



Risk Committee of the Barbican Centre Board

Date: TUESDAY, 8 NOVEMBER 2016
Time: 10.00 am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members: Deputy Dr Giles Shilson (Chairman)
Deputy John Tomlinson (Deputy Chairman)
Russ Carr
Wendy Hyde
Sir Brian McMaster
Judith Pleasance
Keith Salway

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N.B. Part of this meeting could be subject to audio or visual recording.

**John Barradell
Town Clerk and Chief Executive**

AGENDA

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**
To agree the public minutes and summary of the meeting held on 29 June 2016.
For Decision
(Pages 1 - 4)
4. **OUTSTANDING ACTIONS**
Report of the Town Clerk.
For Information
(Pages 5 - 6)
5. **INTERNAL AUDIT UPDATE**
Report of the Head of Internal Audit & Risk Management.
For Information
(Pages 7 - 14)
6. **BRIBERY UPDATE**
Report of the Town Clerk.
For Information
(Pages 15 - 18)
7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
9. **EXCLUSION OF THE PUBLIC**
MOTION – That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following items, on the grounds that they involve the likely disclosure of Exempt Information, as defined in Part 1, of Schedule 12A of the Local Government Act.
For Decision
10. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 29 June 2016.
For Decision
(Pages 19 - 22)
11. **RISK REGISTER**
Report of the Chief Operating & Financial Officer.
For Information
(Pages 23 - 58)
12. **PROGRAMMING RISK: ORAL UPDATE**
Director of Arts to be heard.
For Information

13. **CYBER SECURITY**
Report of the Chief Operating & Financial Officer.
For Information
(Pages 59 - 88)
14. **SAFEGUARDING: ORAL UPDATE**
Director of Learning & Engagement to be heard.
For Information
15. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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RISK COMMITTEE OF THE BARBICAN CENTRE BOARD

Wednesday, 29 June 2016

Minutes of the meeting of the Risk Committee of the Barbican Centre Board held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Wednesday, 29 June 2016 at 3.15 pm

Present

Members:

Deputy Dr Giles Shilson (Chairman)
Deputy John Tomlinson (Deputy Chairman)
Lucy Frew
Brian McMaster
Keith Salway

Officers:

Sir Nicholas Kenyon	- Managing Director, Barbican Centre
Sandeep Dwesar	- Chief Operating & Financial Officer, Barbican Centre
Michael Dick	- Director of Operations & Buildings, Barbican Centre
David Duncan	- Head of Customer Experience, Barbican Centre
Nigel Walker	- Head of Security, Barbican Centre
Niki Cornwell	- Head of Finance (Barbican), Chamberlain's Department
Debbie Hackney	- Group Accountant, Chamberlain's Department
Pat Stothard	- Head of Internal Audit, Chamberlain's Department
Gregory Moore	- Town Clerk's Department

1. APOLOGIES

There were no apologies.

The Chairman took the opportunity to welcome Pat Stothard, the new Head of Internal Audit, to the meeting.

2. DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations.

3. MINUTES

The public minutes and summary of the meeting held on 20 January 2016 were agreed.

4. OUTSTANDING ACTIONS

The Committee noted the outstanding actions list and received the updates thereon.

5. INTERNAL AUDIT UPDATE

The Committee received a report of the Head of Internal Audit and Risk Management providing an update on Internal Audit activity undertaken at the

Barbican Centre since January 2016 and in summary for 2015-16, and presenting details of the 2016-17 delivery position.

It was noted that there were four audit reports currently in draft status, of which one was specific to the Barbican. This concerned Box Office income and pricing and the Head of Internal Audit was able to advise that there was only one minor recommendation arising from this review. Three other corporate reviews, which were not solely specific to the Barbican but might have some impact, were also in draft status; the Head of Internal Audit undertook to check outside the meeting if there were any outcomes relevant to the Barbican and communicate these to the Committee through the Town Clerk.

The Committee discussed the wider implications of the European Union Referendum result and the likely risks associated; whilst there were potentially a number of significant risks, it was agreed that it was simply too early to accurately assess these with any confidence at this stage. It was also observed that any discussion, once the situation had crystallised sufficiently, would be more appropriate for the full Board to participate in. It was also noted that the Referendum result could offer a number of opportunities for the Centre, for instance through a weaker pound and the likely increase in tourism and international visitors to London that might result, whom the Barbican might be able to attract in large numbers to shows. Responding to queries, it was confirmed that there had been no noticeable negative effect on the box office at the present time, with it added that the box office had also remained buoyant in 2007/08 at the time of the banking crash.

