

ANGUS COUNCIL

ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE - 7 NOVEMBER 2000

HUMAN RIGHTS ACT AUDIT

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

ABSTRACT

This report outlines the action being taken by the staff in the Environmental and Consumer Protection Department in respect of the Human Rights legislation which was fully enacted on 2 October 2000.

1. RECOMMENDATIONS

It is recommended that the Committee note the contents of this report.

2. BACKGROUND

The Human Rights Act 1998 came fully into force on 2 October 2000 making it illegal for a public authority to act in a way which is incompatible with a convention right (Section 6(1)). As a result of this legal requirement the Chief Officers Management Team in June 2000 agreed that each Chief Officer would report on the implications of this Act on the activity of their specific departments.

3. HUMAN RIGHTS ISSUES

During the summer the Department carried out an audit of procedures etc in terms of the implementation of the legislation. From this audit discussions took place between staff in the Department and staff in law and Administration regarding the issues raised by the audit and future action by the Department. The following are the issues raised through the discussions.

1. The use of legal discretion by the Department regarding enforcement of law.
2. Covert surveillance.
3. Wording of external contracts.
4. The monitoring of our contractors to ensure they comply with the legislation.
5. Involuntary statements.
6. Perishable items eg food samples an offer to pay should be made.
7. Applying as far as possible fair procedures in relation to regulatory functions.

4. FUTURE ACTION

Consultation will continue between the Department and Law and Administration as the implications of this piece of legislation on Environmental Health and Trading Standards law enforcement becomes apparent. It is intended that through this joint approach the Department will ensure compliance with Human Rights legislation as far as possible or foreseeable at the present time.

In addition, management are endeavouring to provide with the assistance of Law and Administration a number of awareness seminars on the Human Rights Act for staff.

5. FINANCIAL IMPLICATIONS

There are no financial implications specific to this report.

6. CONSULTATION

The Chief Executive, Director of Finance and Director of Law and Administration have been consulted on the contents of this report.

S R Heggie
Director of Environmental and Consumer Protection

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information were relied on to any material extent in preparing this report).