

NOTICE OF MEETING

Meeting	Executive Member for Policy and Resources Decision Day
Date and Time	Tuesday, 27th October, 2020 at 2.00 pm
Place	Virtual MS Teams Meeting
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

AGENDA

DEPUTATIONS

To receive any deputations notified under Standing Order 12.

KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

None

NON KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

1. REGULATION OF INVESTIGATORY POWERS ACT 2000 – ANNUAL REVIEW AND CONFIRMATION OF EXISTING POLICY WITH REGARDS TO SURVEILLANCE ACTIVITY (Pages 3 - 12)

To consider a report of the Director of Culture, Communities and Business Services and Director of Transformation and Governance – Corporate Services seeking approval of the County Council's Policy on Surveillance as required under the Codes of Practice issued by the Home Office associated with the Regulation of Investigatory Powers Act (RIPA).

2. GRANT TO VOLUNTARY ORGANISATIONS AND OTHER BODIES - CHICHESTER HARBOUR TRUST (Pages 13 - 18)

To consider a report of the Director of Transformation and Governance – Corporate Services regarding a request received for financial assistance from Chichester Harbour Trust.

3. EXCLUSION OF THE PRESS AND PUBLIC

RECOMMENDATION:

That the public be excluded from the meeting during the following items of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

KEY DECISIONS (EXEMPT/CONFIDENTIAL)

4. SAP HYBRIS AND C4C RENEWAL (Pages 19 - 24)

To consider an exempt report of the Director of Corporate Resources – Corporate Services seeking the spend approval for the SAP Hybris and C4C software licensing renewal.

5. MICROSOFT LICENSING RENEWAL (Pages 25 - 30)

To consider an exempt report of the Director of Corporate Resources – Corporate Services seeking spend approval for the Microsoft software licensing costs.

6. STRATEGIC LAND UPDATE (Pages 31 - 40)

To consider an exempt report of the Director of Culture, Communities and Business Services giving an update on strategic land matters.

NON KEY DECISIONS (EXEMPT/CONFIDENTIAL)

None

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to observe the public sessions of the meeting via the webcast.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	27 October 2020
Title:	Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance activity
Report From:	Director of Culture, Communities and Business Services / Director of Transformation and Governance – Corporate Services

Contact name: Julie Chambers – Trading Standards Manager (Legal & Compliance)/Peter Andrews – Head of Risk and Information Governance,

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Purpose of this Report

1. The purpose of this report is to seek the annual approval of the County Council's Policy on Surveillance as required under the Codes of Practice issued by the Home Office associated with the Regulation of Investigatory Powers Act (RIPA).

Recommendation

2. That the County Council's proposed Policy with regard to RIPA, attached as appendix 1 to this report, be approved.

Executive Summary

3. The purpose of this report is...
 - To seek the annual approval of the County Council's Policy on Surveillance as required under the Codes of Practice issued by the Home Office associated with the Regulation of Investigatory Powers Act (RIPA).
 - The Policy statement, for which approval is sought, is attached to this report as Appendix 1.

Contextual Information

4. RIPA is the Act of Parliament that regulates the County Council's use of covert surveillance. The use of these powers is highly regulated, and the County Council operates a strict control policy, which ensures that only authorised surveillance takes place; where it is lawful, necessary and proportionate to do so.
5. The County Council is only permitted to use these powers in cases of serious crime, that is, offences which could attract a maximum prison sentence of at least 6 months imprisonment.
6. The current statutory Codes of Practice made by the Secretary of State for the Home Office under the Regulation of Investigatory Powers Act 2000 require that each local authority must have their RIPA policy confirmed by the appropriate executive function on an annual basis, that is, the Executive Member for Policy and Resources.
7. The current Policy was subject to Executive Decision approval on 18 December 2019. This was for a twelve-month period and approval for the continued use of surveillance powers for the next 12 months is required.

Performance

8. The recommended decision sought ensures that the County Council continues to comply with the statutory Codes of Practice under RIPA.

Consultation and Equalities

9. Consultation was not required because there are no proposed changes to the existing Policy. However, potential impacts on stakeholders have been considered in the development of this report and no adverse impact has been identified.
10. As there are no proposed changes to the existing Policy a full Equalities Impact Assessment is not required, however potential impacts have been considered in the development of this report and no adverse impact has been identified.