In respect of the Barbican's allocated funding from the City Corporation, the Deputy Chairman confirmed that the position was secure for the immediate period unless there was a significant further reduction in funding from central Government.

The Committee thanked the Head of Internal Audit for his report and also confirmed that it was content with the proposed future work schedule set out in the report.

RESOLVED: That the final delivery position for the 2015-16 Internal Audit Plan, including audit review outcomes since the last Internal Audit Update Report in January 2016 and the details of the 2016-17 delivery position, be noted.

6. **BRIBERY AND CORRUPTION: POLICIES**

The Committee received a report of the Chief Operating & Financial Officer concerning the implications of the Bribery Act on the Centre, particularly in the context of touring exhibitions and the potential situations that Barbican International Enterprise (BIE) staff might find themselves in.

The report set out the clauses included in all BIE contracts in order to safeguard against the risks related to the Bribery Act 2010, and denoted the uptake of required training in order to ensure that the team which oversees the

touring enterprise are adequately informed and equipped to deal with potential threats which may arise during their usual course of Business.

Members discussed the contract clauses set out, expressing concern that they did not provide entirely comprehensive cover and observing that there was scope for tightening up the provisions, particularly in respect of the actions of sub-contractors and the requirements of foreign governments. It was asked that the Town Clerk facilitate discussions between Members on the Committee with expertise in this area and the relevant individuals in the Comptroller & City Solicitor's department to further strengthen the contracts.

Members also expressed disappointment that the full complement of BIE staff had not undertaken their mandatory fraud awareness training. Whilst the Head of Finance advised that this was in part due to recent turnover of staff, Members were clear that they expected all the relevant individuals to have completed this training by the next Board meeting on 13 July. It was also asked that new members of the team be required to complete the training as part of their induction process in future.

RECEIVED.

7. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

8. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

9. EXCLUSION OF THE PUBLIC

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

<u>Item No.</u>	<u>Exemption Paragraph(s)</u>
10, 11, 13	3
12	3 & 7
14	2 & 3

10. NON PUBLIC MINUTES

The non-public minutes of the meeting held on 20 January 2016 were agreed, subject to the correction of a minor typographical error in the preantepenultimate word.

11. RISK REGISTER

The Committee received a report of the Chief Operating & Financial Officer advising Members of the risk management system in place at the Barbican, updating on the significant risks that had been identified and outlining measures for mitigation of these risks.

12. **BARBICAN CENTRE SECURITY REVIEW PROPOSALS**
The Committee received a report of the Chief Operating & Financial Officer outlining the various recommendations from recent security reviews of the Barbican and setting out the Centre's implementation plan.
13. **EVACUATION DRILLS - FOYER**
The Committee received a report of the Managing Director providing a further update in respect of recent evacuation exercises in the foyer spaces, setting out the various lessons learnt, recommendations for future improvements, and conclusions.
14. **CINEMA EVACUATION UPDATE**
The Committee received a report of the Managing Director providing further detail and lessons learnt in respect of the erroneous evacuation of Cinema One in January 2016.
15. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
There was one question.
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There were no urgent items.

The meeting ended at 4.05 pm

Chairman

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Risk Committee of the Barbican Centre Board
Outstanding actions 2016

Action	Notes/Description	Officer responsible	Date added	Status
Equalities and Diversity Action Plan: Risks	Committee to receive E&D Action Plan to facilitate discussions on identifying potential risks and mitigating actions.	Head of HR	January 2016	With the E&D Strategy now deferred until the 21 November Board, this item will now come to the January Risk Committee.
Bribery Act	Town Clerk to discuss with Comptroller the strengthening of anti-bribery clauses in standard BIE contracts.	Town Clerk	June 2016	Clause strengthened, report on November agenda (item 6).
Security Reviews	January 2016 CTSA Review to be shared with Chairman/Deputy Chairman.	Town Clerk	June 2016	Completed July 2016.
Carbon Monoxide Incident	Lessons learnt report to be produced concerning incident reported to Board in September.	Head of Customer Experience	September 2016	The full report on the activation is still awaited from CoL Health & Safety team, which has meant that a lessons learnt paper could not be produced in time for this meeting. An update is provided at Item 11 (Risk Register) on the November agenda and a report will come to the next meeting.
Risk Ratings	To consider weighting associated with Risk H&S 002 (failure to deal with emergency/major incident/risk of terrorism)	Chief Financial & Operating Officer	September 2016	To be considered at the Risk Register item (item 11) on November agenda.
Cyber Security	Update report setting out cyber security measures in place to be produced.	Head of Business Systems & Data	September 2016	On agenda for November meeting (item 13).

