurring and relevant control measures implemented;
- the Parish Council's gifts and hospitality policy below outlines what is not acceptable and sufficient controls are put in place to prevent bribery and corruption occurring in such circumstances;
- anti-bribery and corruption training and/or instruction is given to all employees who may be potentially involved in situations where bribery may occur;
- a due diligence assessment is made before entering into any major business relationship or project;
- financial controls and procurement and contract management procedures are in place e.g. appropriate levels of transaction authorisation/signature and/or requirement for multiple authorisation to minimise the opportunity for bribery or corruption occurring;
- the Parish Council's public interest disclosure (whistleblowing) policy is available to all employees to enable them to report any matters relating to corruption without fear of retaliation.

6. Gifts and Hospitality

The Parish Council's general policy on gifts and hospitality is as follows:-

- employees are not allowed to offer or give, or cause to be offered or given, inducements to individuals or employees of any other organisation with a view to obtaining or increasing the level of business transacted
- employees acceptance or provision to others of entertainment on behalf of the Parish Council is forbidden save with the express authority of the Clerk
- employees also must not receive gifts and favours from others in relation to our business save for gifts of a trivial value such as diaries;
- any other offer of a gift or favour should be reported to the Clerk.

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More details in respect of the giving or receiving gifts or hospitality is set out in the Council's Gifts and Hospitality Policy and in the Fraud Policy which are available on the Council's website.

7. Responsibility

The Clerk is responsible for the effective operation of this Policy and the operation of the anti-corruption procedures in the Parish Council. Everyone, including Councillors, are responsible for ensuring that all activities and operational decisions reflect the requirements of this Policy.

All Parish Council employees are responsible for the prevention, detection and reporting of bribery and are required to observe the terms and requirements of the Policy. Employees or others should report any suspicion of bribery to the Clerk personally and in confidence.

8. Enforcement

Such steps as may be appropriate to ensure that this Policy remains effective will be taken by the Parish Council and any breach of this Policy will be treated as gross misconduct and may depending on the circumstances render the employee liable to summary dismissal in accordance with the Parish Council Disciplinary Procedure.

9. Review

This Policy will be reviewed periodically by the Council, as appropriate, to assess its effectiveness or as required by legislation and any appropriate changes will be made in consultation with employees.

This policy was adopted 27th February 2023 for a period of 4 years or until legislation changes.