

IN CONFIDENCE

Date: **20/02/2023**

My Ref: 0000315

Direct Line: 01904 551503

Winterthur Pension Scheme
Venture Wales Building
Merthyr Tydfil Industrial Park
Pentrebach
MERTHYR TYDFIL
Mid Glamorgan
CF48 4DR

Dear Sir or Madam,

Re:

Mr Mark Anthony Robinson (possibly transferred from Winterthur Life UK Ltd (Annuities))

NI No:

NA379369B

DoB:

29/06/1963

I previously wrote to you on 01/11/2022 however I have yet to receive a response. I would be grateful for a response either by letter to the above address or by email to veritau@york.gov.uk by **Monday 6th March 2023.**

I am an Authorised Officer, appointed under regulation 3(1) of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 and in this respect I am empowered under regulation 4(1) of the Regulations to request from you information concerning the person named above whom I believe has a pension with your company.

I attach a copy of Code of Practices which explains the powers of Authorised Officers employed by Veritau, on behalf of Middlesbrough Council, their limitations and the responsibilities and rights of those from whom we may seek information as defined in the legislation. Authorised Officers are required to undertake their enquiries in accordance with this Code of Practice at all times.

I am requesting information regarding any pensions the above customer holds, whether they are currently in payment, the nature of any lump sums, and the nature of current payments.

I would be grateful if you would provide this information even if the customer has ceased to receive a pension from you. I enclose a pro-forma for completion. If however you prefer to present the information as a computer print-out this would be satisfactory provided it contains a declaration in accordance with relevant legislation.

Please send your reply to the above address within 14 days of the date of this letter.

All information is treated with confidence and in accordance with the Data Protection Act 2018. You can supply the information required under Schedule 2, Section 2. This request is being made within the rules of the Human Rights Act 1998.

Please note, knowingly giving false or inaccurate information or hindering an authorised officer may result in prosecution.

At this stage of my enquiries you should not make this person aware of my request to you.

Thank you for your help with this enquiry.

Yours faithfully



Liz Metcalf
Corporate Counter Fraud Support Officer

Middlesbrough Council Witness statement
(CJ Act 1967, s9 MC Act 1980, s.s 5A (3)(a) & 5B, MC Rules 1981, r70
and CJ Act 1988, S24)

PENSION PROVIDER VERIFICATION STATEMENT

Customer Mr Mark Anthony ROBINSON
Address(es)
.....
(Please complete from your records)

NI Number & Date of Birth
(Please complete from your records)

1) Is this pension currently in payment?

2) Have any lump sums been awarded?
(If so please provide amounts and dates)

3) What is the nature of any current payments
.....
(include method of payment, amount, frequency, start date)

Pension Provider's name _____
Pension Provider's Address _____

This statement has been created by me in the course of my occupation as the holder of a paid office and the information contained herein was supplied by a person who had or may reasonably be supposed to have had personal knowledge of the matters dealt with and where the information in this document has been supplied directly or indirectly each person to whom it was supplied received it in the course of a trade, business or profession or other occupation and the person who made the statement cannot reasonably be expected (having regard to the time that has elapsed since making the statement and to all the circumstances) to have any recollection of the matters dealt with in the statement.

This statement (consisting of 1* page signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.
*amend number if enclosures added.

Signed.....
Please ensure all pages are signed

Name (Block Letters).....

Age if under 18:Occupation:

(Please indicate here if there are enclosures...NO / YES Number of added pages.....)

Return to:
Liz Metcalf
Fraud Investigation
West Offices
Station Rise
YORK, YO1 6GA

(Ref: 0000315)



Obtaining Information from Employers, Contractors, the Self Employed, Pension Providers and Landlords.

A Guide to the Powers of Local Authority Authorised Officers, and their Limitations

Foreword – Why this Code of Practice is issued to You

Council tax and benefit related fraud is estimated to cost the taxpayer at least £2 billion per year. Fraud due to false information provided in order to obtain Council Tax Reduction forms a significant part of the overall level of fraud experienced. Obtaining information is necessary if we are to ensure that taxpayers' money goes to those for whom it is intended. Our powers to obtain information are not intended to place additional burdens on business but to reduce the overall burden on society. Everyone, therefore, has an interest in providing information to Middlesbrough Council so that we can together combat fraud.

This code of practice is binding on the activities of Middlesbrough Council staff that operate the procedures under regulations 4 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013. This code has been given to you so that you know what you can expect if you are required to provide information to Middlesbrough Council under the provisions of regulations 4 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013. The code explains the conduct of the officers making enquiries and enables you to understand your duties. It is aimed at encouraging compliance and cooperation. Where the requirements of the Code are not met grounds for complaint may arise. Information about how to complain is contained in the Code of Practice (see paragraphs 35 – 37).

Beating fraud is everyone's business. We must all work together if we are to achieve that aim.

Introduction

1. This Code of Practice explains the powers of Authorised Officers, their limitation and the responsibilities and rights of those from whom we may seek information as defined in the legislation. Authorised Officers are required to undertake their enquiries in accordance with this Code of Practice at all times
2. Authorised Officers of Middlesbrough Council should issue this Code of Practice to people from whom they require information under regulation 4 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013. It explains the powers of Middlesbrough Council and therefore assists Officers in their enquiries. It should be issued with written enquiries, carried by officers visiting employment premises, and made available in the Local Authority Offices to members of the public who wish to consult it.
3. The obligation to provide information is now detailed in regulation 4(1)(a), 4(2)(b), 6 and 7 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013.
4. These powers are only for use in relation to enquiries for the purposes described in regulation 3(6) – (paragraph 8 below), from specific people/organisations, as defined in regulation 4(2) and 4(3) (paragraph 10).