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Committee:	Date:
Risk Committee of the Barbican Centre Board	8 November 2016
Subject:	Public
Internal Audit Update Report	
Report of:	For Information
Head of Internal Audit and Risk Management	

Summary

This report provides an update on Internal Audit activity undertaken at the Barbican Centre since the last report made in June 2016.

Since the last Committee update report a position statement in respect of the 2015-16 audit of Box Office Pricing has been finalised, resulting in a green priority recommendation, and two planned audits for 2016-17 – Catering and Car Parks - have reached draft report stage. Delivery progress in respect of 2016-17 audit reviews is outlined at Appendix 1.

There are no outstanding red priority recommendations as at mid-October 2016 and a recent corporate follow-up exercise confirmed that there is only one live amber priority recommendation. A revised target implementation date has been agreed, in conjunction with Barbican management, for this recommendation and at the time of writing this is not yet due.

There has been liaison between Internal Audit and Barbican management to agree the scope and timing of the planned review of Major Incident, Security and Safety taking into account the current service based review which includes the use of resources for major incident planning.

Recommendation(s)

Members are asked to note the delivery position for the 2016-17 Internal Audit Plan including audit review outcomes since the last Internal Audit Update Report in June 2016.

Main Report

Background

1. This report provides an update on audit work progressed since the 29 June 2016 meeting of the Risk Committee. A 2015-16 audit review of Box Office Pricing has been finalised since the last meeting of this Committee, resulting in a green priority recommendation which was accepted by Barbican management, and two audits from the 2016-17 plan have reached draft report stage.
2. As at mid-October 2016 there are no live red priority recommendations and there is only one amber priority recommendation which is anticipated to be addressed by 30 October 2016.

3. The Internal Audit Plan for 2016-17 is attached at Appendix 1 and outlines the status of reviews. Liaison is ongoing with Barbican management to progress the audits of Major Incident, Security and Safety, and Customer Experience.

Delivery of Internal Audit Work

Box Office Income - Pricing

4. As reported to the last meeting of this Committee the original scope of this planned audit was revised in recognition of the Evidence Based Pricing (EBP) strategy project which was in progress. The original objective of this internal audit review was to establish and evaluate the rationale for setting box office pricing for a sample of art forms, namely theatre (to include a sample of commercial rentals), cinema and gallery.
5. Due to the very recent development of the Barbican Pricing Strategy and consequently limited time for it to be embedded within the different art forms, Internal Audit has been unable to provide assurance in respect of the Box Office pricing mechanisms. Evidence was supplied in respect of pricing decisions related to Classical Music, rather than a wider audit sample of pricing activity, which enabled preparation of a position statement which was largely focused on this particular art form. The findings of the Internal Audit examination were as set out below.
6. A ticket pricing strategy – Evidence Based Pricing - has recently been developed as part of a Barbican strategic project. Confirmation was obtained that this was documented within a Strategic Project Initiation Form presented to the Barbican's Management Team on 15 December 2015 and was directly linked to the Barbican Strategic Plan (approved by the Barbican Board in December 2015). It was noted that income maximisation, optimisation of attendance and development of new audiences were fully embedded within the evidence based pricing approach.
7. At the time of fieldwork this evidence-based pricing approach had been adopted within the Classical Music Department and was scheduled for roll-out to other art forms during 2016. Review of evidence obtained for the Classical Music art form demonstrated the application in practice of principles as set out in the "Evidence Based Pricing" strategy.
8. It was noted that significant consumer information was obtained via the 2014 review of the classical music pricing offer by Baker Richards Consultants. Whilst it was confirmed that the Classical Music Pricing Project team met in May 2015 to consider the outcome of the review, some of the recommendations made were not fully implemented either because of timing issues (i.e. too late to inform decision-making for 2016) or because recommendations were not considered to be a good fit for the Barbican. Action points were captured to take forward a number of issues, however, and evidence was obtained of further monitoring and review in November 2015. There were elements within the Classical Music pricing process that Internal Audit could not evidence, however, such as any financial modelling on the impact of different pricing options.

