

Interviewing by Post?

Duncan Baxter IRRV (Hons), Director
Mike Neumann, Chief Executive, ITS Training (UK) Limited
Peter Haywood IRRV (Tech), Account Manager

Housekeeping

- Chat is enabled
 - Please use the chat function to pose any questions you have during the webinar
- The webinar is being recorded
 - A link will be sent to you of the recording after the event
- If you want to book a demo following the webinar
 - Email us your preferred date and time and we will schedule this

Webinars

Technology that tackles the challenges facing Councils in 2021 - 14th April 2021

Join this webinar to understand how to:

- Identify and manage citizens whom have entered the Breathing Space scheme
- Gain a single view of all debt an individual citizen has across all your departments
- Maximise your income by identifying vulnerable citizens and differentiating between those who can't pay and those who won't pay

DESTIN SOLUTIONS WEBINAR

Technology that tackles challenges facing Councils in 2021

fusion
by destin solutions ltd

data services
by destin solutions ltd



Wednesday 14 April - 11.00 to 11.45am

Webinar Recording

For a copy of the link: tracy.mcavoy@destin.co.uk

BUSINESS RATEPAYER VALIDATION & ENTITLEMENT VERIFICATION

Thank you for your interest in our 'Business ratepayer validation & entitlement verification' webinar hosted on Wednesday 02 September 2020.

If you were unable to attend the live event or wanted to share the contents with members of your team you can view the recording of it below.

Examples of cases found through HUB

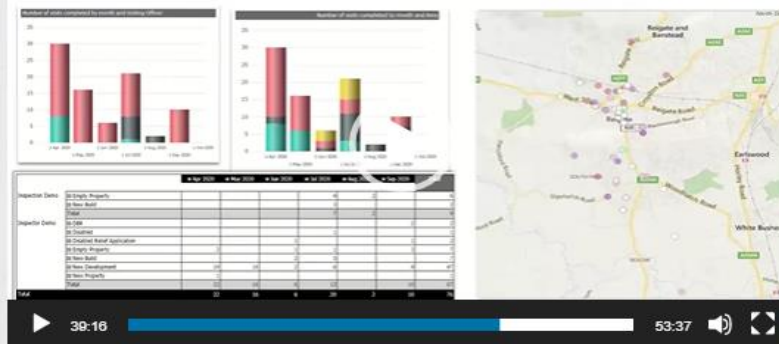


MANAGING PROPERTY INSPECTIONS REMOTELY

Thank you for your interest in our 'Managing Property Inspections remotely' webinar hosted on Wednesday 23 September 2020.

If you were unable to attend the live event or wanted to share the contents with members of your team you can view the recording of it below.

Management Reports



Alternately you can view it on our [YouTube channel here](#) >

If you want to arrange a one-on-one [online demo](#) of Aspire just click on the highlighted text or the button below.

INTELLIGENT, RESPONSIBLE DATA-DRIVEN DEBT COLLECTION

Thank you for your interest in our 'Intelligent, responsible data-driven debt collection' webinar hosted on Wednesday 14 October 2020.

If you were unable to attend the live event or wanted to share the contents with members of your team you can view the recording of it below.

Enhancing the data

- Establish who you are dealing with



- Will they respond to a different approach?
- Are they in financial difficulty?
- Are they avoiding paying?
- Are they vulnerable?

About Destin Solutions

- Providing solutions to over 100 Local Authorities
- Providing solutions to Enforcement Agents/Rating Agents
- Solutions developed, managed and hosted by Destin





Interviewing by Post?





Interviewing by Post?

Mike Neumann

Chief Executive

ITS Training (UK) Limited





Why do we interview?

- Gather evidence – usually of *mens rea*
- Seek an explanation of behaviour
- Determine who has carried out certain behaviour(s)
- Obtain a confession

What do you need to know?



Proportionate – intrusion into privacy

Lawfulness – can we legally carry out this course of action?

