



Haringey Council

Report for:	The Leader	Item Number:	
Title:	Authorisation and delegation in respect of a fraud prosecution		
Report Authorised by:	Assistant Director Finance	<i>Jennifer Ball</i>	25/11/13
Lead Officer:	Head of Audit & Risk Management		
Ward(s) affected:	Report for Key/Non Key Decisions:		
All	Non key decision		

1. Describe the issue under consideration

Improved working across different authorities has revealed benefit fraud offences have taken place by the same defendant in both Haringey and Broxbourne areas. In order to send a message to fraudsters that authorities are working together and due to the benefits of running a single set of legal proceedings, Broxbourne District Council has offered to include Haringey offences in a prosecution on which they will lead (Ref AFD1250).

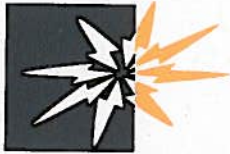
Under the Constitution, only the Leader or Cabinet can authorise another authority to conduct a function on its behalf and to accept an authorisation to exercise a function on another authority's behalf.

2. Recommendations

Subject to agreement as to the fair apportionment of costs by the Head of Audit & Risk Management, that the Leader authorises Broxbourne District Council to prosecute offences relating to benefits issued by Haringey Council in the case referred to above,

3. Alternative options considered

Each authority may prosecute only for benefits issued by it. However, this would mean that a joint investigation would be followed by separate legal proceedings in different courts which is not beneficial to the residents of each authority, either from a cost/efficiency point of view, or from giving an impression that fraudsters can potentially avoid the true extent of their fraud being realised by prosecuting



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individual offences in different courts. In this case the overpayment of benefit for both boroughs is in excess of £30,000, covering the period from September 2009 to April 2013.

4. Background information

The duties of the Audit & Risk Management Department include the investigation of fraud offences, most notably in respect of housing benefit and council tax, but more recently including tenancy and Right to Buy fraud. The Council's Legal Services already prosecutes some cases on behalf of the Department for Works and Pensions and vice versa.

Joint prosecutions for cases of housing tenancy and benefit fraud between Haringey and two other local authorities have previously been approved and are in progress at present.

5. Comments of the Chief Finance Officer and financial implications

There are no direct financial implications arising from this report. The work completed by Audit & Risk Management to investigate benefit, tenancy and other frauds, including the legal costs of prosecutions, is contained and managed within the Audit and Risk Management revenue budget.

Where joint prosecutions are agreed between authorities, an individual agreement will be made on allocation of costs in advance to minimise financial risks to the Council.

The courts often order convicted offenders to pay councils back a proportion of their prosecution costs.

6. Head of Legal Services and legal implications

The enforcement of benefit fraud offences is an executive function. Under Article 11.04(b) of the Constitution, the Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

7. Equalities and Community Cohesion Comments

Prosecutions require the consideration of public interest factors and are subject to the Code for Crown Prosecutors, the Enforcement Concordat and any enforcement policy an issuing authority may have e.g. Haringey Council's Sanction Policy.

8. Head of Procurement Comments

N/A

9. Policy Implication

The decision as to whether to prosecute will continue to be considered by each authority on its merits on a case by case basis in accordance with relevant



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enforcement policies, the Code for Crown Prosecutors, and the Enforcement Concordat.

10. Reasons for Decision

To prevent the need for different sets of legal proceedings arising out of the same or similar facts; and to send a message to fraudsters that the various authorities that issue benefits are working together.

11. Use of Appendices

N/A

12. Local Government (Access to Information) Act 1985

N/A

