



# Enforcement Policy

## Service Standards – Revenues and Benefits

Version 6.1 March 2022

### 1. Introduction

Cambridge City Council has an over-arching Enforcement Policy, which can be viewed [here](#). That policy applies to all relevant enforcement activities undertaken by the council, and highlights the universal standards applied by the Council, and by which the Council is held responsible.

To ensure that policy remains relevant and informative to service users, partners and regulators, the policy is complimented by a number of annexes which address specific areas of Council's business activity. This annex relates to the activities of Revenues and Benefits.

### 2. Overview

The Fraud and Enforcement Team (FET) within Revenues and Benefits undertakes criminal and civil investigations into suspected breaches of legislation, policy or procedure within their specific area of responsibility. They are also responsible for the prevention and pursuance through the criminal and civil courts when appropriate.

### 3. Area of responsibility

The FET is responsible for the prevention, detection and pursuance of the following threats faced by Cambridge City Council:

- Fraud by the abandonment or sublet of properties owned by Cambridge City Council, in accordance with the Prevention of Social Housing Fraud Act 2013.
- Fraudulent homelessness and HomeLink applications in accordance with Prevention of Social Housing Fraud Act 2013 and The Housing Act 1996.
- Non-Domestic Rates (Business Rates) fraud under the Fraud Act 2006.
- Council tax liability and exemption fraud, in accordance with the Fraud Act 2006 and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

- Council Tax Rebate fraud, in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

In addition, the FET also engages with:

- The Department for Work and Pensions (DWP) Single Fraud Investigation Service (SFIS) in relation to Housing Benefit and [historic] Council Tax Benefit investigation and amendment.
- Other agencies, and services such as the Police and HMRC.

## 4. Legislation and standards

As a contributor to the Council's Corporate Enforcement Policy, FET complies with the [Department for Business Innovation & Skills Regulators Code 2014](#) (now adopted by the Department for Business, Energy and Industrial Strategy). The need for firm action against those who flout the law and put users, partners, members of the public or taxpayers at risk is acknowledged. Every case will be decided on its own individual facts.

When a matter is investigated all relevant legislation will be complied with. This will include the following, although this list is not exhaustive:

- [Theft Act 1968](#).
- [Police and Criminal evidence Act 1984](#).
- [Criminal Procedure and Investigations Act 1996](#).
- [Data Protection Act 2018](#).
- [Fraud Act 2006](#).
- [Prevention of Social Housing Fraud Act 2013](#).
- [Regulation of Investigatory Powers Act 2000](#).

## 5. Objective

The approach adopted by the FET when carrying out duties on behalf of the Council to enforce legislation is intended to:

- Focus on prevention,
- Protect the public purse,
- Ensure that the law is enforced fairly, equitably and in a consistent manner,
- Take firm action when it is necessary and appropriate to do so,
- Carry out enforcement that is proportionate, effective and legal.

## 6. Principles of enforcement

Revenues and Benefit's FET believes in an approach that is:

- Courteous and helpful,
- Open,
- Is supported by clear standards and practices,
- Proportionate, and

- Consistent.

## **7. Enforcement options**

The Council is committed to achieving and maintaining consistency in its approach to enforcement, and as such all of the following options may be considered by the FET:

### **7.1 Prevention**

We believe that the first step in enforcement is to promote accurate disclosure by the service users, good practice and policy compliance. In most cases this will negate the necessity of further action.

### **7.2 Informal Action**

As we would prefer to avoid unnecessary burdens upon the service user, taxpayer and criminal justice system it is sometimes possible to resolve matters without progressing to formal action. Each case will be considered on its own merits, and when this is not possible; the following will be considered....

### **7.3 Fines / Penalties**

It is sometimes necessary to offer or impose a fine or penalty, for example a fixed Council Tax fine. The administrative processes associated with these actions are clearly defined in legislation.

### **7.4 Cautions**

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute. Cautions will be issued in order to:

- Deal quickly and simply with less serious offences;
- Divert less serious offences away from the courts; and
- Reduce the chances of repeat offences.

To safeguard the suspected offender's interests the following conditions will be fulfilled before a caution is administered:

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; and
- The suspected offender must admit the offence; and
- The suspected offender must understand the significance of a caution and give an informed consent to being cautioned.

A caution is a serious matter, which will influence any future decision should the company or individual offend again. Where the offer of a caution is refused, a prosecution will generally be pursued.

No pressure will be applied to a person to accept a caution.

## 7.5 Prosecution

The Council acknowledges that the decision to prosecute is significant and should be a last resort, and it could have far reaching consequences on the offender. All relevant evidence and information will be considered before deciding upon a prosecution, in order to enable a consistent, fair and objective decision to be made.

The Council will have regard to the [Code for Crown Prosecutors](#) issued by the Director of Public Prosecutions, which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic prospect of conviction;
- Whether the prosecution is in the public interest.

The public interest test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will consider whether the public would be best served by pursuing a prosecution or an alternative sanction.

## 7.6 Proceeds of Crime / Unlawful Profit Order

Where appropriate, the Council will consider the use of the [Proceeds of Crime Act 2002](#) legislation or unlawful profit orders, both of which allow Local Authorities to recover assets that have been accrued through criminal activity.

## 8. Training and appointment of officers

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

Officers have powers delegated to them under the appropriate legislation to assist them in carrying out investigations.

Officers carry identity cards detailing their powers. In the event of any doubt as to an officer's powers or identify, confirmation can be obtained by contacting the Council.

## 9. How to contact us or complain

[Contact details are available here](#). If you are dissatisfied with the service you have received from Revenues and Benefits, please let us know via the [Council web pages](#). We are committed to providing quality services and your suggestions, criticisms or observations about any aspect of our service will help us to do this.

## 10. Review of this policy

This revised policy document was issued in March 2022 and will be reviewed at least every 3 years.

END