Finance

11. The decision which is sought to be recommended by this report will have no effect upon the budgetary position of Hampshire County Council.

Use of Powers

12. The County Council uses these powers very sparingly. The Trading Standards Service has adopted the Intelligence Operating Model (IOM) as a means of identifying suspicious activity for further investigation and, thus ensuring resources are used efficiently. The introduction of the IOM has contributed towards the decline in recent surveillance activity as the nature of investigations identified have not warranted such techniques being used.
13. In the financial year 2019/2020 there were no instances of the County Council using its surveillance powers in relation to Directed Surveillance (that is where the person is not aware surveillance is taking place and can be done using cameras or videos), and 1 Covert Human Intelligence Source powers (this is 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, for example through face to face conversations, emails or telephone calls).
14. In the financial year 2019/2020 the County Council made 1 application in relation to its communications data powers (this is where a request is made to a telecommunications supplier for subscriber data and service use data (not content), for example, identifying who a particular internet domain is registered to or the identity of the subscriber to a particular telephone number. All such activity requesting communications data is authorised by the Office for Communication Data Authorisations.
15. There has been no use of surveillance powers since 1 April 2020.
16. It should be noted that the use of surveillance is not the totality of any criminal investigation, but a small part of it, and that criminal investigations may not complete their passage through the criminal court process for many months, if not years after the surveillance activity has ceased.
17. The principal reasons for the use of surveillance are for prevention and detection of crime and not for criminal proceedings. As such, conviction rates, although excellent, are not the only measure of success (different methods of disposal such as letters of written warning, Simple Cautions and website takedowns are also justifiable indicators of RIPA usage).

Monitoring of Activity

18. Monitoring of the County Council's activity in respect of RIPA is conducted by the Audit Committee. Regular reports on the use of surveillance powers are presented to the Audit Committee on a quarterly basis.
19. On 23 July 2020, the Audit Committee reviewed the County Council's use of RIPA powers for the previous 12 months). As a result of that review, the Audit

Committee has provided its assurance that the County Council is operating its powers in a lawful and proportionate manner, and the continued use of surveillance powers would be appropriate.

20. The majority of the County Council's RIPA activity is conducted by officers of the Trading Standards Service, and in accordance with the current County Council's RIPA policy, all RIPA activity is authorised via that Service. Additionally, all authorisations by local authorities are subject to judicial approval through a magistrate, in accordance with the provisions of the Protection of Freedoms Act 2012.
21. The County Council's use of surveillance powers is regularly subject to external inspection by the Investigatory Powers Commissioner's Office (IPCO).
22. The last external inspection took place in November 2017. The Assistant Surveillance Commissioner reviewed the County Council's use of directed surveillance, covert human intelligence source and CCTV systems under the Regulation of Investigatory Powers Act, and policies and procedures the County Council has in place. The formal report was received by the County Council in January 2018, where the Assistant Surveillance Commissioner indicated his satisfaction with the County Council's application of its covert activities arrangements. He expressed the view that 'the County Council are taking their responsibilities under the legislation seriously and, that standards and approach are commendably high'. He further stated that 'The policy of using Trading Standards to maintain standards and skills and advise where necessary is sound, and the commitment and leadership of Julie Chambers means that there can be confidence that any future use will be robust and compliant'.
23. In January 2015 Hampshire County Council joined the National Anti-Fraud Network (NAFN) as a result of changes to the RIPA landscape affecting the acquisition and disclosure of communications data.
24. On 20 July 2016, the Executive Member for Policy and Resources approved changes to the officers authorised to appear at the Magistrates Court on behalf of the County Council in respect of RIPA approvals, item reference 7638.
25. In light of the low level of use, it is recommended that no amendments should be made to the Policy at this time.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance Activity. Reference 6885.	21 September 2015
Information Compliance - Use of Regulated Investigatory Powers. Reference 7558.	23 June 2016
Regulation of Investigatory Powers Act 2000 – Ability of officers to seek judicial approval for authorisations granted for related surveillance activity. Reference 7638.	20 July 2016
Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance. Reference 7749.	29 September 2016
Information Compliance - Use of Regulated Investigatory Powers	22 June 2017
Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance	18 October 2017
Information Compliance - Use of Regulated Investigatory Powers	20 June 2018
Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance	26 September 2018
Information Compliance - Use of Regulated Investigatory Powers	23 May 2019
Regulation of Investigatory Powers Act 2000 – Annual review and confirmation of existing policy with regards to surveillance	18 December 2019
Information Compliance - Use of Regulated Investigatory Powers	23 July 2020
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Regulation of Investigatory Powers Act 2000 as amended	2000
Protection of Freedoms Act 2012	2012

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.)