Authorised Officers

5. Under regulation 3(1) a billing authority may authorise an individual to exercise regulation 4 powers. Officers who do not have this authorisation may not make enquiries under these powers.
6. Authorised Officers are required to act reasonable in seeking information from individuals and act in an appropriate way given the circumstances of the case and

- any representation that may be made during their enquiries. The resultant actions taken by Authorised Officers should be ones that would stand up to the scrutiny of a Court or other independent body.
7. If the course of action undertaken, or proposed, by the Authorised Officer was not considered to be reasonable it should be raised at once with the Authorised Officer. If this does not satisfy the concerns raised, the complaints procedure set out in this Code can be applied.

What These Powers Are Used For

8. Authorised Officers use regulation 4 powers to obtain information from certain people in order to prevent, detect and secure evidence of the commission of a council tax offence, under regulation 3(6).
9. An authorised Officer can ask for information about individual named persons or in certain circumstances, the names and other details of the whole workforce. Requests for information can be made in writing. The following are examples of the types of information that Authorised Officers might request from an employer:
Names of employees, Wage details, Period of employment, conditioned hours, Terms of employment (i.e. whether an employee, sub-contractor, or self-employed), Bank details (e.g. whether wages are paid into a Bank, and its location), Staff/payroll number, National Insurance number, Home address and Date of Birth. This list is not exhaustive and there may be circumstances in which Authorised Officers will seek information not specifically listed here which is relevant to their enquiries and determined on the circumstances of the investigation.

Written Requests for Information

10. Regulation 4(1) allows an Authorised Officer to write to (or e-mail) any of the persons defined in regulation 4(2), listed below to obtain information. These people are:
- Any person who is or has been an employer or employee. Any person who is or has been a self-employed earner. Any person who, under existing legislation, is treated as an employer, employee, or self-employed earner. Any person who is carrying on or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises. Any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his. Any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to others, of persons available to do work or to perform services. Any local authority acting in their capacity as an authority responsible for the granting of any licence. Any person who is or has been a trustee or manager of a personal or occupational pension scheme)
11. An Authorised Officer will only write to any of those persons defined above for information if they have reasonable grounds to suspect that fraud is being or has been committed. They will provide a written notice that sets out who they are, their address, what information they need, the format in which they would like the information provided in and when they would like the information by.
12. They may ask for original documents, photocopies of documents or extracts of documents (e.g. computer printouts etc) to be produced. However they will only request the information they need and will take account of the burden this would place on the business, as well as their own needs.

The Legal Duty to Provide Information Required Under a Written Notice

13. If an Authorised Officer writes to ask for information recipients are legally obliged under regulation 4(6) of the Council Tax Reduction Schemes (Detection of Fraud and

- Enforcement) Regulations 2013, to provide it in the form it has been requested and within the time specified.
14. If a recipient of such a request has difficulty meeting any part of a request for information, they may contact the Authorised Officer to explain why and make alternative arrangements for the provision of the information.
 15. The legal duty to provide information is not discharged until this has been done.

The Statutory Duty to Provide Information

16. No one is required to provide any information (whether documentary or otherwise) that tends to incriminate them, or, if they are married, their spouse.
17. Otherwise, whether a request by an Authorised Officer is made in writing, there is a statutory duty to provide that information, including any documentation that is requested.
18. Under regulation 6 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013, it is an offence to intentionally delay or obstruct Authorised Officers in the exercise of their powers or to refuse or fail to answer any questions, or produce any documents when required to do so by an Authorised Officer. Obstruction includes circumstances where false or inaccurate information is provided in response to enquiries.
19. The Data Protection Act 2018 will not be contravened by providing the information requested by Authorised Officers. Under Schedule 2, Para 5 of the Data Protection Act 2018 exemption from the non-disclosure provisions exists where an enactment, such as regulation 4 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013, requires the supply of information.
20. Failure to meet in full requests for information could result in criminal proceedings being instigated. The maximum penalty is a maximum fine, fixed at level 3, currently set at £1000, with a continuing penalty of £40 per day (under regulation 6(1) and 6(2) of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) Regulations 2013).
21. If information is not provided the Authorised Officer should explain the local Authorities statutory powers and the potential consequences of non-compliance.

At the End of Middlesbrough Council's Enquiries

22. Where an Authorised Officer has made enquiries and obtained information notification of any further action that is being taken will be made as soon as possible. When the enquiry has been concluded notification of that action will also be given.

Complaints

23. If you have any grounds for complaint about how Authorised Officer(s) have used their powers or the reasonableness of their actions when obtaining information please write to Counter Fraud Manager, Veritau Ltd, City of York Council, West Offices, Station Rise, York, YO1 6GA.
24. Most complaints can be settled by contact with the local manager in this way and it is the most effective way of putting things right. However if this does not provide a satisfactory outcome the complaint will be handled in accordance with the local authorities customer complaints scheme.
25. Independent legal advice may be sought at any time. The local Citizens Advice Bureau can assist in deciding whom to contact. The locations and telephone numbers can be found in the telephone directory.
26. This does not affect the right to seek assistance from a Member of Parliament or to refer a complaint to the Local Government Ombudsman. Further information is available from The Local Government Ombudsman, Beverley House, 17 Shipton Road, York.

Disclaimer

Please note this Code of Practice gives general guidance only and should not be regarded as a complete and authoritative statement of the law. If you do not understand any of the contents of the Code you may wish to seek independent advice.