

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Audit Committee
Date:	13 February 2014
Title:	Information Compliance - Use of Regulated Investigatory Powers
Reference:	5596
Report From:	Director of Culture, Communities and Business Services and Director of Policy and Governance – Corporate Services

Contact name: Julie Chambers – Trading Standards Team
Manager (Legal & Compliance) and Peter Andrews
– Corporate Risk Manager

01962 833683

01962 847309

Email: julie.chambers@hants.gov.uk
peter.andrews@hants.gov.uk

1. Summary

- 1.1. The purpose of this report is to provide the Audit Committee with information on the instances that the County Council has used its investigatory powers in the last three months, as required by the Code of Practice issued by the Home Office.
- 1.2. Members may recall the report presented to the Committee on 26 September 2013 detailing the County Councils use of surveillance powers for the previous year, this report presents information on usage of surveillance powers in the period since. A fuller report detailing the annual use of surveillance powers will be presented in September 2014.

2. Current use of Investigatory Powers

- 2.1. The County Council uses covert surveillance to support the work of the Trading Standards Service. Their surveillance efforts are targeted towards protecting those who are being cheated by businesses that trade fraudulently or, unfairly treated by businesses that act with gross negligence towards their customers; particularly young, vulnerable or elderly customers. Such work is often done in response to complaints from members of the public, and in conjunction with the Police and UK Border Agency.

3. Recommendation

- 3.1. That the Audit Committee notes the contents of this report.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. Race and equality impact assessment has been considered in the development of this report and no adverse impact has been identified

2. Impact on Crime and Disorder:

- 2.1. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decision it makes on the prevention of crime. The County Council is only able to lawfully carry out covert surveillance activity on the grounds of prevention and detection of crime and disorder. By complying with RIPA and the statutory Codes of Practice this activity will be carried out without unlawfully contravening the requirements of the European Convention on Human Rights and the Human Rights Act 1998. All activity under RIPA will therefore assist the County Council, where it is both necessary and proportionate to do so, in its aim to prevent and detect crime.

3. Climate Change:

- a)** How does what is being proposed impact on our carbon footprint / energy consumption?

The activities reported within this report have no effect on climate change

- b)** How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The activities reported within this report have no effect on climate change

APPENDIX 1 - Number of Authorisations by Quarter (1 April 2013 – 31 March 2014)

Direct Surveillance

2013-14 Quarter	Purpose of Surveillance		
	C'feit Goods	Under Age Sales	Other
1	0	0	1
2	0	0	0
3	0	0	0
4	-	-	-
Total -	1		

Description of "other"

Q1: Animal Health – farmer believed to be keeping animals in contravention of lifetime disqualification

Covert Human Intelligence Source (CHIS)

Quarter	Purpose of Surveillance		
	C'feit Goods	Under Age Sales	Other
1	0	0	0
2	0	0	0
3	0	0	0
4	-	-	-
Total -	0		

Communications Data

Quarter	Number of Applications	Number of Specific Notices	Offences related to:
1	0	0	
2	7	8	Animal Health Act; Unfair Trading Regulation; Fraud and Money Laundering
3	0	0	
4	-	-	
Total -	7		

Definitions:

Directed Surveillance - An authorisation for Directed Surveillance will relate to an activity and, must be done in connection with an investigation and detection of crime or disorder e.g. the person is not aware surveillance is taking place and can be done using cameras, videos

CHIS - An authorisation is required where a person is required to covertly/secretly form a 'relationship' with the person/business under investigation for the purpose of obtaining information to further a criminal investigation e.g., face to face conversations, emails, telephone calls.

Communications - this is where a request can be made to a telecommunications supplier for subscriber data and service use data (not content) **and** only in relation to the prevention and detection of crime or disorder e.g. who is internet domain registered to, who is the subscriber to a particular telephone number.