9. Aside from review of Classical Music pricing, documentation supplied indicated that there were adequate mechanisms in place to determine appropriate wider pricing structures (i.e. other art forms). It was noted that the Pricing Review Group undertake annual strategic pricing reviews, considering key elements such as income maximisation, attendance optimisation and development of new audiences. Additionally Box Office Managers, in consultation with Art Forms and Marketing, had delegated authority to apply reactive pricing based on live sales data. Adequate controls were observed to determine, approve and communicate Classical Music pricing structures for a full season and the chosen pricing band for any given production.
10. Limited testing was undertaken in respect of external productions/commercial hires as documentation was supplied in respect of only one production – Hamlet. It was noted that the evidence based pricing approach did not cover external productions due to the nature of the commercial relationship i.e. the Barbican charges a flat fee for rental hires of the theatre and the promoter takes the box office income. The contract for the sampled production clearly stipulated that ticket prices and discounts had to be agreed in consultation with the City, safeguarding the Barbican’s interests. No evidence was supplied of such consultation and a green priority recommendation was made to address this. Barbican management advised that relevant staff have conversations with production companies to ensure that pricing is reasonable and would not cause reputational damage. It was agreed that, where possible, such discussions would be minuted or confirmed in email.

Catering

11. This planned audit is at draft report stage and the outcome will be reported to this Committee post finalisation. This audit has focused on the Barbican’s Public Catering offer and the following contracts with catering partners:
 - Searcy Tansley and Company Limited (Searcy) manages two restaurants, Osteria and Bonfire, their associated bars, as well as the Members’ Lounge.
 - Benugo Limited (Benugo) manages the Barbican Kitchen, Cinema 2 and 3 Café and three coffee points.
12. According to contractual arrangements the Barbican Centre receives commission on catering sales which varies according to activity type. In addition, it also recharges the caterers for costs incurred in operating the catering outlets e.g. waste disposal and cleaning costs. For 2016/17 the Barbican Centre has set a commission income budget of £753k. This audit comprised an examination of the arrangements for management of the catering contracts to ensure that services are delivered as per requirements and that appropriate financial monitoring controls are in place.

Car Parks

13. This planned audit is at draft report stage and the outcome will be reported to this Committee post finalisation. The Barbican Centre car parking service was tendered jointly with the Department of Built Environment as part of the wider City of London Management of Off-Street Parking and Replacement and Maintenance of Car Park Equipment contract and Indigo Park was appointed

with effect from April 2015. No commission is payable under the contract and as such all car park income collected by the contractor should be passed to the Barbican; this amounted to £618,000 in 2015-16. Management fees paid by the Barbican for the car parking contract amounted to approximately £275,000 for the same period.

14. This audit has reviewed key contract monitoring controls focusing on: income collection, recording, banking and reconciliation, car park use (authorised access and issue of tickets / permits etc.), budgetary control and management information.

Other Relevant Assurance Work

15. Delivery of the plan of corporate and key systems reviews across the City's departments is on-going, providing assurance over a range of arrangements relevant to the Barbican Centre. No corporate audits have been finalised since the last meeting of this Committee. In future summary audit outcomes will be reported to this Committee where appropriate, including the detail of any recommendations made directly in respect of the Barbican Centre.

Implementation of Audit Recommendations

16. As at mid-October 2016 there are no live red priority recommendations and a recent corporate follow-up exercise confirmed the implementation of a number of amber priority recommendations. At the time of writing there is only one live amber priority recommendation which is due for implementation by 30 October 2016. This recommendation arose from an audit of ICT arrangements and relates to remote system and user access testing of the Disaster Recovery (DR) site. The original target date was 30 November 2013 but a revised implementation date was agreed in discussion with the Barbican's Network Manager as there have been changes to the SAN hardware configuration and remote access solution, as well as the installation of a fire suppression system and air conditioning, which has merited further tests.

