COTSWOLD
DISTRICT COUNCIL

CABINET

21ST MARCH 2019

AGENDA ITEM (13)

COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY

Accountable Member(s)	Councillor AW Berry Leader of the Council
Accountable Officer	Jenny Poole Chief Finance Officer 01285 623313 jenny.poole@cotswold.gov.uk
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Purpose of Report	To present Cabinet with a revised Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy for approval and adoption.
Recommendation(s)	**(a) That the revised Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy be approved and adopted;** **(b) that the Chief Finance Officer be authorised to approve future minor amendments to the Policy in consultation with appropriate Officers, Members and the Legal Section.**
Reason(s) for Recommendation(s)	To update and replace the existing Sanction Policy on behalf of the Revenues and Housing Support Service.

Ward(s) Affected	Not applicable
Key Decision	No
Recommendation to Council	None

Financial Implications	The adoption and approval of this policy will help support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council. It should also be considered that the additional income some sanctions generate assists in the administration of such functions, further prevention work and acts as a deterrent.

Legal and Human Rights Implications	The legislation governing the use of sanctions and fines is identified within the Policy
Environmental and Sustainability Implications	None directly arising from the report
Human Resource Implications	None directly arising from the report
Key Risks	If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation. The Council requires a Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy to ensure legislative powers and regulations are applied fairly and in accordance with the law.
Equalities Impact Assessment	Not Required

Related Decisions	Cabinet - March 2015 - Sanction Policy.
Background Documents	Revenues and Housing Support Services Sanction Policy
Appendices	**Appendix A** - Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

Performance Management Follow Up	(i) Implement Cabinet decision(s). (ii) Subject to adoption of the Policy, publish Policy and arrange staff and Member awareness.
Options for Joint Working	This Policy has been presented and adopted across a number of partner Authorities.

Background Information

1.   The Counter Fraud Unit are undertaking a review of a number of Policies and Procedures, in support of each service area, to enable criminal investigations to be legally undertaken and appropriate sanctions to be applied. This Policy has been refreshed for use within Revenues and Housing Support Services.

2.   The Policy replaces the Revenues and Housing Support Sanction Policy.

3.   The legislation identifies that a Civil Penalty will only occur if the value of a Housing Benefit overpayment exceeds a minimum value; and the draft Policy for Cotswold District Council reflects this. The Policy also sets out the details relating to decisions at Cotswold District Council which can be amended in line with local decision-making.

4.   The Policy was drafted on behalf of a number of Gloucestershire Authorities and West Oxfordshire District Council. Service Leads, Corporate Leadership/Management Teams and the Legal Section have been consulted

5.   It should be recognised that the Counter Fraud Unit, and the service it provides, is a partnership, so co-ordinating policy across multiple organisations is critical to the success of the partnership.

6. The Cabinet is asked to consider the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy and, subject to any amendments that it considers necessary, to approve and adopt the same.

(END)