

TONBRIDGE & MALLING BOROUGH COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE

11 June 2013

Report of the Director of Finance & Transformation

Part 1- Public

Matters for Recommendation to Council

1 HOUSING AND COUNCIL TAX BENEFITS, COUNCIL TAX REDUCTION SCHEME ANTI-FRAUD POLICY

Summary

This report invites Members to review the Housing and Council Tax Benefits Anti-Fraud Policy, to consider amendments proposed by Audit Committee and recommend to Cabinet that the Council adopt the revised policy.

1.1 Introduction

1.1.1 Members will be aware that the Council recently reviewed and updated the Housing and Council Tax Benefits Anti-Fraud Policy in February 2013.

1.1.2 Since that policy was approved the Government has enacted the regulations for the investigation and sanction action relating to the Council Tax Reduction Scheme (CTRS) that comes into place from 1 April 2013.

1.1.3 Although this scheme will replace Council Tax Benefits there will be an overlap of investigation of offences between the two schemes. Therefore there is a need to update the Housing and Council Tax Benefits Anti-Fraud Policy to include reference to the new scheme.

1.2 Policy Changes

1.2.1 The policy has been updated to include a definition of CTRS fraud but the majority of amendments take place in the Prosecution Policy. A copy of the policy including the Prosecution Policy is attached. **[Annex 1]**

1.2.2 The penalties for CTRS fraud are stated within the Prosecution Policy and although similar penalties to those of Council Tax Benefit Fraud have been introduced they are covered by different legislation and are at different rates.

1.3 Amendments requested by Audit Committee

1.3.1 At the meeting of the Audit Committee of 8 April 2013 there were two amendments requested.

- 1.3.2 The substitution of 'each member' for 'one member' in paragraph 4.4.
- 1.3.3 The inclusion of a paragraph in the Prosecution Policy clarifying the use of administrative penalties as an addition to recovery of the debt.
- 1.3.4 These amendments have been included in the attached revision.

1.4 Legal Implications

- 1.4.1 The policy requires updating to include the latest legislation.

1.5 Financial and Value for Money Considerations

- 1.5.1 If sanctions were challenged because they were not included in the prosecution policy this could have a financial implication dealing with any challenges and a loss of sanction income.

1.6 Risk Assessment

- 1.6.1 All potential sanction outcomes should be transparent. A revision of the policy ensures that these revisions are available for consideration.

1.7 Equality Impact Assessment

- 1.7.1 All Council decisions regarding the outcome of investigations are considered on an individual basis and take circumstances of the offence and the offender into account. Any loss of benefit provision that affects a Council administered benefit is determined by the DWP and is beyond any influence of the Council.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** that Members review the updated Benefits Anti-Fraud Policy and, subject to any amendments, propose that the Overview & Scrutiny Committee consider the revisions and recommend through Cabinet that Council adopt the revised policy.

Background papers:

contact: David Buckley

Nil

Sharon Shelton
Director of Finance & Transformation

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse	No	This policy ensures that a consistent approach is adopted.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
impact or discriminate against different groups in the community?		
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Any investigations regarding fraud are conducted in accordance to statutory procedures that ensure each case is dealt with on an equal basis.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.