Accountability – why this, and why now? ‘If in doubt, write it out!’

Necessary – we need to investigate and **we need this evidence to prove our case**

Evidence by Interview?



Is the offence already proved in its entirety?

- Is *mens rea* already proved by other means?
- Is the offence one where *mens rea* is not needed?
 - *Strict Liability* or *Absolute Liability* offences
 - (Be aware of the need to show *basic intent* and consider *impossible knowledge*.)

Could *mens rea* be proved by other means?

Evidence is there but...



- The offence is already proved in its entirety...
...but what if someone else was responsible?
- They certainly 'did it'...
...but is there a *statutory* or *general defence*?
- There's no defence...
...but is it in the *public interest* to prosecute?

Why else should we interview?

- Discover an innocent explanation
- Determine responsibility
- Uncover a defence
- Hear mitigation



If you need *Mens Rea*



...or have major substantive issues to resolve with your suspect...

- Interview in a room
- Interview in two rooms
- Interview remotely (Zoom, Teams &c.)

...otherwise...

Postal 'Interview'



- NOT advised where serious or multiple issues are still to be resolved.
- MAY BE SUITABLE where a single substantive issue may be resolved by a single question.
- IDEAL when you have good *prima face* evidence and no real issues to resolve.

Ideal for some cases of...



- Blue badge fraud
- Education – failure to ensure child in school
- Enforcement – failure to comply with a notice
- False applications where there is a demonstrable ‘non-accidental’ act (see *The Ivey Test*)
- Repeat offenders, where knowledge of ‘the rules’ is, therefore, demonstrable

Postal Statements Under Caution



- In cases where you have sufficient evidence to proceed without interview, it is still good practice to invite the person to draw to your attention any relevant facts that could effect your decision to prosecute or not.
- As long as the notice is correctly drafted, any response they make (or, indeed, their lack of response) should be admissible to the court.

What to tell 'em



- The notice should set out the offence that is alleged against them.
- It should say that we intend reporting them for consideration of proceedings.
- It should offer them the opportunity to comment, should they choose to, before we make any final decision.
- It should remind them that what they say (or, indeed, if they decide not to answer) may be used as evidence.

The Offence



- The notice should set out the offence that is alleged against them.
- It should contain a factually correct statement of the offence in plain English.
- It should mention the Act the evidence suggests they have contravened.
- *Exceptionally* your letter could, instead, ask a very limited number of questions, although we do not advise this.

The Invitation to Comment



- Before a final decision is made, you are invited to comment and/or to bring to our attention any information or evidence that you believe might impact on any decision that might be made.
- You are not required to do anything or to respond to this notice, however any comments you may choose to make might be used in evidence.
- You may wish to obtain legal advice before deciding whether or not to reply to this notice or otherwise make any statement.

Voluntary Postal Statement



If you wish to make a statement, please start by writing the following words and signing them 'I make this statement of my own free will. I understand that I do not have to say anything but that it may harm my defence if I do not mention when questioned something which I later rely on in court. This statement may be given in evidence.', then continue with what you would like to say. You may continue on plain paper if necessary, as long as each page is signed and you get someone to witness your signature on each page.

Admissibility Case Law



Direct Holidays plc v Wirral Metropolitan Borough Council [1998] EWHC Admin 456 (28 April 1998) -
A Trading Standards case where the company under investigation were asked questions by letter.

[The Trading Standards] “letter of 28th November reminded the Appellants of the caution and suggested they seek legal advice.”

Links



- More detail of the *Direct Holidays* case and a link to the full judgement is available on the ITS website on the [AND ALSO...] [CASE LAW] page.
- You can download a specimen VPS form from the [AND ALSO] [DOWNLOADS] [MG FORMS] page – we've called it an MG4(VPS)

For more information



This comes from one of three courses ITS have designed to meet the particular times we're in :

- *Socially Distanced Investigations*
- *Remote #Covidsafe Suspect Interviews*
- *Mental Health Awareness for Investigators*

They're all available via a main tab on the ITS website
[COVIDSAFE INVESTIGATION]



National Investigation Officers' Group



- NIOG is open to all those involved in investigation and enforcement in the UK.
- The site has a forum for discussions and advice and there will also be virtual conferences.
- NIOG is administered by ITS and run by a group of investigation and enforcement experts.
- It's free to join.

