

Powers used by local authorities in England in relation to procurement fraud and corruption investigations

Accredited Financial Investigators

1. Some local authorities have access to Accredited Financial Investigators (“AFI’s”) who have powers under the Proceeds of Crime Act 2002 (POCA) to help them recover the proceeds of crime. AFI’s were also conferred powers under the Serious Crime Act 2015 and the Criminal Finances Act 2017.
2. AFI’s support Councils with money laundering investigations, cash seizures and confiscations using tools such as production orders, credit reference checks and Suspicious Activity Reports (SARs).

Further information:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753212/exploring-the-role-of-the-financial-investigator-report-horr104.pdf

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/317904/Fact Sheet - Overview of POCA 2 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/317904/Fact_Sheet_-_Overview_of_POCA_2_.pdf)

Ability to prosecute legal proceedings

Under section 222(1) of the Local Government Act 1972, local authorities have the power to prosecute legal proceedings where they consider that prosecution is expedient for the promotion or protection of the interests of the inhabitants of their area.

Further information:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753212/exploring-the-role-of-the-financial-investigator-report-horr104.pdf

Regulation of Investigatory Powers Act 2000(RIPA)

1. RIPA limits local authorities to using three covert techniques for the purpose of preventing or detecting crime or preventing disorder. These are directed surveillance, covert human intelligence sources and communications data.¹
2. In terms of communications data, Councils are not permitted to use traffic communications data but may request service use information (such as the type of communication, the time of the communication or its duration) and subscriber information (such as billing information).²

¹ <https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

² <https://www.localgovernmentlawyer.co.uk/lexisnexis/557-lexis-lg/lexis/localgov/information/24139-ripa-powers-for-local-councils>

3. The National Anti-Fraud Network provides a Single Point of Contact service to local authorities, precluding each authority from the requirement to maintain their own trained staff and allowing NAFN to act as a source of expertise.³

³ <https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>