Internal Audit Plan 2016-17

17. The Internal Audit Plan 2016-17 (Appendix 1) is aligned to the Barbican's strategic objectives. Liaison with Barbican management is ongoing to determine suitable timing for reviews and to support detailing planning, in particular related to the planned audit of Major Incident, Security and Safety. A meeting with the Head of Customer Experience confirmed that a major service based review is in progress which includes the use of resources for major incident planning. The scope of Internal Audit activity in this area is under active consideration. Comment and suggestions for consideration in the reviews shown in Appendix 1 are sought from your Committee Members.

Conclusion

18. Internal Audit work in respect of Box Office Income (Pricing) has been finalised and one green priority recommendation has been raised. Delivery of the Internal Audit Plan 2016-17 – as shown at Appendix 1 – is in progress. Two planned audits are at draft report stage and planning is underway for the remaining reviews, in consultation with Barbican management.

19. There are no live red priority recommendations at as mid-October 2016 and a recent corporate follow-up exercise confirmed implementation of all but one amber priority recommendation. This live issue is anticipated to be addressed by 30 October 2016.

Appendices

Appendix 1 Internal Audit Plan Status 2016-17

Pat Stothard, Head of Audit and Risk Management

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Scheduled Work Internal Audit Plan 2016-17

Project and Rationale	Planned Days	Current Stage	Assurance Rating	Recommendations			
				Total Red	Total Amber	Total Green	Total
<u>Car Parking System</u> A new system was introduced in summer 2015 and this audit review will evaluate whether appropriate key controls have been implemented.	10	Draft Report	N/A	-	-	-	-
<u>Catering</u> An examination of arrangements for management of the catering contract to ensure that services are delivered as per requirements and that appropriate financial monitoring controls are in place.	10	Draft Report	N/A	-	-	-	-
<u>Major Incident, Security and Safety</u> This is a key risk area and the audit review will evaluate whether the controls in place are operating effectively.	15	Planning	-	-	-	-	-

Project and Rationale	Planned Days	Current Stage	Assurance Rating	Recommendations			
				Total Red	Total Amber	Total Green	Total
<u>Customer Experience</u> This is a strategic goal to enable delivery of a great experience to Barbican Centre Visitors. The audit review will examine arrangements to ensure delivery of the supporting work strand: 'a seamless, real-time and consistently high standard customer experience across all touch points and channels, digital and physical. There will be a focus on data management related to customer satisfaction.	10	Planning	-	-	-	-	-
TOTAL	45						

Committee(s): Risk Committee of the Barbican Centre Board	Date(s): 8 November 2016
Subject: Bribery Act Update	Public
Report of: Town Clerk	For Information
Report authors: Greg Moore – Town Clerk's	

Summary

The Risk Committee of the Barbican Centre Board previously considered the implications of the Bribery Act on the Centre, particularly in the context of touring exhibitions and the potential situations that Barbican International Enterprise (BIE) staff might find themselves in. Further papers were subsequently submitted outlining the policies, guidance and training currently in place for all Barbican staff, as well as the arrangements with respect to BIE (Barbican International Enterprise) contracts and the provisions therein designed safeguard against the risks related to the Bribery Act 2010.

Following the recent announcement of Government proposals to extend liability for corporate crimes to Boards, it was requested that the potential impacts on the Barbican Centre Board be explored. This paper provides this and also takes the opportunity to report on the strengthening of a particular clause within the BIE contracts relating to the Bribery Act, pursuant to suggestions made at your June meeting.

Recommendation(s)

Members are asked to:

- Note the report.

Main Report

Background

1. In October 2015, the Risk Committee of the Barbican Centre Board received a report setting out the implications of the Bribery Act 2010 for the Barbican. In January 2016, the Risk Committee of the Barbican Centre Board then received a further report clarifying the guidance and training in place for Barbican staff, followed by an additional update in respect of the various policies and contractual arrangements in place at its June 2016 meeting.
2. In the wake of recent Government announcements concerning proposals to extend liability for corporate crime to Board Members, it was asked that an analysis of the potential impact on the Barbican Centre Board be provided. This report sets out the current knowledge in relation to the issue and also provides an update in respect of an outstanding contractual query raised at the June meeting.