Document

Location

Information Compliance - Use of
Regulated Investigatory Powers

<http://democracy.hants.gov.uk/documents/s33880/Information%20Compliance%20-%20Use%20of%20Regulated%20Investigatory%20Powers.pdf>

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

As there are no proposed changes to the existing Policy a full Equalities Impact Assessment is not required, however potential impacts have been considered in the development of this report and no adverse impact has been identified.

Policy Statement

Hampshire County Council will not undertake any activity defined within the Regulation of Investigatory Powers Act 2000 without prior authorisation, from a trained, senior officer who is empowered to grant such consents; and subject to Sections 37 and 38 of the Protections of Freedoms Act 2012 and any pertaining regulations relating to the approval of such authorisations by a Magistrate.

Hampshire County Council will also not undertake any acquisition of communications data as defined by the Investigatory Powers Act 2016, without the acknowledgement of a trained, senior officer who is empowered to grant such acknowledgements; and subject to authorisation by the Office for Communications Data Authorisations.

The Director of Culture, Communities and Business Services has been appointed the Senior Responsible Officer and, as such, has been given authority to appoint Authorising Officers (for surveillance activities) and Acknowledging Officers (for the purposes of access to communications data) under either the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.

The Authorising Officer or Acknowledging Officer will not authorise, or acknowledge, the use of surveillance techniques, human intelligence sources or access to communications data unless the application can be shown to be necessary for the purpose of preventing or detecting serious crime or of preventing disorder, in accordance with the relevant legislative framework.

In addition, the Authorising Officer or Acknowledging Officer must believe that the surveillance or obtaining of communications data is necessary and proportionate to what it seeks to achieve. In making this judgment, the officer will consider whether the information can be obtained using other methods and whether efforts have been made to reduce the impact of the surveillance on other people, who are not the subject of the operation. Furthermore, in respect of covert surveillance of Social Networking Sites (SNS) the Authorising Officer will pay due regard to Note 289 in the Procedures and Guidance document published by the Office of the Surveillance Commissioner in July 2016.

Applications for authorisation of surveillance, the use of a Covert Human Intelligence Sources will be made in writing on the appropriate form. Applications for acquisition of communications data will be made via the National Anti-Fraud Network, who act as a Single Point of Contact for this purpose.

Intrusive surveillance operations are defined as activities using covert surveillance techniques, on residential premises, or in any private vehicle, which involves the use of a surveillance device, or an individual, in such a vehicle or on such premises. Hampshire County Council officers are NOT legally entitled to authorise these types of operations.

However public bodies are permitted to record telephone conversations, where one party consents to the recording being made and appropriate

surveillance authorisation has been granted. The party who consents to the recording of the telephone conversation could either be an officer of the County Council or a third party. On occasions, officers of the County Council do need to record telephone conversations, to secure evidence.

It is the policy of this authority to be open and transparent in the way that it works and delivers its services. To that end, a well-publicised Corporate Complaints procedure is in place and information on how to make a complaint to the Investigatory Powers Tribunal will be provided on request to the Senior Responsible Officer.

The County Councils use of its powers under the Regulation of Investigatory Powers Act 2000, and the acquisition of communications data under the Investigatory Powers Act 2000 will be subject to regular scrutiny by the County Councils Audit Committee.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	27 October 2020
Title:	Grants to Voluntary Organisations and Other Bodies
Report From:	Director of Transformation and Governance – Corporate Services

Contact name: Louise Pickford, Democratic and Members Services

Tel: 03707791898 **Email:** louise.pickford@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to consider a grant request received from Chichester Harbour Trust from the Policy and Resources grants budget.