To find out more, visit www.NIOG.org.uk and register as a member.

About Us



- Mike has been involved in investigation and crime prevention for the last 35 years.
- ITS Training (UK) Ltd. have provided training to just about every Local Authority in England and Wales since we were founded in 1999, and to central government and overseas too!
- We also offer investigators' supplies (such as pocket books) and a confidential investigation service.

Contact Us



- 0330 022 8262
- info@its-training-uk.com
- www.its-training-uk.com



A specialist group cracking down on fraudulent claims for small business rates relief across the county has won a national award.

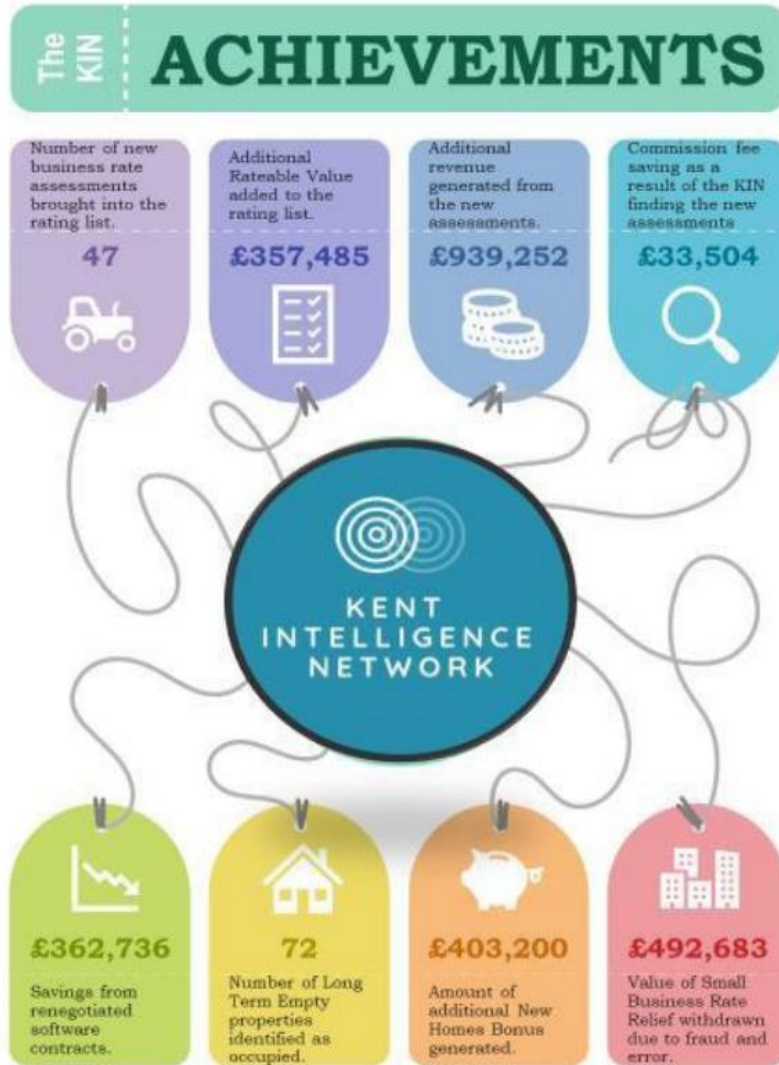
The Kent Intelligence Network (KIN) was named 'best initiative for combatting fraud' at the Alarm Risk Awards conference in Manchester.

KIN is a countywide partnership between all of our district and borough councils, as well as Kent County Council and Medway Council.