Proposed Extension of Liability for Corporate Crime

3. In September, the Attorney-General gave a speech which referred to proposals to introduce new offences of “failing to prevent” criminal activity. The text of the speech can be found at the following location:
<https://www.gov.uk/government/speeches/attorney-general-jeremy-wright-speech-to-the-cambridge-symposium-on-economic-crime>.
4. Currently, companies are only liable for failing to stop bribery. The new proposals seem to be aimed at preventing Boards from claiming they are unaware of criminal activity which takes place at an operational level, raising the possibility of businesses being prosecuted for crimes such as the Libor rigging scandal.
5. The speech makes reference to a promised consultation, which has yet to materialise. Nevertheless assuming, as seems likely, that the new offences will be modelled on section 7 of the Bribery Act 2010, it will apply to any corporate body carrying on a “business”. This word does not have a precise definition, but it may be arguable that some areas of the City Corporation’s activity could be considered a “business”, including the Barbican Centre.
6. Some salient points to note at this stage are:
 - The new liability will be that of the corporate body. No plans have been announced to extend the individual criminal liability of directors or other corporate officers.
 - The new liability will only apply to specified economic crimes. Examples given by the Attorney-General include money-laundering, false accounting and fraud.
 - Liability will not arise if the corporate body can show that it had adequate procedures in place to prevent the relevant conduct.
7. It is however too early in the legislative process to make any definitive assessment. The Remembrancer’s office will monitor and analyse any consultation and ensuing legislation as and when they appear, with further updates to this Committee as appropriate.
8. If Members have any specific concerns they would wish to raise, these will be passed on to the Remembrancer’s office for consideration as any further developments are assessed.

Contractual Safeguards

9. At your June meeting, Members were advised that all contracts issued in relation to BIE tours are thoroughly reviewed and amended by Neil McConnon and the City Solicitor’s department on a case by case basis, taking into account the specifics arising during the course of negotiations and related to the continent and country set to host the exhibition.
10. The particular clauses within the “template” contract, which forms the basis of each BIE exhibition contract, were provided for Members’ information and it was observed that there was some scope for strengthening the reference to the

Bribery Act and the requirement placed upon Producers. It was asked that this be explored outside the meeting and the clause strengthened accordingly.

11. Consequently, the clause was revised in accordance with the advice given and is set out below (additions in italics):
 - a) The Producer shall comply with the following anti-corruption conditions:
 - i. Any person or body engaged or appointed by the Barbican either to provide services or execute works or supply goods or materials of any kind or nature whatsoever or who hires or uses any Barbican property who shall give offer or allow any gratuity gift or benefit of any kind to any person in the Barbican's employ (whether under a contract of or for services) shall not be engaged or appointed by the Barbican in respect of any further such provision execution or supply nor permitted any further hire or use.
 - ii. The provisions of paragraph (i) shall apply whether or not the giving offer or allowance was (a) made by an employee, agent or sub-contractor of the person or body and (b) authorised by the person or body.
 - iii. Persons and bodies to whom paragraph (i) applies shall have their attention drawn to the provisions of the National Code of Local Government Conduct (as amended from time to time).
 - b) The Producer shall comply at all times with the provisions of the Bribery Act 2010, in particular Section 7 thereof in relation to the conduct of its employees, or persons associated with it. *Moreover, the Producer warrants that at all times it shall have in place adequate procedures designed to prevent acts of bribery from being committed by its employees or persons associated with it, and shall provide to the Barbican at its request, within a reasonable time, proof of the existence and implementation of said procedures.*
 - c) Any breach by the Producer of condition (a) or (b) shall entitle the Barbican to terminate this Agreement with immediate effect and recover from the Producer any losses arising from such termination.

12. Member may also wish to note that the Comptroller & City Solicitor's department have also recently been asked to update some the Centre's Sponsorship Agreements and Venue Hire Agreements, as well as some of the Works Contracts for the exhibition galleries and this is currently under review.

Conclusion

13. This report sets out an initial understanding of forthcoming legislation related to proposed extension of liability for corporate crimes and also updates on recent changes to clauses relating to the Bribery Act contained within BIE contracts. Members are asked to note the contents of the report.

Contact:

Greg Moore

Town Clerk's Department

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