Recommendation

2. That a one-off grant of £8,000 be awarded from the Policy and Resources grants budget to the Chichester Harbour Trust towards the management and administrative costs of the organisation for 2020/21.

Executive Summary

3. The Policy and Resources one-off grants budget exists to give financial help to organisations which, for a variety of reasons, may not qualify for assistance from other County Council grants streams available.
4. This report is to consider a request for financial assistance received from the Chichester Harbour Trust. Details of the request are outlined in Appendix 2 to this report.

Grants Criteria

5. A copy of the criteria used for considering grants from the Policy and Resources grants budget is attached as Appendix 1 to this report.

Legal Implications

6. Subject to certain restrictions, the County Council has the power under Section 1 of the Localism Act 2011 to do anything that individuals generally may do including the power to give grants.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

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>
Application forms and correspondence received from organisations	Director of Transformation and Governance

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The application procedure includes equalities monitoring information as agreed as part of the corporate review of grants programmes and procedures. Further information can be found on individual requests.

FUNDING CRITERIA FOR THE POLICY AND RESOURCES GRANTS

The following criteria should be taken into consideration when preparing a submission for funding. They are intended as guidelines and not prescriptive rules

1. Assistance will be considered only in response to direct applications from properly constituted organisations seeking assistance. You must show in your application that your organisation is properly and legally organised and has its own bank account.
2. Where appropriate, applications will be referred to the relevant service department (e.g. Adult Services, Culture, Communities and Business Services, Children's Services, etc.) for consideration.
3. Preference will be given to applications for specific projects or activities rather than general running costs of organisations. These grants are not intended to replace shortfalls in service delivery budgets or replace funding for other support you may be able to obtain, or that you have obtained from us in the past.
4. Grants will not usually be made in respect of applications from the following:-
 - District or Parish Councils
 - Government Institutions
 - Schools
 - Overseas and out of County organisations which have no direct Hampshire involvement
 - Branches or organisations assisted centrally with a sum from the County Council
 - Bodies requesting funds for onward distribution to other charities e.g. mayoral appeals, carnivals, fetes, or for their own fundraising events.
5. Applications will not be accepted from political parties or groups affiliated with a political party or from lobbying/campaigning organisations.
6. Applications will only be considered from faith groups who can demonstrate their facilities are open and used by the local community other than for church related activities and are for small one-off projects.
7. Requests may be considered from County wide groups (e.g. Guides, Scouts, Hampshire County Youth Orchestra) for specific trips, e.g. for an international jamboree or cultural tour. Individual requests will not usually be considered.
8. Where possible self-help within organisations should be encouraged and to this end, grants are normally a percentage of the sum required to complete the project.
9. As a general rule, grants in excess of £5,000 will not be awarded.
10. In general, grants will only be awarded to projects which are taking place in the same year as application for funds.

CHICHESTER HARBOUR TRUST (CG00021318)

Chichester Harbour Trust is seeking financial assistance towards the management and administrative costs associated with the conservation of Chichester Harbour AONB. This very special landscape and wildlife habitat consists of 275 acres of land over 13 sites, three of which are in Warblington and Hayling Island.

Total Expenditure: £46,000 (management and administrative costs)

Total Income: £38,000 (£30,000 from own funds and £8,000 from West Sussex County Council). ** WSCC also provides "in-kind" office and IT costs.

Shortfall: £8,000

APPLICATION ADDRESSED TO:

Director of Transformation and Governance – Corporate Services

AMOUNT OF REQUEST

£8,000

GRANTS PREVIOUSLY AWARDED BY OTHER EXECUTIVE MEMBERS AND CONSIDERATION GIVEN BY OTHER LOCAL MEMBERS

Since 2013, Hampshire County Council has given a regular contribution from this budget.

COMMENTS OF LOCAL MEMBER

Councillors Quantrill and Bolton are the local members in the Hayling Island and Warblington areas.

GENERAL COMMENTS

Director of Transformation and Governance: Although the Trust has received a grant from this budget since 2013, It is recommended that a further one-off grant of £8,000 be awarded this year to continue its important conservation work.

RECOMMENDATION

£8,000 for 2020/21 only

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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