

# Report to Audit and Risk Assurance Committee

17 March 2022

<b>Subject:</b>	Counter Fraud Update
<b>Director:</b>	Simone Hines Director of Finance and S151 Officer
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## 1 Recommendation

1.1 Review and comment upon the Counter Fraud Update.

## 2 Reasons for Recommendation

2.1 To inform the committee of details of the recent areas of counter-fraud activity undertaken by the Council's Counter Fraud Unit.



### 3 How does this deliver objectives of the Corporate Plan?

3.1 Internal Audit and the Counter Fraud Unit operates across the Council and helps it accomplish its vision by bringing a systematic, disciplined approach to reducing the risk of fraud and helping to safeguard the council's assets.

### 4 Context and Key Issues

4.1 The Counter Fraud Report contains details of the recent areas of counter-fraud activity undertaken by the Council's Counter Fraud Unit.

### 5 Alternative Options

5.1 The purpose of the report is to inform the Audit and Risk Assurance Committee on the activity of the Counter Fraud Unit. As such, there is no alternative option.

### 6 Implications

<b>Resources:</b>	There are no direct resource implications arising from this report.
<b>Legal and Governance:</b>	The Counter Fraud Unit operates within the following legal framework: <ul style="list-style-type: none"><li>• The Fraud Act 2006</li><li>• POSHFA (Prevention of Social Housing Fraud Act 2013)</li><li>• PACE (Police and Criminal Evidence Act 1984)</li><li>• General Data Protection Regulations</li><li>• CPIA (Criminal Procedure and Investigations Act 1996)</li><li>• RIPA (Regulatory Investigation Powers Act 2000)</li><li>• HRA (Human Rights Act 1998)</li><li>• Council Tax Reduction Scheme 2013</li></ul>



The Counter Fraud Unit investigators are required to investigate in accordance with the Local Government Act 1972. The following sections from this Act are relevant:

- Section 151 – Duty to protect public funds: Every Local Authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of the officers has responsibility for the administration of those affairs.
- Section 222 – Right to prosecute: Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area they may prosecute, defend or appear in any legal proceedings and, in the case of any civil proceedings, may institute them in their own name.
- Section 223 – Right to appear in court: Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf or to appear on their behalf in proceedings before magistrates' court shall be entitled to prosecute or appear in any such proceedings and to conduct any such proceedings.
- Section 111 – Right to act: Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions.



	<ul style="list-style-type: none"> <li>The right to question suspects and witnesses – Police and Criminal Evidence Act 1998 - PACE (Code C)</li> </ul>
<b>Risk:</b>	The actions detailed in the Counter Fraud Report are designed to mitigate risks.
<b>Equality:</b>	It was not necessary to undertake an Equality Impact Assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	There are no direct social value implications from this report.

## 7. Appendices

Appendix A – Counter Fraud Update Report

Appendix B – School Fraud Awareness Bulletin

Appendix C – Fraud Risk Register

## 8. Background Papers

