

SHORT VERSION

Summary – the amendments add more detail about cross-departmental investigations and enforcement by outside agencies and the governance by means of a formal agreement of any necessary data sharing between the Council and those agencies.

All substantive amendments – see below:

Conduct of Investigations.

Enforcement by the Council

- a) Investigations carried out by the Council's enforcement officers and any third party investigators duly contracted to undertake work on behalf of the Council will be carried out in accordance with this policy and relevant Council policies. **Cross-departmental investigations in cases where more than one Council function is involved e.g. planning and public protection will be carried out with appropriate co-ordination and consultation between departments.**

Investigations will also will be carried out in accordance with relevant legislation and associated statutory codes of practice where they are applicable. Some specific pieces of legislation such as food safety legislation also provide procedures for specific evidence gathering by means of multiple sample collection and recording. The most notable pieces of legislation which apply to all investigations of criminal offences across the different Council functions are:

- The Police and Criminal Evidence Act 1984 and PACE Codes of Practice A to H, which cover procedures for such matters as search warrants and interviews under caution;
- Criminal Procedure and Investigations Act 1996 and the associated Code of Practice, which covers procedures for identifying, recording, retaining and disclosing unused material;

- Regulation of Investigatory Powers Act 2000, Protection of Freedoms Act 2012, Human Rights Act 2000 which regulate the use of investigation techniques which have an impact upon the privacy of the individual.
- Data Protection Act 2018 and GDPR i.e. legislation which regulates the use of personal data.

Enforcement by outside agencies

- b) Some other agencies¹, such as Lancashire Constabulary and HM Revenue and Customs have their own enforcement functions but can in some cases request the Council enforcement officers to supply evidence.
- This may be evidence that which the Council enforcement officers have already gathered under their own enforcement duties.
 - Or it may be evidence yet to be obtained where an agency may contact the Council (or vice versa) and request that they join an investigation and undertake investigatory work for a specific matter.
 - Or the Council may refer an investigation in its entirety to an outside agency where they perceive that a person may have committed offences that are within a particular agency's jurisdiction.

Whenever it is reasonably practicable information will be shared under a Memorandum of Understanding to ensure information is being shared lawfully to ensure there are the necessary legal powers and duties (legal 'gateways') and DPA 2018 and GDPR compliance. In other urgent cases legal advice will be sought if necessary and proper consideration will be

¹ For example, joint working may be carried out with the Lancashire Constabulary, Lancashire Fire & Rescue Service, the Health and Safety Executive, the Environment Agency, the Gambling Commission, Animal Health and Plant Agency (AHPA), Border Agency, Food Standards Agency and other local authorities, government departments or agencies.

given to compliance by means of recorded formal requests and reasoned decision-making.