Rebecca Cox and Debbie Dansey (investigators from Ashford BC representing KIN) receiving the award (15269420)

It uses the HUB system produced by Destin Solutions to help councils identify fraud and erroneous claims and recover lost revenue.

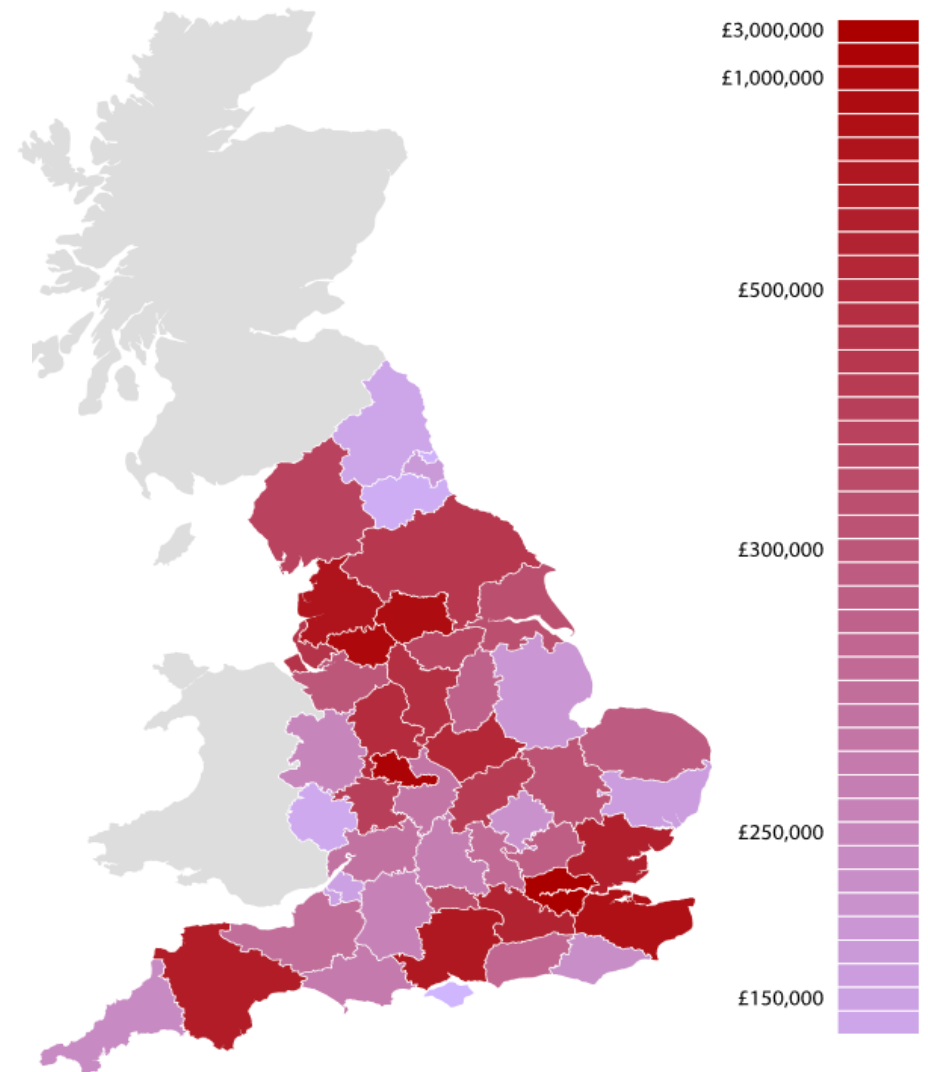


Fighting Fraud & Corruption
LOCALLY

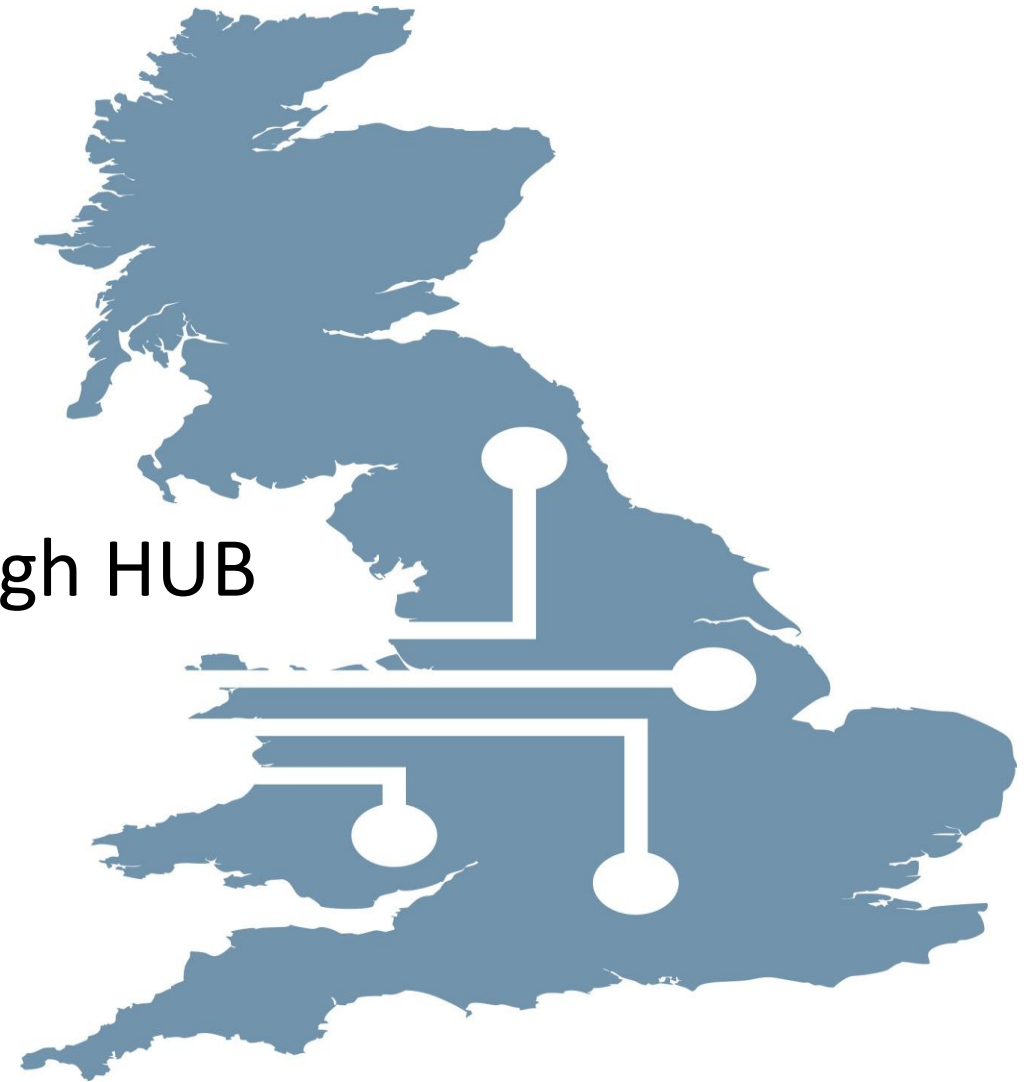


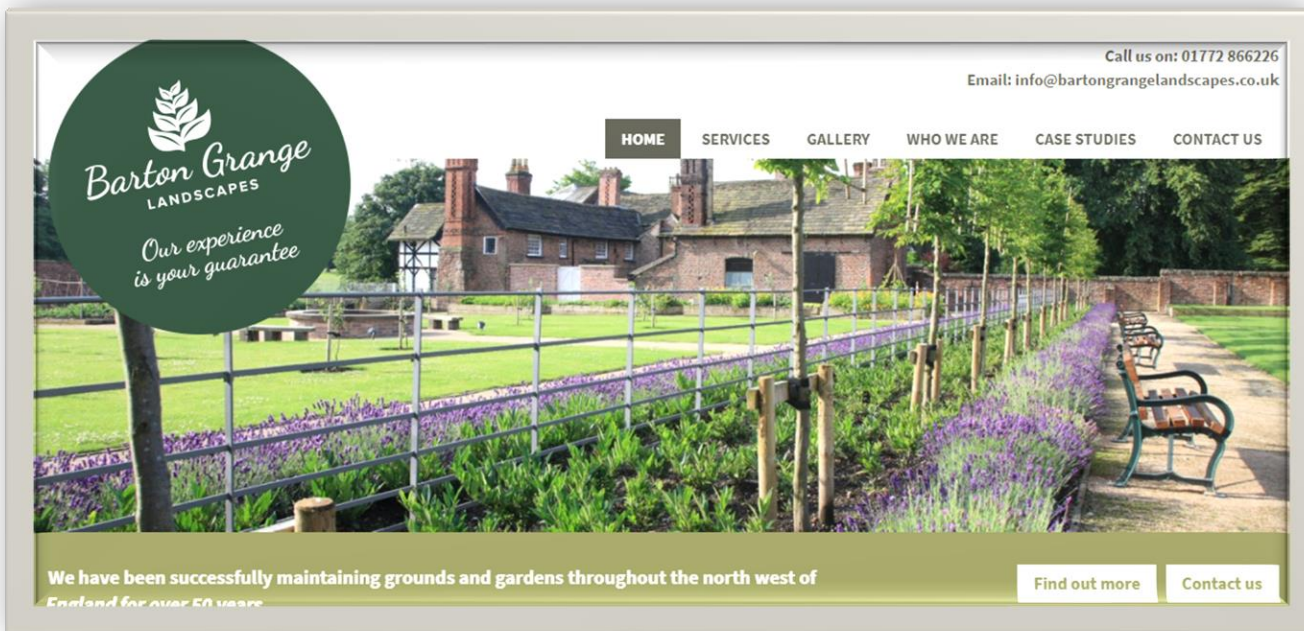


- 99% of Local Authority Data
- Only national register of ratepayers
- Constantly updated with new datasets
- Alerts issues when new cases are identified
- Validate SBRR applications before granting relief
- Rates Avoidance Register
- Alerts users of new cases in their area



