

ANTI-MONEY LAUNDERING POLICY

April 2009



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1. Introduction

- 1.1 The Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007, place obligations on the Council and its employees with respect to suspected money laundering.
- 1.2 Bolton Council will do all it can to prevent the Council and its staff being exposed to money laundering, to identify the potential areas where it may occur, and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.
- 1.3 This policy applies to employees of the Council and aims to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering. The Policy sets out the procedures which must be followed (for example the reporting of suspicions of money laundering and activity) to enable the Council to comply with its legal obligations.
- 1.4 This Policy sits alongside the Council's Anti-Fraud and Corruption Strategy and other governance policies and strategies.
- 1.5 Failure by a member of staff to comply with the procedures set out in this Policy may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council's Disciplinary Policy and Procedure.

2. What is Money Laundering ?

- 2.1 Money laundering is the term used for a number of offences involving the proceeds of crime or terrorism funds and these apply to all persons in the United Kingdom in a personal or professional capacity. The following acts constitute the act of money laundering:
 - concealing, disguising, converting, transferring criminal property or removing it from the UK (section 327 of the Proceeds of Crime Act 2002);
 - entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or

control of criminal property by or on behalf of another person (section 328) ; or

- acquiring, using or possessing criminal property (section 329).

2.2 These are the primary money laundering offences, and are thus prohibited acts under the legislation. There are also two secondary offences: failure to disclose any of the three primary offences and tipping off. Tipping off is where someone informs a person or people who are, or who are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

2.3 Any member of staff could potentially be caught by the money laundering provisions, if they suspect money laundering and either become involved with it in some way and/or do nothing about it. This policy sets out how any concerns should be raised.

2.4 While the risk to the Council of contravening the legislation is low, it is important to put in place appropriate and proportionate anti money laundering safeguards and reporting arrangements. These are designed to enable the Council to detect and avoid involvement in the crimes described in the legislation and regulations.

3. Policy Statement

3.1 Our policy is to do all we can to prevent, wherever possible, the Council and its staff being exposed to money laundering, to identify the potential areas where it may occur, and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases. We cannot stress too strongly, however, that it is every member of staff's responsibility to be vigilant.

4 The Money Laundering Reporting Officer (MLRO)

4.1 The officer nominated to receive disclosures about money laundering activity within the council is the Head of Internal Audit and Risk. He can be contacted as follows:

John Midlane,

Room 32 Town Hall

Bolton BL1 1RX

Tel: 01204 331620

E-Mail: john.midlane@bolton.gov.uk

5 Procedures

Reporting

- 5.1 Any employee who suspects money laundering activity must report their suspicion promptly to the MLRO, using the attached form (Appendix A). If you would prefer, you can discuss your suspicions with the MLRO first.
- 5.2 The employee must follow any subsequent directions of the MLRO, and must not themselves make any further enquiries into the matter. They must not take any further steps in any related transaction without authorisation from the MLRO.
- 5.3 The employee must not disclose or otherwise indicate their suspicions to the person suspected of the money laundering. They must not discuss the matter with others or note on the file that a report has been made to the MLRO in case this results in the suspect becoming aware of the situation.
- 5.4 The MLRO must promptly evaluate any Disclosure Report to determine whether it should be reported to the Serious and Organised Crime Agency (SOCA).
- 5.5 The MLRO must, if they so determine, promptly report the matter to SOCA on their **standard report form** and in the prescribed manner. Up to date forms can be downloaded from the SOCA website at www.soca.gov.uk.
- 5.6 The MLRO will commit a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to SOCA.

Customer Due Diligence

- 5.7 Where the Council is carrying out certain regulated activities then extra care needs to be taken to check the identity of the customer or client – this is known as carrying out Customer Due Diligence. “Regulated activity is defined as the provision ‘by way of business’ of: advice about tax affairs, accounting services; treasury management; investment or other financial services; audit services; legal services; estate agency; services involving the formation, operation or arrangement of a company or trust or; dealing in goods wherever a transaction involves a cash payment of 15,000 or more Euros “.

5.8 The regulations regarding customer due diligence are detailed and complex, but there are some simple questions that will help you decide if it is necessary:

- Is the service a regulated activity (see the list above);?
- Is the Council charging for the service i.e. is it 'by way of business'?
- Is the service being provided to a customer other than a UK public authority ?

If the answer to all these questions is **yes** then you must carry out customer due diligence before any business is undertaken for that client. If you are unsure whether you need to carry out customer due diligence then you should contact the MLRO.

