

## **Corporate Issues Overview and Scrutiny Committee**

**10 October 2016**

### **Regulation of Investigatory Powers Act 2000 – Annual Review of the Council’s use of powers and approval of RIPA Policy**



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## **Report of Colette Longbottom, Head of Legal and Democratic Services**

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### **Purpose of the Report**

1. To inform members about the Council’s use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1 April 2015 to 31 March 2016, the training undertaken by officers and to invite members to approve the Council’s RIPA policy for the forthcoming year.

### **The Council’s use of RIPA for the period 1 April 2015 – 31 March 2016**

2. The table below provides details of RIPA authorisations that have been granted by the Council during the period 1 April 2015 to 31 March 2016. All authorisations were approved by the Magistrates, who ensure that the correct procedures have been followed and relevant factors have been taken account of. Therefore Members can be reassured that the powers are being used appropriately by the Council.
3. The Council’s use of its powers under RIPA has increased slightly to the previous year when 29 RIPA authorisations were granted. The information received by Trading Standards still highlights more serious concerns about a continuing shift in trading practices which is showing that more illicit and illegal items are being sold from people’s homes. The Council has continued its partnership working with the Police and other agencies. The Council is actively seeking to generate more community intelligence and publicises its enforcement operations via a variety of different means including the media and Area Actions Partnerships.
4. As reported last year, social media platforms such as Facebook allow sellers to reach a larger audience than more traditional selling methods such as markets or car boot sales. Due to the expanding use of goods

being bought on line there is a much greater potential customer base which in turn may lead to more people complaining about them as they are more overt than they used to be.

<b>Type of Investigation</b>	<b>Number of Authorisations during the period 1 April 2015 – 31 March 2016</b>
Illicit tobacco	5 x Directed Surveillance, 1 x CHIS
Underage sales of alcohol/tobacco	3 x Directed Surveillance
Test Purchases	4 x Directed Surveillance
Counterfeit Goods	5 x Directed Surveillance, 8 x CHIS, 2 x Communications data
Other – false description/mileage discrepancy	3 x Communications data
	<b>Total - 31</b>

### **Training**

5. The Office of Surveillance Commissioners, which oversees the use of covert surveillance by designated public authorities, places a high value on training. RIPA training was held in March 2016 and attended by the Council's Senior Responsible Officer for RIPA (Colette Longbottom), Authorising Officers and other Council officers who make RIPA applications to the Magistrates' Court.

### **Review of the Council's Corporate Guidance on RIPA**

6. The Council's RIPA policy was last approved by Committee at its meeting held on 28 September 2015.
7. As part of the annual review, the Council's RIPA policy has been reviewed and is attached as Appendix 2. There is one proposed amendment to the policy which relates to a staffing change. It is not considered that any further changes are required to the policy at this stage. Changes to the list of Authorising Officers and Designated Persons found at Appendix 1 to the policy may be required as a result of the restructure of the Council's Corporate Management Team. The Council's Senior Responsible Officer will update this Appendix accordingly.

### **Recommendations and Reasons**

8. It is recommended that members
  1. Receive the annual report on the Council's use of powers under RIPA.
  2. Approve the Council's policy on the use of RIPA.

**Background Papers**

None

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## **Appendix 1: Implications**

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**Finance:** None

**Staffing:** None

**Equality and Diversity:** None

**Accommodation:** None

**Crime and Disorder:** The appropriate use of an oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.

**Human Rights:** None

**Consultation:** None.

**Procurement:** None

**Disability Discrimination Act:** None

**Legal Implications:** The policy and the procedures are designed to ensure as far as possible that the legislation is complied with.