Examples of cases found through HUB

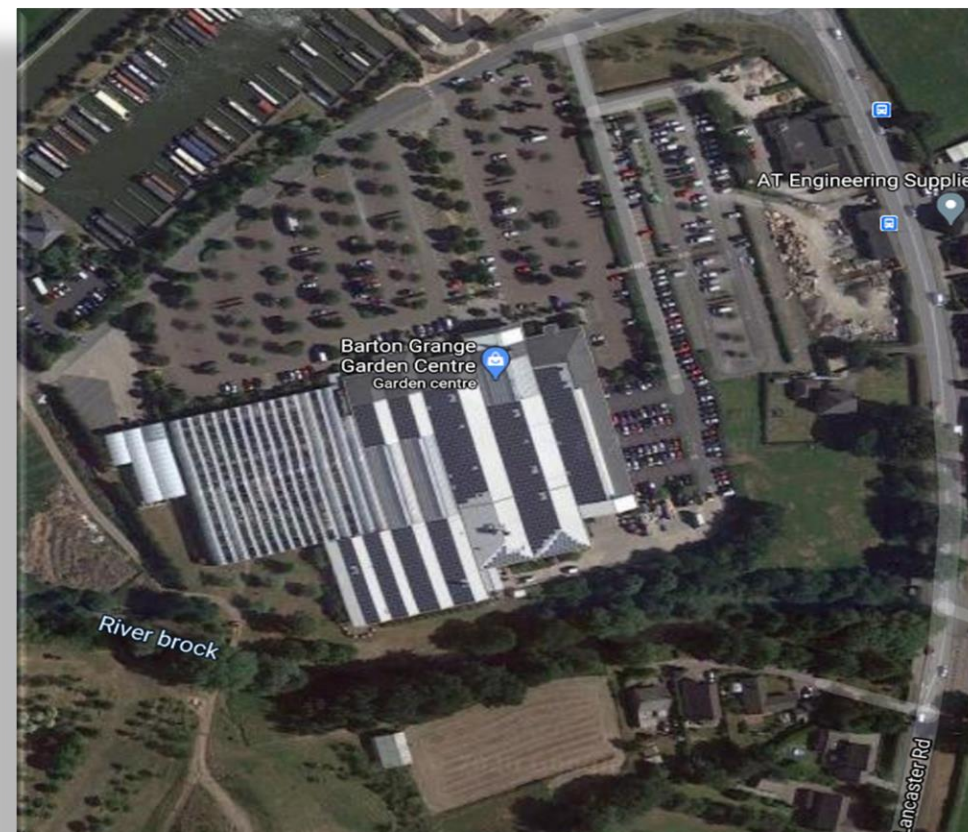




Rateable Value: £6,700

Barton Grange Landscapes
 Cardwell Farm, Garstang Road, Barton,
 Preston, Lancashire, PR3 5DR

Company Registration Number: 598953
 VAT Number: 604698424



Rateable Value: £785,000
 Occupied from March 2008

Authority Name	Ratepayer	Property Reference
Calderdale	Highbury Homes [Yorks] Ltd	29440700
Oak Hill Road, Clifton, Brighouse, HD6 1SN		
Warehouse And Premises		
Cheshire East	Highbury Homes (Yorkshire) Ltd	N00232700300207
3, Millbuck Way, Moston Road, Sandbach, Cheshire, CW11 3JA		
Workshop And Premises		

Calderdale Council: RV £9,500

SBRR cancelled back to April 2014

Overpaid SBRR of £19,330

Highbury
The Complete Building Solution

head office: 01484 712734 [in](#) [♥](#)

HOME ABOUT US NEWS OUR SERVICES CUSTOMER REVIEWS CONTACT

CONTACT Us

Subscribe to our newsletter

Head Office

Highbury Homes (Yorkshire) Ltd
Highbury House, Oak Hill Road, Brighouse, HD6 1SN
Tel: 01484 712734
Email: admin@highburyhomes.co.uk

Sandbach Office

Cheshire Branch
Unit 3, Millbuck Way, Sandbach, CW11 3JA
Tel: 08444 159169
Email: admin@highburyhomes.co.uk

Map Satellite Man

£ Surrey Heath	N D A Consulting Ltd	414680601097	£12,000	Yes
1.6 Coliseum Business Centre, Riverside Way, Camberley, Surrey, GU15 3YL				
Offices And Premises				
£ Lambeth	Nda Consulting Ltd	00600000360017	£4,250	No
KINGS CROSS AT 37 ALBERT EMBANKMENT LONDONSE1 7TL				
			Liabile From:	18 Aug 2017

SBRR cancelled back to August 2018

Revised additional bill for £9,000 issued (now paid)



- Annual licence
- Unlimited user licences
- No IT involvement

- No other charges
- No Commission



Annual Licence	
District Council	£3,000
London Borough/MBC	£5,000

aspire 
by destin solutions ltd

data services 
by destin solutions ltd

enlight 
by destin solutions ltd

fusion 
by destin solutions ltd

HUB 
by destin solutions ltd

nexus 
by destin solutions ltd

vision 
by destin solutions ltd



 www.destin.co.uk

Thank you for attending this webinar

Our next event in the series is:

Technology that tackles the challenges facing Councils in 2021

14th April 2021

DESTIN SOLUTIONS WEBINAR

Technology that tackles challenges facing Councils in 2021



Wednesday 14 April - 11.00 to 11.45am