It is not expected that work of the Council will fall under the definition of "relevant business" but staff must be aware of the need to carry out appropriate checks on new partners in accordance with the Council's Standing Orders and Financial Regulations

5.9 If at any time, you suspect that a client or customer for whom you are currently, or are planning to carry out a regulated activity is carrying out money laundering or terrorist financing, or has lied about their identity then you must report this to the MLRO.

5.10 In certain circumstances enhanced customer due diligence must be carried out for example where:

- The customer has not been physically present for identification;
- The customer is a politically exposed person. A politically exposed person is an individual who at any time in the preceding year has held a prominent public function outside of the UK, and EU or international institution/ body, their immediate family members or close associates.
- There is a beneficial owner who is not the customer- a beneficial owner is any individual who: holds more than 20% of the shares, voting rights or interest in a company, partnership or trust.

5.11 Enhanced customer due diligence could include any additional documentation, data or information that will confirm the customer's identity and/ or the source of the funds to be used in the business relationship transaction. If you believe that enhanced customer due diligence is required then you must consult the MLRO prior to carrying it out.

6 Guidance and Training

6.1 In support of the policy and procedure, the Council will:

- make all staff aware of the requirements and obligations placed on the Council and on themselves as individuals by the anti-money laundering legislation and
- give targeted training to those most likely to encounter money laundering.

7. Key Points

- The Council is committed to the prevention, detection and reporting of money laundering.
- All employees must be vigilant for the signs of money laundering.
- Any employee who suspects money laundering activity must report this promptly to the Money Laundering Reporting Officer (MLRO).
- Where the Council is carrying out certain regulated activities by way of business then the customer due diligence procedure must be followed.
- The Money Laundering Regulations are detailed and complex – if you are in any doubt about the application of this Policy please contact the MLRO.

8 Review:

The Anti-Money Laundering Policy is due for review in twelve months or April 2010

9 Further Information

Further information can be obtained from the **MLRO** and the following sources:

- 9.1 www.soca.gov.uk –website of the Serious and Organised Crime Agency
- 9.2 “Proceeds of Crime (Anti-Money Laundering) – Practical Guidance for Public Service Organisations” – CIPFA

- 9.3 “Anti-Money Laundering (Proceeds of Crime and Terrorism) – Second Interim Guidance for Accountants “ – CCAB (www.ccab.org.uk)
- 9.4 Money Laundering Guidance at www.lawsociety.org.uk
- 9.5 SI 2007 No. 2157 The Money laundering Regulations 2007 at [http://www.hm-treasury.gov.uk/consultations and legislation/money laundering directive/consult moneylaundering 2007.cfm](http://www.hm-treasury.gov.uk/consultations_and_legislation/money_laundering_directive/consult_moneylaundering_2007.cfm)

CONFIDENTIAL

Report to Money Laundering Reporting Officer

Re Money Laundering Activity

To: John Midlane, Bolton Money Laundering Reporting Officer

From: _____

[insert name of employee]

Directorate: _____

[insert post title and Business Unit]

Ext/Tel No: _____

URGENT YES/NO

Date by which response needed: _____

Details of suspected offence:

Name(s) and address(es) of persons involved:

[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:

[Please include full details eg what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

☐

Yes

☐

No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Please tick relevant box]

☐

Yes

☐

No

If yes, please specify below, explaining why such discussion was necessary:

Have you consulted any supervisory body guidance re Money laundering ? (e.g. the Law Society)

[Please tick relevant box]

☐

Yes

☐

No

If yes, please specify below:

**Do you feel you have a reasonable excuse for not
Disclosing the matter to the SOCA? (e.g. are you a
Lawyer and wish to claim legal professional privilege)**

[Please tick relevant box]

☐

Yes

☐

No

If Yes, please set out full details below:

**Are you involved in a transaction which might be a prohibited act under
sections 327-329 of the Act and which requires appropriate consent
from the SOCA ?**

[Please tick relevant box]

☐

Yes

☐

No

If Yes, please enclose details in the box below:

Please set out below any other information you feel is relevant:

Signed:_____ **Dated:**_____

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received: _____

Date receipt of report acknowledged: _____

CONSIDERATION OF DISCLOSURE

Action Plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to the SOCA ?

[Please tick relevant box]

11

Yes

11

No

If yes, please confirm date of report to SOCA: _____ and complete the box below:

Details of liaison with the SOCA regarding the report:

Notice period: _____ to _____

Moratorium Period: _____ to _____

Is consent required from the SOCA to any ongoing or imminent transactions which would otherwise be prohibited acts ?

[Please tick relevant box]

5

Yes

11

No

If yes, please confirm full details in the box below:

[illegible]

Date consent received from SOCA: _____

Date consent given by you to employee: _____

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to the SOCA, please set out below the reasons(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed: _____

Other relevant information:

Signed: _____ **Dated:** _____

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

